



**The Danny Foundation**  
For Crib and Child Product Safety

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No Mfrs/Prvt.lbrs  
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September 26, 2002

(CP 03-1 / HP 03-1)

Hal Stratton, Chairman  
Consumer Product Safety Commission  
Washington, D.C. 20207

RE: Petition to Establish Mandatory Safety Standards for Bunk Bed Cornerposts

Dear Chairman Stratton:

The Danny Foundation (the "Foundation") hereby petitions the Consumer Product Safety Commission (the "Commission") to investigate, pursuant to 15 U.S.C. section 2054(b), hanging deaths resulting from bunk bed cornerposts (or finials<sup>1</sup>) and determine that bunk bed cornerposts pose a substantial risk of injury and/or death to children. Accordingly, the Foundation requests that the Commission take action in the form of a mandatory bunk bed cornerpost standard, pursuant to its power under the Consumer Product Safety Act, 15 U.S.C. sections 2056 and 2058.

**I. INTEREST OF THE DANNY FOUNDATION**

This request is brought by The Danny Foundation, a nonprofit enterprise devoted to securing safety standards for baby cribs and other child products. The Foundation was created in honor of Danny Lineweaver, a child who was hanged on a crib finial on July 14, 1984. The goal of the Foundation is to ensure Danny's preventable tragedy does not befall other children.

**II. THE PRODUCT AND ITS HAZARDS**

A bunk bed is any bed in which the bottom of a mattress support is more than 30 inches off the ground.<sup>2</sup> In other words, the defining attribute of a bunk bed is its height. Beyond this common trait, though, bunk beds come in myriad sizes and shapes, many of them marketed as play areas or indoor jungle gyms. They are sold both specifically for children and otherwise.

Many bunk beds are designed with cornerposts or finials. Though decorative, these unnecessary embellishments can be hazardous and even deadly to children of all ages.<sup>3</sup> Jutting up even a fraction of an inch beyond the top edge of the bunk bed frame, a finial can easily catch a child's

<sup>1</sup> A finial is a crowning ornament or detail such as a decorative knob.

<sup>2</sup> See 16 CFR section 1213.2, definitions.

<sup>3</sup> See Appendix A, Hanging Deaths/Injuries Resulting from Bunk Bed Finials or Cornerposts, 1990-Present

clothing, necklace, or bedding as he or she climbs down from the top bunk. Because bunk beds are usually taller than a child's reach, a hung T-shirt or robe can equal death.

This was the case in a recent death resulting from a bunk bed finial. On Sunday, February 10, 2002, 7-year-old Tyler Ledwell went to bed around 8:30 and was playing in his room. When his mother went to check on him a few hours later, she found him hanging from a makeshift hammock he had made with a blanket and tied to his bunk bed. Tyler – described as a “typical little boy” who loved sports, movies, and karate – was already dead.<sup>4</sup>

As the Commission acknowledged with the passage of 16 C.F.R. 1213<sup>5</sup>, the dangers of bunk beds more than justify their strict regulation. Existing regulations, however, should be extended to include *all* facets of bunk bed design that are hazardous to children's health. In particular, existing bunk bed regulations should be extended to cover finials, a design flourish that has killed at least 14 American children since 1993.<sup>6</sup>

The Commission has addressed the dangers of finials before. Through the suggested adoption of a voluntary standard and the propagation of Document #5027, the Commission has all but eliminated cornerposts and finials from the design of baby cribs.<sup>7</sup> Unfortunately, such embellishments are still common on bunk beds, as are the resulting injuries and deaths.

### III. VOLUNTARY STANDARDS ARE INADEQUATE TO ADDRESS THE HANGING RISK ASSOCIATED WITH BUNK BED CORNERPOSTS AND FINIALS

In its published Appendix to 16 C.F.R. 1213, the Commission acknowledged that it is unlikely that the bunk bed industry<sup>8</sup> will ever achieve a level of “substantial compliance” with a voluntary safety standard. Previously, the industry was given *eight years* to comply with a voluntary standard for safety rails; compliance was never achieved and over 50 children died in the interim. To prevent another such ongoing tragedy, the Commission should bypass a voluntary standard against finials and require that the bunk bed industry comply with *mandatory* rules.

<sup>4</sup> J. Lockwood, *Blanket Strangles Hopatcong boy, 7*, THE STAR-LEDGER, Feb. 13, 2002 (Newark, NJ).

<sup>5</sup> Strictly regulating the design of bunk beds to prevent hanging deaths.

<sup>6</sup> See Appendix A, Hanging Deaths/Injuries Resulting from Bunk Bed Finials or Cornerposts, 1990-Present

<sup>7</sup> Before the voluntary standard, over 48 strangulation deaths were associated with crib finials in a ten-year period. By banning finials more than 1/16<sup>th</sup> of an inch in length, the voluntary standard worked to greatly reduce this number (though, unfortunately, it did nothing to lessen the hanging risk associated with older, unsafe cribs still in public use). While the Foundation lauds the success associated with the voluntary standard, it nevertheless maintains the position that any amount of cornerpost extension poses an unnecessary risk and should therefore be eliminated pursuant to a mandatory standard.


<sup>8</sup> See Appendix B, Bunk Bed Manufacturers, for a list of current bunk bed manufacturers that the Foundation has identified. This list is not meant to be all-inclusive.

Bunk beds are particularly worthy of mandatory standards. As the Commission has noted, bunk bed dangers pose “the most severe risk—death—to one of the most vulnerable segments of our population—infants and young children.”<sup>9</sup> Moreover, injuries sustained in bunk beds “occur during the intended use of the product,” without any intervening action; that is, children are most likely to be hurt while simply getting in or out of bed.<sup>10</sup> Finally, and perhaps most substantially, because bunk beds “can be made relatively easily by very small companies,” there will inevitably and “always be an irreducible number of new, smaller bunk bed manufacturers who will not follow [a] voluntary standard.”<sup>11</sup> As a result, mandatory rules are the only solution to bunk bed dangers.

## V. ACTION REQUESTED

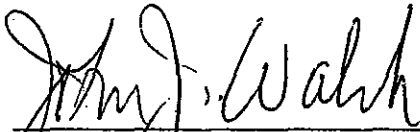
With these considerations in mind, the Foundation respectfully requests the Commission investigate the ongoing hanging deaths caused by bunk bed cornerposts, test existing bunk bed cornerpost designs to determine the severity of the risks posed, and ultimately determine pursuant to 15 U.S.C. section 2054(b) that bunk bed cornerposts pose a substantial risk of injury and/or death to children. The Foundation further requests that, acting under the authority of Consumer Product Safety Act, 15 U.S.C. sections 2056 and 2058, the Commission institute mandatory safety standards banning finials or cornerposts from bunk beds.

Respectfully Submitted,




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Lee Baxter, Chairman  
The Danny Foundation




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John J. Walsh, Executive Director  
The Danny Foundation

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<sup>9</sup> See Appendix to 16 C.F.R. 1213(vi-x).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

## APPENDIX A

Hanging Deaths/Injuries Resulting from Bunk Bed Finials or Cornerposts, 1990-Present<sup>12</sup>

Date	Age of Victim	Occurrence
07/31/1993	12	Boy is strangled to death by karate belt looped over bunk bed
11/05/1994	12	Boy is found dead, hanged by ligature looped over bedpost
02/23/1995	10	Boy accidentally hangs himself by tying shirt to bunk bed post and then, while playing, attempting to put his head in the shirt
04/22/1995	7	Lodged a belt over bunk bed post, put it around her neck and while swinging back and forth, strangled
11/05/1995	15 months	Boy dies of asphyxiation after being strangled by belt looped around bunk bed post
12/28/1996	8	Boy is hanged by cloth belt entangled on bunk bed post
03/05/1997	11	Boy died after he accidentally hanged himself with a bedsheet attached to a bunkbed post
04/08/1997	5	A female accidentally hung herself from the cornerpost of a bunk bed. A bathrobe belt was found around her neck
11/12/1997	11	Boy dies of asphyxiation after belt wrapped around neck becomes looped over bedpost
05/01/1998	19 months	Baby boy dies of asphyxiation after neck is entwined with necktie tied to bed post
01/16/1999	5	Boy dies from asphyxia after becoming entangled in a nylon net hanging from a bunk bed post
05/23/1999	10	Boy dies of asphyxiation after blanket "cape" is caught on upper bunk bed cornerpost
06/21/1999	11	Boy hanged to death by a belt on the top of his bunk bed
07/12/1999	7	Girl dies from accidental strangulation with dog leash looped over bunk bed post
08/02/1999	10	Boy dies from asphyxiation after being hung from bunk bed by bathrobe belt
08/16/1999	2	Boy put a strap attached to a water bottle around his neck. Strap caught on the bunk bed post and the child was hanged
09/29/1999	8	Boy dies from asphyxiation after being hung from bunk bed by bathrobe belt
01/23/2000	9	Boy is strangled to death by bathrobe tied to bunk bed cornerpost
05/03/2001	4	Boy hanged to death on one strap of backpack/purse hung over cornerpost
02/12/2002	7	Boy dies of asphyxiation in makeshift hammock hung on bunk bed cornerposts

<sup>12</sup> Compiled from official CPSC "Reported Incidents" and "Death Certificate" records dated February 13, 2002 and June 5, 2002; see also J. Lockwood, *Blanket Strangles Hopatcong boy*, 7, THE STAR-LEDGER, Feb. 13, 2002 (Newark, NJ). All reported injuries and deaths occurred within the United States. For an example of a bunk bed death outside the United States, see, e.g., Geoff Fox, *Bunk-Bed Tragedy*, YORKSHIRE EVENING POST, April 5, 2002 (three-year-old boy found dead, hanging by his T-shirt from vertical post on bunk bed, on November 28, 2001, in West Yorkshire, England).

## APPENDIX B

U.S. Bunk Bed Manufacturers<sup>13</sup>

MANUFACTURER	ADDRESS	PHONE	URL
American Bedding Mfg. Inc.	P.O. Box 1048 Athens, TN 37371-1048	800 203 2507	<a href="http://www.americanbeddingmfg.com">http://www.americanbeddingmfg.com</a>
Ashley Furniture Industries, Inc.	Arcadia, WI		<a href="http://www.ashleyfurniture.com">http://www.ashleyfurniture.com</a>
Athens Furniture, Inc.	Athens, TN		
BarnFurnitureMart.com	6206 N. Sepulveda Blvd. Van Nuys, CA 91411-1110	888 302 2276	<a href="http://www.barnfurnituremart.com">http://www.barnfurnituremart.com</a>
Bassett Furniture Industries, Inc.	3525 Fairystone Park Highway Bassett, VA 24055	276 629 6000	<a href="http://www.bassettfurniture.com">http://www.bassettfurniture.com</a>
B.J. Woodwards, Inc.	P.O. Box 1100 Haleyville, AL 35565		
Brill Furniture	Ludington, MI	231 843 2430	
Broyhill Furniture Industries, Inc.	Lenoir, NC	800 327 6944	<a href="http://www.broyhillfurn.com">http://www.broyhillfurn.com</a>
Bunk Bed Creations	P.O. Box 556 Louisville, TN 37777	865 977 4451	<a href="http://www.bunkbedcreations.twoffice.com">http://www.bunkbedcreations.twoffice.com</a>
Bunk Beds and Country Wood Crafts, by Greg (Harris)	Van Buren, MO	573 323 8846 E-mail shadow1100@centurytel.net	<a href="http://www.galaxymall.com/home/wood">http://www.galaxymall.com/home/wood</a>
Bunk Beds by Bud	907 Jackson Ave Wauconda, IL 60084-1323	847 526 7645	<a href="http://www.bunkbedsbybud.com">http://www.bunkbedsbybud.com</a>
Bunk Beds Etc	107 Industrial Blvd Cedar Park, TX 78613	512 259 7779	<a href="http://www.mybunkbeds.com">http://www.mybunkbeds.com</a>
Bunk Beds 4-U by Bacpro	1312 Electra Ave Rowland Heights, CA 91748	626 810 0779	<a href="http://www.bunkbeds4-u.com">http://www.bunkbeds4-u.com</a>
Bunk Beds of Vermont	205 Pettingill Road Essex Junction, VT 05452	802 879 8614	<a href="http://www.bunkbedsofvermont.com">http://www.bunkbedsofvermont.com</a>
Bunk Beds Unlimited	3048-E W Tharpe St. Tallahassee, FL	850 536 0787	<a href="http://www.bunkbedsunlimited.com">http://www.bunkbedsunlimited.com</a>
Bunksnstuff LLC aka Bunksonline.com	P.O. Box 658 Kent, WA 98035 fax 253 520 2634	800 355 1997	<a href="http://www.bunksonline.com">http://www.bunksonline.com</a> <a href="http://www.bunksnstuff.com">http://www.bunksnstuff.com</a>
Bush Industries, Inc.	P.O. Box 460 One Mason Drive Jamestown, NY 14702-0460	800 950 4782 800 727 2874 716 665 2000 716 665 2510	<a href="http://www.bushfurniture.com">http://www.bushfurniture.com</a>
Butler Woodcrafters	13540 E. Boundary Rd. Ste. 109 Midlothian, VA 23112	877 852 0784	<a href="http://www.butlerwoodcrafters.com">http://www.butlerwoodcrafters.com</a>

<sup>13</sup> This list is not meant to be all inclusive. According to the recent JPMA Baby Business 2002 publication, other bunk bed manufacturers include, without limitation, the following: A.P. Industries; Badger Basket; Camelot Furniture; Corsican Kids; Delta Enterprise, ebbe, Inc.; Finn & Hattie; Flexa Furniture; I.D. Kids; L.A. Baby; MA2 Furniture; Morigeau-Lepine; Ocean Imports; Orbelle Trade; Papillon Furniture; P.J. Kids; South Shore; and Vermont Precision.

Carpenter's Brothers Furniture	P.O. Box 425 Sunderland, MA 01375	800 777 2865	<a href="http://www.carpbros.com">http://www.carpbros.com</a>
Child Craft Industries, Inc.	Salem, IN	812 883 1819	<a href="http://www.childcraftind.com">http://www.childcraftind.com</a>
Company Kids (related to The Company Store)		800 323 8000	<a href="http://www.thecompanystore.com">http://www.thecompanystore.com</a>
Corr-Fac Corp.	3800 US-23 North Alpena, MI	517 358 7195	
Don Downs WoodCrafter	12136 Ellerbe Road Shreveport, LA 71115	318 797 6818	<a href="http://www.woodcrafteronline.com">http://www.woodcrafteronline.com</a>
Ethan Allen Interiors, Inc.	Ethan Allen Dr. Danbury, CT 06813	203 743 8000	<a href="http://www.ethanallen.com">http://www.ethanallen.com</a>
Fraenkel Co., Inc.	P.O.Box 15385 Baton Rouge, LA 70895	225 275 8111	<a href="http://www.fraenkel.com">http://www.fraenkel.com</a>
Jackson's Rustic Furniture, Inc.	David Jackson Longmont, Colorado United States	Email jrfincs@netscape .net	<a href="http://www.jacksonrusticfurniture.com/">http://www.jacksonrusticfurniture.com/</a>
KI	1300 Bellevue St. Green Bay, WI	800 424 2432	<a href="http://www.ki-inc.com">http://www.ki-inc.com</a>
Ladd Furniture Inc. (a La-Z- Boy company)	4620 Grandover Parkway Greensboro, NC	336 294 5233	
Lane Furniture aka Lane Home Furnishings	5380 Highway 145 Tupelo, MS 38802	419 499 0607	<a href="http://www.action-lane.com">http://www.action-lane.com</a>
Lea Industries, Inc. (a La-Z-Boy company)	4620 Grandover Parkway Greensboro, NC	336 294 5233	<a href="http://www.leafurniture.com">http://www.leafurniture.com</a>
Leggett & Platt, Inc. "Leggett's Ornamental bed div. is known as Fashion Bed Group"	P.O. Box 757 Number 1 Leggett Rd. Carthage, MO	417 358 8131	<a href="http://www.leggett.com">http://www.leggett.com</a>
Lexington Home Brands	P.O. Box 1008 Lexington, NC 27293	800 539 4636	<a href="http://www.lexington.com">http://www.lexington.com</a>
LodgeCraft	P.O. Box 1303 15 Cliff Ave. Eureka, MT 59917	800-296-2032	<a href="http://www.lodgecraft.com">http://www.lodgecraft.com</a>
Maco Wood Products	Clackamas, OR		<a href="http://www.macowoodproducts.com/">http://www.macowoodproducts.com/</a>
Moosehead Mfg. Co.	P.O. Box 287 Monson, ME 04464	207 997 3621	<a href="http://www.mooseheadfurniture.com">http://www.mooseheadfurniture.com</a>
New Pioneer Log Homes, Inc.	3048 Wilson Rd. Weippe, ID 83553	800 252 6756	<a href="http://www.nplhomes.com">http://www.nplhomes.com</a>
O'Sullivan Industries, Inc.	1900 Gulf St. Lamar, MO 64759	417 682 3322	<a href="http://www.osullivan.com">http://www.osullivan.com</a>
Pottery Barn Kids		800 993 4293	<a href="http://www.potterybarnkids.com">http://www.potterybarnkids.com</a>
Quality Craft Furniture	8911 Reseda Blvd. Northridge, CA 91324	888 838 0707	
Royal Bed Frame, Inc.	Brooklyn, NY		
Sandberg Furniture Mfg. Co.	Los Angeles, CA		<a href="http://www.sandbergfurniture.com">http://www.sandbergfurniture.com</a>
Stanley Furniture Co, Inc.	1641 Fairystone Park Highway Stanleytown, VA 24168	276 627 2000	<a href="http://www.stanleyfurniture.com">http://www.stanleyfurniture.com</a>
Status Fashion Furniture			<a href="http://www.statusfurniture.com">http://www.statusfurniture.com</a>
Sleepmattress, Inc. (a Steinbock-Braff company)	3611 14th Ave. Brooklyn, NY 11218	800 638 8420	<a href="http://www.sleepmattress.com">http://www.sleepmattress.com</a>
Stickley, L. & J.G.	One Stickley Drive, P.O. Box 480, Manlius, NY	315 682 5500	<a href="http://www.stickley.com">http://www.stickley.com</a>

The Stubborn Norwegian Bunkbed Maker	1904 No. 192 <sup>nd</sup> St Shoreline, WA 98133	877 381 7217	<a href="http://www.stubborn-norwegian.com">http://www.stubborn-norwegian.com</a>
Sunny Manufacturing, Inc.	Longwood, FL		
Texas Ranch Furniture	Canton, OH		
Through the Barn Door Furniture Co. Inc.	Henderson, NC		
TimberlineFurniture.com	4040 Heeb Rd. Manhattan, MT 59741	800 405 5516	<a href="http://www.timberlinefurniture.com">http://www.timberlinefurniture.com</a>
University Loft Co.	433E. Washington St. Indianapolis, IN 46204	800 423 LOFT	<a href="http://www.universityloft.com">http://www.universityloft.com</a>
Valleyview	Millersburg, OH		
Vaughan Furniture Co, Inc.	Galax, VA		<a href="http://www.vaughnfurniture.com">http://www.vaughnfurniture.com</a>
Vermont Tubbs	Brandon, VT		<a href="http://www.vermonttubbs.com">http://www.vermonttubbs.com</a>
Wilson & Hayes, Inc.	1601 Eastlake Ave. Seattle, WA 98102	206 323 6758	
Woodcrest Mfg.		765 472 5361	<a href="http://www.woodcrestrnfg.com">http://www.woodcrestrnfg.com</a>