

**U.S. Consumer Product Safety Commission  
LOG OF MEETING**

CPSA 6 (b)(1) Cleared  
No Miss/Priv/Leak or  
Products Identified  
Excepted  
Firms Notified,  
Comments Processed.

**SUBJECT: Baby Bath seats**

**DATE OF MEETING: March 21, 2001**

**LOG ENTRY SOURCE: Dennis B. Wilson, Special Assistant (Legal) to  
Commissioner Gall**

**DATE OF LOG ENTRY: March 26, 2001**

**LOCATION: Room 722, CPSC Headquarters**

**CPSC ATTENDEE(S): Dennis Wilson and Patricia Semple, Special Assistant to  
Commissioner Gall**

**NON-CPSC ATTENDEE(S): Professor Kimberly Thompson, Assistant Professor of  
Risk Analysis and Decision Science, Department of Health Policy and  
Management, Harvard School of Public Health**

**SUMMARY OF MEETING: Professor Thompson described some research that she  
was conducting on whether the presence of baby bathing aids increased the risk  
of infant tub drownings. She asked whether the Commission staff had done any  
exposure surveys involving baby bath aids. She mentioned that she had a  
pending FOIA request for Commission-gathered data on infant tub drownings,  
with and without the presence of baby bath seats. Ms. Semple and Mr. Wilson  
said that the Commission staff-generated briefing package would be sent to the**

Commissioners within a week or two and that she should continue to pursue her FOIA request through the appropriate channels. They said that they looked forward to seeing the results of her research and that she would be free to comment on the briefing package once it became public. E-mails concerning the subject of the telephone call are being sent along with this log.

## Hammond, Rocky X.

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**From:** Kimberly Thompson [kimt@hsph.harvard.edu]  
**Sent:** Thursday, March 15, 2001 8:28 PM  
**o:** Wilson, Dennis B.  
**cc:** 'fblocker@lockerlaw.com'  
**Subject:** Re: Baby Bath Seats

Hi Mr. Wilson,

Thank you for your reply. My research is focused on understanding the risks to children, and I became particularly interested in bath seats after reading Marla Felcher's recent book titled its no accident. I have spoken with both Dr. Clay Mann and Renee Rauchschalbe, who each told me that I should request the CPSC's database with a FOIA. I have done so, and I am waiting for a response. I called Mr. Stevenson's office yesterday to check on the status of my request and was informed that it had been sent to another office to get the information and then the information would be sent to me. As you know, there are deadlines on FOIAs, but I am hoping that I can get the information as soon as possible. I have also requested information from Mr. Locker about the sales of bath seats and hope to use that information to better estimate exposure. I am hoping to estimate the risks of drowning for infants with and without bathseats if there are sufficient data to support such an analysis. I believe that the CPSC should have good information about all bathtub drownings of infants. I have from Marla's book a list of incidents that I can use as a starting point, and I have requested that Mr. Locker make available any additional information that he might have as well. In my FOIA, I requested information about all of the infant bathtub drownings that the CPSC has, but I expressed some frustration to Mr. Locker about my current dearth of information about the non-bath-seat drownings and he made his request to you on my behalf. I would very much appreciate any assistance that you can provide, although I know that I may simply have to wait until the FOIA can be processed. Can you tell me more about the briefing package? Is that something that I should FOIA too?

Thank you for your response.

Sincerely,  
Kim Thompson

On Thu, 15 Mar 2001, Wilson, Dennis B. wrote:

> Dear Professor Thompson:  
>  
> I have received Rick Locker's e-mail concerning your bathtub drowning  
> research. I'm not precisely clear what the nature of your request is. The  
> information that the staff collects on infant tub drownings is available in  
> so-called "In-Depth Investigations (IDI's)." Sometimes these IDI's contain  
> a great deal of information about the circumstances of a drowning; other  
> times very little is available. Ordinarily the IDI's, redacted for  
> person-specific information, are available through the Freedom of  
> Information Act. Researchers can then review them and use their information  
> to reach their own conclusions. That is what Dr. Clay Mann did. The  
> staff's analysis, which will be publicly available in a briefing package  
> that will be sent to the Commissioners later this month, is the work that  
> the staff thinks is necessary to enable the Commissioner's to make an  
> informed decision of whether or not to grant the petition, and ultimately,  
> whether and to what extent baby bath aids should be subject to regulation.

> Commissioners may, of course, after seeing the analyses performed, request  
> additional ones. The staff may or may not be able to perform those  
> analyses, depending on the data available.  
>  
> Have you, or has anyone else on your behalf, requested the IDI's on infant  
> tub drownings from the Commission? If so, what was the response that you  
> received?  
>  
> We look forward to receiving any conclusions, supported by analysis, of your  
> own bathtub drowning project. Any communication concerning it to any person  
> at the CPSC, will have to be made part of the public record, as will this  
> e-mail, for that matter.  
>  
> Please call me or Patsy Semple at (301) 504-0530 to discuss this matter, or  
> feel free to respond electronically.  
>  
> Dennis Wilson  
> Special Assistant (Legal) to Commissioner Gall  
>

## Hammond, Rocky X.

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**From:** Wilson, Dennis B.  
**Sent:** Friday, March 16, 2001 8:26 AM  
**To:** 'Kimberly Thompson'; Wilson, Dennis B.  
**Cc:** 'fblocker@lockerlaw.com'  
**Subject:** RE: Baby Bath Seats

Dear Professor Thompson:

Thank you for your prompt response. It appears that you are proceeding correctly to obtain information about infant tub drownings from the Commission. Todd Stevenson is the Commission's FOIA officer and does a good job of moving requests through channels. There should be no need to FOIA a request for the briefing package; it will be available in the Commission's reading room (electronic and physical) when it is sent to the Commissioners. I think that you can have one sent to you. (Perhaps there is a copying charge, but I'm not sure.)

In any event, we look forward to seeing your analysis.

Dennis Wilson

-----Original Message-----

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> feel free to respond electronically.  
>  
> Dennis Wilson  
> Special Assistant (Legal) to Commissioner Gall  
>

## Hammond, Rocky X.

---

**From:** Kimberly Thompson [kimt@hsph.harvard.edu]  
**Sent:** Friday, March 23, 2001 11:33 AM  
**o:** Wilson, Dennis B.  
**subject:** RE: Baby Bath Seats

Hi Dennis,

Thanks for checking. Information about these should be included in the response to my original FOIA. I am following up on my FOIA again, and starting to be more aggressive at this point. On Monday, it will have been 1 month since my initial request. Have a great weekend. Thanks again.

Best,  
Kim

On Fri, 23 Mar 2001, Wilson, Dennis B. wrote:

> Professor Thompson:  
>  
> The IDI's that you have identified do not appear to be among those presently  
> in our office. It would probably be best to rerequest those as a part of  
> your pending FOIA request. I will let you know about the availability of  
> the briefing package when we receive it.  
>  
> Dennis wilson

> -----Original Message-----

> From: Kimberly Thompson [mailto:kimt@hsph.harvard.edu]  
> Sent: Thursday, March 22, 2001 3:26 PM  
> To: Wilson, Dennis B.  
> Subject: RE: Baby Bath Seats

> Hi Dennis,

> Thanks. I assume from your reply that you do not have sales data by year.  
> I am working on getting this from Rick Locker, but thought I'd ask  
> you too. I very much appreciate you checking into the other cases.  
> Thanks again.

> Best,  
> Kim

> On Thu, 22 Mar 2001, Wilson, Dennis B. wrote:

> > Professor Thompson:  
> >  
> > The briefing package should contain revised estimates for numbers of bath  
> > seats sold and in use. According to the comments on the CFA petition  
> > filed  
> > by JPMA, the number of bath seats now in use may be as high as two  
> million.  
> > According to the article in the October 1997 Pediatrics Journal, estimates  
> > from leading manufacturers indicate that sales since 1991 have been about  
> > one million units per year. Prices range from \$8 to \$16. Manufacturers

>> usually do not recommend use of a bath seat for infants under six months.  
>> The maximum age for which the bath seat can be used depends on the size of  
>> the child. I'll see if I can locate the additional information that  
> you've  
>> requested.

>> Dennis Wilson

>> -----Original Message-----

>> From: Kimberly Thompson [mailto:kimt@hsph.harvard.edu]

>> Sent: Thursday, March 22, 2001 2:05 PM

>> To: Wilson, Dennis B.

>> Subject: RE: Baby Bath Seats

>> Hi Dennis,

>> Thanks for checking to see if you have any information on the following:

>> 950509HEP9015 Incident date 4/25/95, I would like to know the child's age,  
>> sex, and city and state of death

>> 950607CEP9015 Incident date 5/27/95, same

>> X950641A That's all I know. I need the above information and the date.

>> The date that I have listed is 940300, clearly an error.

>> In addition, thanks in advance for providing any information that you know  
>> the CPSC has on bath seat sales and use. Thank you again.

>> Best,

>> Kim

>> 617-432-4285



## Hammond, Rocky X.

---

**From:** Kimberly Thompson [kimt@hsph.harvard.edu]  
**Sent:** Thursday, March 22, 2001 2:05 PM  
**o:** Wilson, Dennis B.  
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## Hammond, Rocky X.

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> Kim

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## Hammond, Rocky X.

---

**From:** Kimberly Thompson [kimt@hsph.harvard.edu]  
**Sent:** Monday, March 26, 2001 9:55 AM  
**To:** Wilson, Dennis B.  
**Subject:** RE: Baby Bath Seats

Hi -

I just spoke with Sandy Bradshaw in the FOIA office who informed me that my FOIA had been sent to the Clearinghouse. I have a call in to Ann DeTemple (I don't know if this is the correct spelling of her name) to check on it. Can you tell me if the In-Depth Investigation files are indexed in a searchable CPSC database?

Best,  
Kim

At 03:16 PM 3/22/01 -0500, you wrote:

>Professor Thompson:

>

>The briefing package should contain revised estimates for numbers of bath  
>seats sold and in use. According to the comments on the CFA petition filed  
>by JPMA, the number of bath seats now in use may be as high as two million.  
>According to the article in the October 1997 Pediatrics Journal, estimates  
>from leading manufacturers indicate that sales since 1991 have been about  
>one million units per year. Prices range from \$8 to \$16. Manufacturers  
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>The maximum age for which the bath seat can be used depends on the size of  
>the child. I'll see if I can locate the additional information that you've  
>requested.

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>Dennis Wilson

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>From: Kimberly Thompson [mailto:kimt@hsph.harvard.edu]

>Sent: Thursday, March 22, 2001 2:05 PM

>To: Wilson, Dennis B.

>Subject: RE: Baby Bath Seats

>

>

>

>Hi Dennis,

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>

Best,  
Kim

>617-432-4285



## Hammond, Rocky X.

---

**From:** Kimberly Thompson [kimt@hsph.harvard.edu]  
**Sent:** Monday, March 26, 2001 10:01 AM  
**o:** Wilson, Dennis B.  
**Subject:** RE: Baby Bath Seats

Hi again,

I just spoke with Ann DeTemple who told me that they sent the information that I requested last Friday. I'm looking forward to seeing it and will let you know once my analysis is complete. Please let me know when the Briefing Package is available.

Best,  
Kim