

On February 16, 2018, the same day Fisher-Price submitted its full report to CPSC, CPSC employees privately discussed the number of deaths associated with the Rock ‘n Play while preparing a briefing report for CPSC commissioners on new cases involving consumer product hazards. Carol Cave, CPSC’s Deputy Director of Compliance, wrote to Sharon White, a member of CPSC’s Defects Investigation Division: “The Rock and Play sleeper case shows 15 deaths. Is that accurate?” Ms. White responded that CPSC had recently received two additional death reports, bringing the total number of deaths associated with the Rock ‘n Play to 17. Ms. Cave then wrote: “Holy cow! We need to discuss this. When the Commission sees this they are going to flip.”⁸²

To: White, Sharon <[REDACTED]@cpsc.gov>; Latkowski, Liliana <[REDACTED]@cpsc.gov>; Rauchschalbe, Renae <[REDACTED]@cpsc.gov>
Cc: Simmons, Scott <[REDACTED]@cpsc.gov>; Kaye, Robert <[REDACTED]@cpsc.gov>; Rose, Blake <[REDACTED]@cpsc.gov>
Subject: RE: Tasks - Please approve EXC Commission Briefing Report 02-15-2018

Holy Cow! We need to discuss this. When the Commission sees this they are going to flip. Do we have define injury scenario? Are the deaths attributed to SIDS or other items that may be in the actual product?

I see this is an RP report? Did they really report?

From: White, Sharon
Sent: Friday, February 16, 2018 10:09 AM
To: Cave, Carol <[REDACTED]@cpsc.gov>; Latkowski, Liliana <[REDACTED]@cpsc.gov>; Rauchschalbe, Renae <[REDACTED]@cpsc.gov>
Cc: Simmons, Scott <[REDACTED]@cpsc.gov>; Kaye, Robert <[REDACTED]@cpsc.gov>
Subject: RE: Tasks - Please approve EXC Commission Briefing Report 02-15-2018

Hi Carol,

Yes. When I opened the case, we had 15 infant deaths involving this product. However, I recently received 2 additional death reports. The deaths occurred in 2017. So, today, we have a total of 17 infant deaths associated with this product. I updated the injury data in DCM to reflect this number.

Sharon

On March 14, 2018, a member of CPSC’s Compliance Division drafted a list of questions for the agency’s technical staff as part of its investigation into the safety of the Rock ‘n Play. One of the questions was, “Does the design of the product (i.e. the incline or ‘ledge’ below an infant’s feet) impact an infant’s ability to roll over?”⁸³ Robert Kaye, CPSC’s Director of the Office of Compliance and Field Operations, told the Committee that neither CPSC nor Mattel had ever looked into that question before.⁸⁴

The Public Remained in the Dark About Rock ‘n Play Deaths

⁸² CPSCOLAIS000012806, at 4.

⁸³ CPSCOLAIS000013576, at 1.

⁸⁴ Committee on Oversight and Reform, Transcribed Interview of Robert Kaye (Sept. 16, 2020).