

January 9, 2023

Comments Regarding the Consumer Product Safety Commission’s Notice of Proposed Rulemaking for a Safety Standard for Adult Portable Bed Rails (CPSC Docket No. CPSC–2013–0022)

Public Citizen, a consumer advocacy organization with more than 500,000 members and supporters nationwide, strongly urges the Consumer Product Safety Commission (CPSC) to withdraw its proposed rule to require that all adult portable bed rails meet the requirements of the applicable voluntary standard on adult portable bed rails, with modifications, and to instead promulgate a rule under section 8 of the Consumer Product Safety Act (CPSA) declaring all currently marketed adult bed rails to be banned hazardous products, as we requested nearly 10 years ago in our May 9, 2013, petition.¹

The CPSC deferred a decision on our 2013 petition to allow the development and publication of an ASTM voluntary standard for adult portable bed rails. In August 2017, ASTM published the voluntary standard, ASTM F3186–17, *Standard Specification for Adult Portable Bed Rails and Related Products*.² Based on a review of data from the Consumer Product Safety Risk Management System, the CPSC reported that from January 2003 to December 2021, there were 310 reports of fatalities and 22 reports of nonfatal incidents involving adult portable bed rails.³ Disturbingly, at least 129 people were killed by adult portable bed rails since our 2013 petition was submitted to the CPSC.⁴ Many more such preventable deaths likely occurred during this time.

In its November 9, 2022, notice of proposed rulemaking, the CPSC stated that it “has determined preliminarily that there is an unreasonable risk of injury and death associated with entrapment hazards from [adult portable bed rails].”⁵ We agree with the CPSC’s determination. However, as long as adult portable bed rails remain on the market, frail and vulnerable adults will continue to die unnecessarily from strangulation when their head or neck becomes entrapped in the bed rail. These products are inherently unsafe, and no feasible mandatory safety standards will eliminate the risk of death associated with use of these products.

As we noted in our 2013 petition, a mandatory standard cannot ensure that consumers will adequately secure the product to the bed. Many of the “safety” features of portable bed rail products involve a strap or latch intended to prevent movement by attaching firmly to the mattress or box spring. Yet consumers can easily use these products without securing the strap or without tightening firmly to a fixed part of the bed. Mandatory standards can only ensure that safety features will remain attached to the product. They cannot ensure that safety features will

¹ Public Citizen. Petition to the Consumer Product Safety Commission to ban adult portable bed rails. May 9, 2013. <https://www.citizen.org/wp-content/uploads/2125.pdf>. Accessed January 6, 2023.

² 87 FR 67586.

³ *Ibid.*

⁴ Consumer Product Safety Commission. Statement of Commissioner Rich Trumka Jr. on approval of petition requesting a ban or standard on adult portable bed rails. March 15, 2022. https://www.cpsc.gov/s3fs-public/RCA_PetitionRequestingaBanorStandardonAdultPortableBedRails_CP13_1.pdf?VersionId=pP0nN_HbfOuxiePTbEcrYMRi2hgoUczh. Accessed January 6, 2023.

⁵ 87 FR 67586.

be appropriately attached and securely tightened to the consumer's bed. Indeed, it is difficult to imagine any portable bed rail that could adequately account for this form of user error.

Additionally, the ASTM safety standard for adult portable bed rails does not address the increased risk of serious injury when adults attempt to navigate over or around bed rails that are being used as restraints. Bed rails raise the height from which patients can fall, increasing the risk of serious injury. These risks are exacerbated among patients with limited cognitive function, who may fail to recognize the challenge of climbing over the rail or call for appropriate assistance.

Finally, there are safer alternatives to adult portable bed rails, including use of large body pillows, padded floor mats on the side of the bed to minimize risk of injury if someone falls out of the bed, and lowering the height of the bed (such as placing the mattress on the floor).⁶

In closing, Public Citizen urges the CPSC to promptly promulgate a rule under section 8 of the CPSA declaring all currently marketed adult bed rails to be a banned hazardous product.

Thank you for the opportunity to comment on this important public health issue.



Michael A. Carome, M.D.
Director
Public Citizen's Health Research Group

⁶ Hoffman SB, Powell-Cope G, MacClellan L, Bero K. BedSAFE: A bed safety project for frail older adults. *J Gerontol Nurs.* 2003;29(11):34-42.