



Appendix 130

## INVESTIGATION GUIDELINE

July 2003

### Baby Bath Seats or Rings

#### I. Introduction

##### A. Background Information

Reported fatalities associated with baby bath seats or rings have averaged about 9 per year for the most recent years for which CPSC death certificate data collection is complete. The deaths related to bath seats or bath rings have resulted in large part from drowning.

Further, from January 1983 to December 2002 CPSC is aware of 96 deaths and 153 non-fatal incidents and complaints, involving baby bath seats or rings. Ninety-three of the 96 deaths occurred when the victim was left unattended in the bathtub by the caregiver.

Hospital emergency room treated injury estimates associated with bath seats or rings are generally very low due to the fact that the primary hazard with these products is drowning which would not be reflected in these data.

The Juvenile Products Manufacturers Association (JPMA) is the major trade association for makers of baby bath seats and bath rings. JPMA has an extensive safety certification program for juvenile products. There is a current voluntary standard maintained by the ASTM International for baby bath seats (ASTM F1967-01, Consumer Safety Specification for Infant Bath Seats). A revised voluntary standard will be published in July 2003 (F1967-03).

Information collected through bath seat or ring-related investigations is used to analyze the hazard scenarios, product failures, types of injuries, the users of the products, etc. Furthermore, the analyzed data may be used in CPSC efforts such as information/education and standards development.

##### B. Product Category Description

###### 1. Definitions and General Description

Baby bath seats or rings are intended for use in the care of children under one year of age. These products are used in home and childcare settings. A bath seat or ring is used primarily in a bathtub to aid caregivers' in keeping infants in a sitting position while being bathed. The bath seats or rings adhere to the bottom of the bathtub by means of suction cups in most instances.

Bath rings generally consist of a plastic ring with 3 to 4 legs equipped with suction cups. The child sits on the bathtub surface or on a sponge pad within the ring with his/her legs straddling one of the product's legs. These types of rings are no longer manufactured for the U.S. market, but may be available secondhand. Bath seats are similar to bath rings, but provide a molded plastic seat for the child to sit on and suction cups are attached to the bottom of the seat. These devices are not intended to be used with bathtubs that have a textured or non-skid surface. JPMA advises that bath seats and rings are generally not recommended for use by

children that cannot sit upright unassisted. Consumers should stop using bath seats once a child can pull up to a standing position.

Other products that are similar, but not considered to be bath seats, are infant bathtubs and bathinettes. The occupant would not be expected to sit upright in these products. There are also some products on the market that convert from an infant bathtub into a bath seat.

One of the primary issues with these products is the misconception that a child can be left alone while in the bath seat or ring as if it were a safety device. Generally, the hazards include the device tipping over, the child coming out of the seat, entrapment and submersion, the child slumping over the seat, overflowing water, and bath seat breakage. The results are often drowning or near-drowning.

## 2. Specific Items of Interest

Field investigators shall conduct an on-site investigation, if the product is available. Otherwise, conduct a telephone interview. On-site investigations are the most desirable, since it affords the investigator the opportunity to gather the best information possible.

- a.) Document all manufacturer brand and serial/model information, including production dates if available.
- b.) Identify all labels regarding certification, testing or conformance with the current voluntary standard. The ASTM voluntary standard for infant bath seats has major requirements for stability, restraints, resistance to folding and warning labels concerning the drowning hazard.
- c.) The text of any warning and age labeling on or accompanying the product is also of interest and should be documented and photographed, if possible.
- d.) If an entrapment occurred, describe the area in which the child was entrapped. Any openings that were part of the entrapment scenario should be measured and photographed. A doll or manikin should be used, if possible, to reenact the position of the child at the time of the incident.
- e.) If a tipover occurred describe the bathtub surface on which the product was placed (smooth, textured, appliques, etc.) and whether or not it was clean at the time of the incident. Document the presence of suction cups and if any were missing at the time of the incident.
- f.) If the incident involved component failure, describe what failed and how it failed. Was the caregiver aware of the failure prior to the incident? Note if a similar failure occurred previously and how.
- g.) Determine if the product was purchased by the user, obtained as a gift or was obtained second hand. If the product was obtained second hand, please determine how it was obtained and if warning or use instructions accompanied the product.

## C. Headquarters Contacts

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## **II. Instructions for Collecting Specific Information**

For an on-site or telephone investigation, it is essential to provide a detailed narrative description of the incident in order to provide a clear understanding of the sequence of events, before, during, and after the incident, and the circumstances involved. If a telephone investigation (rather than an on-site investigation) is done, it is still important to obtain as much information about the product as possible. Ask the respondent to describe the product to you in detail, including features that are unique to that product and product identification, such as the model and date of manufacture. If the respondent does not have the product, determine whether it was returned to the store or manufacturer, or if it was destroyed or discarded. Timely contact with the victim's family will improve the likelihood of accurate recollection by the respondent of the circumstances involved in the incident.

### **A. Synopsis**

Describe the sequence of events, report the product(s) involved, the victim's activity during the incident and how the victim became injured. Include the victim's age, sex and type of injury. Specify the location (e.g., home, childcare, etc.) where the incident occurred.

For data retrieval purposes, please include the following key words in the synopsis as appropriate: ENTRAPPED, SUBMARINED, SLUMPED, TIPPED, OVERTURNED, and DROWNED

### **B. Description of Incident Environment**

1. Indicate whether other children were involved in the incident. If so, were they present in the bathtub for the entire time that the victim was in the tub. Document the age and sex of the other children involved.
2. Specify the type of bathtub involved in the incident. Was the bathtub a standard size, soaking tub or whirlpool tub? Describe the bottom surface of the tub. Was the surface smooth or was it slip resistant. If the tub had a slip resistant surface was it textured or grit-covered? Was the slip resistant surface worn or dirty? Were there any non-slip devices added to the tub such as adhesive decals or a bathtub mat?
3. Did the bathtub have any unique structural features that may have contributed to the incident?
4. Was there anything added to the water such as bath oil or a great deal of soap that may have had an effect on the device adhering to the tub?
5. Approximately, how much water was in the bathtub at the time of the incident? Specify the depth in inches. Was standing water involved or was the faucet running? Was the drain open or closed and did it work properly?
6. If the bath seat was used in something other than a bathtub such as a sink, please specify. Also if the location of the incident was not a bathroom, specify the location.
7. What was the water temperature (hot, warm, cold, etc.) and did it have an impact on the movement of the child within the seat?
8. Were there any other products or toys being used in the tub at the time that may have attracted the child's attention and became a factor in the incident as they tried to reach for an item?

9. Had the parent or caregiver ever received formal or informal instructions on the use of these types of bathing aids?
10. If the parent or caregiver left the child unattended in the bathroom while the child was in the bathing device, please indicate the reason why they left the room and for about how long were they absent? In some locales, leaving the child unattended in these situations has been considered criminal neglect or negligent homicide. If the jurisdiction where the incident occurred has criminal charges pending against the caregiver related to the incident, please indicate what the charges are.
11. If the parent or caregiver has a history of some type of substance abuse that was a factor in the incident, please indicate how the individual was impaired.

C. Description of Interaction between Injured Person(s) and Product

1. Guidance on Investigating Baby Bath Seats or Rings

- a.) Baby bath seats and rings have been reported to tip over, submerging the child in the bath water or allowing the victim to escape the confines of the device. In the tip over incidents suction cups may contribute to the incident, because they didn't adhere to the bathtub surface, the legs of the device separated from the suction cups or the suction cups were missing. If the device overturned, describe the factors that led to the incident and any failure of components involved. Also, describe the position of the child before and after the bath seat or ring tipped over.
- b.) In some incidents the victim was found outside of an upright seat/ring. It is presumed that these children exited over the top of the device. If this scenario occurred describe any details surrounding the incident, including the position of the child before and after exiting the seat/ring.
- c.) Entrapment and submersion incidents have been reported where a victim slid through a leg opening, became trapped and submerged in the bath water. If this scenario occurred, describe what part(s) of the child's body slid through the leg opening and whether the child was partially or completely submerged in the water.
- d.) There have been incidents where the child was slumped over the rim of the bath seat. Water depth may have played a role in these incidents. If this type of incident occurred, please try to determine the depth of the water involved. Identify the direction of the child slumped in the bath seat. Was there any doubt, on the part of the officials, as to whether drowning was the official cause of death/injury?
- e.) Several fatalities have occurred when bath water overflowed the tub, because the faucet was left running. It is likely that the caregiver left the room in these instances. If that was the case, please indicate the circumstances that led to the tub overflowing. Was there anything blocking the drain or did the plug malfunction?
- f.) CPSC has received complaints of bath seats breaking during use. If the incident involved this type of failure, document the specific component(s) that broke. Past complaints have included the legs breaking or detaching, the ring portion breaking, mats ripping away from suction cups/legs and the product cracking.
- g.) Regardless of the type of scenario involved, always try to obtain the relative position of the bath seat and the victim when found.

2. Description of the Victim

- a.) What was the age of this child (in years and months) at the time of the incident?
- b.) What were the height and weight of the child at the time of the incident?
- c.) What is the sex of the child?
- d.) What developmental abilities did the child display? Could the child walk, roll over, sit up, pull up to a standing position, stand alone, escape the product, etc.? Also, what developmental abilities did the child display as related to the bath seat? For instance, had the child ever attempted to exit the bath seat or slid down in it prior to the incident.
- e.) Please describe the type of any injury incurred in the incident, including the part of the body involved. If the incident resulted in a fatality, please determine the official cause of death.
- f.) Describe the medical treatment (e.g., tests, x-rays, observation, oral or topical medication, etc.) received by the injured child and include the long-term prognosis. Specify whether the treatment was at home, in a doctor's office/clinic or at a hospital. If the child was hospitalized, document the length of the stay.

D. Description of Product

1. Baby Bath Seat or Ring Involved

- a.) Describe the specific type of product involved. Was it a seat or a ring-style bathing device? Could the device also be converted into an infant bathtub or bathinette?
- b.) What were the manufacturer, brand, model and serial number of the product? Please indicate the color and configuration of the seat, which may help to identify it.
- c.) How old was the product? (Include date of purchase, if known.) Was it obtained new or used? If used, how old was the product when it was obtained?
- d.) How often was the product used (e.g., daily, weekly, etc.)? Had the product been used by more than one child and if so, how many?
- e.) Had the caregiver successfully (without incident) used the product in the past where the child was left unattended? If so, how often had this occurred and for how long each time?
- f.) Previous to the incident had the caregiver ever witnessed situations where the child tipped over, tried to climb out of the product, etc.
- g.) Describe the condition of the product (e.g., like new, well used, damaged, etc.)
- h.) Had the product been modified, repaired or altered in any way? If so, please describe how and why. Had the product ever been disassembled or taken apart? How and for what purpose?
- i.) Did the manufacturer specify any age or weight limitations for the product?
- j.) If there was a component failure, determine where the product was primarily used and stored.

## 2. Labeling and Instructional Literature

- a.) Describe any labeling on the product. Indicate where it was located on the product and its exact wording. Determine if there was a JPMA certification seal on the product packaging.
- b.) Obtain any instructional literature that came with the product. If the consumer no longer has the literature, did they review it when the product was first obtained? Were there any warning or cautionary statements in the literature?

### **III. Instructions for Photographing and/or Diagramming the Product**

Photograph and/or diagram the entire product and obtain relevant measurements of product components related to the incident, such as areas of entrapment. Components of the product that were specifically involved in the incident should be photographed in detail, including close-ups. Try to provide visual cues to indicate the size of items in the pictures.

If possible, using a doll or a manikin close in size to the victim, photograph the position of the child in the product. This is particularly important in entrapment incidents. Position the bathing device in the bathtub as it appeared before and after the incident.

Product labeling should also be photographed or diagrammed, indicating the position of the labeling on the product and the content of the labeling.

### **IV. Instructions for Obtaining Documents Related to the Investigation**

If the incident resulted in a death, obtain copies of any official reports such as, police, EMS or coroner's/medical examiner's reports that are available. Also obtain copies of any assembly instructions and owner's or safety manuals that came with the product. If an instructional video was provided with the product, please indicate what information was covered in the video. Whether literature or a video was provided, ask the consumer/caregiver to describe his understanding of the product's installation and usage instructions.

