

July 21, 2017

ASSEMBLY BILL NO. 1139
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1139 (Third Reprint) with my recommendations for reconsideration.

This bill would prohibit the sale of supplemental mattresses intended to be used in children's products such as non-full-size cribs, portable cribs, play pens, and play yards. I believe that ensuring a safe sleep environment for our youngest children is essential. But a total ban on supplemental mattresses is too drastic a solution because it also removes from the marketplace safe alternatives to the products that create the greatest risks of harm to infants, and therefore, I cannot sign this bill in its current form.

The federal Consumer Product Safety Commission ("CPSC") has declined to institute an outright ban because after reviewing over a decade of data they have found little evidence that supplemental mattresses that properly fit a specific crib or play pen create a risk of harm. While I share the Legislature's interest in protecting our vulnerable children from harmful products, I am troubled by this bill's disregard for the findings of the CPSC.

Perhaps most troubling is the indirect effect that removing an otherwise safe product from the marketplace will have. The vast majority of incidents of infant deaths related to suffocation involve the use of extra bedding or other soft materials, such as pillows, cushions, and blankets. The CPSC has determined that eliminating safe mattresses from the marketplace may encourage the use of this additional dangerous bedding because there would be no safe alternative available, thus creating a greater risk of harm to our children. I do not

believe the Legislature, through this bill, intended to increase the risk of harm to infants by removing the option to sell a properly fitted mattress that will serve as a safe alternative for parents who are often desperate to improve their children's sleep.

I recommend certain changes to this bill that will allow for the sale of custom-fitted supplemental mattresses that comply with the CPSC's standards, while maintaining the ban on unsafe ill-fitted mattresses. Under my proposal, any supplemental mattress deemed unsafe by the CPSC will be prohibited from sale in New Jersey.

Importantly, with my amendments, this bill will recognize the need to remove harmful products from being sold in our State while allowing parents a safe alternative, further protecting infants from risks associated with ill-fitted supplemental mattresses and the use of other unsafe bedding.

Accordingly, I herewith return Assembly Bill No. 1139 (Third Reprint) and recommend that it be amended as follows:

<u>Page 3, Section 2, Line 14:</u>	Delete "d." and insert "c."
<u>Page 3, Section 2, Line 28:</u>	Delete "Supplemental mattresses marketed for and intended to be" and insert "Notwithstanding any other provisions of this section, supplemental mattresses shall not be deemed unsafe under this section, provided that the mattress has not been recalled and complies with any standards adopted after the effective date of this act by the United States Consumer Product Safety Commission."

Page 3, Section 2, Lines 29-39:

Delete in their entirety

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ James J. DiGiulio

Chief Counsel to the Governor