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NCLA Plans to Sue CPSC over Comm'r Trumka's Illegal Efforts to Stop Sales of Weighted Sleep Sacks

NCLA Notifies CPSC of Violations of Dreamland Baby Co.'s Constitutional and Statutory Rights

Washington, DC (May 9, 2024) – Today, the New Civil Liberties Alliance sent a [formal letter](#) notifying the U.S. Consumer Product Safety Commission (CPSC) of its intent to file suit against the agency for Commissioner Richard Trumka's violating NCLA client Dreamland Baby Co.'s constitutional and statutory rights. Dreamland creates infant and toddler products. Commissioner Trumka issued disparaging statements to the general public and to retailers creating the false impression that the company's wearable infant sleep sacks have caused infant deaths. NCLA warns CPSC and Trumka to preserve all documentation and internal and external communications related to Dreamland, determined to stop this illegal attack on the company.

Trumka's unlawful campaign against NCLA's client convinced multiple retailers to stop selling the company's products and has significantly impacted Dreamland's ability to continue operations. Comm'r Trumka made a proposal to "pursue a mandatory standard to address foreseeable risks posed by" weighted infant sleep products, which would have required CPSC to "update all safe sleep messaging and guidance to incorporate" CDC and NIH's "recent advice on weighted infant sleep products." CPSC rejected that proposal by a 3-1 vote in November, with Chairman Alexander Hoehn-Saric saying he did not believe the agency had conducted enough research to pursue rulemaking on the issue in 2024.

Despite losing this vote, Comm'r Trumka subsequently sent retailers letters disparaging Dreamland's products and issued a public statement saying "Beware: Weighted Infant Swaddles and Blankets are Unsafe for Sleep; Retailers Should Consider Stopping Sales." These actions disregard the Consumer Product Safety Act's required rulemaking processes, preference for voluntary standards, and show impermissible bias against Dreamland.

Dreamland Baby founder and CEO Tara Williams created the company's first weighted wearable sleep blanket sack for her own son when he was an infant. The woman-owned small business has gone on to help more than a million families worldwide. Dreamland is already working with industry counterparts, CPSC staff, and consumers to develop a voluntary standard including these products and other wearable blankets and swaddles. Trumka's cancel-now-ask-questions-never approach harms families who seek safe and effective sleep solutions.

NCLA released the following statements:

"Commissioner Trumka's end-run around the law, and the Commission's earlier vote, does not make any products safer. It only stops innovation in the infant-products space which parents are actively seeking. His actions erode trust in CPSC as an institution that plays a vital role in researching product safety and developing safety standards that parents and families can rely on."

—**Kara Rollins, Litigation Counsel, NCLA**

“Commissioner Trumka is abusing his authority by trying unilaterally to get Dreamland’s weighted sleep sacks off the market. Depriving parents of access to these perfectly safe products poses its own safety hazard since parents’ sleep deprivation is tied to higher infant death rates. Trumka’s actions are not only unlawful, but they make families less safe, not more so.”

—**Jenin Younes, Litigation Counsel, NCLA**

“Richard Trumka seems to have forgotten that he is a commissioner—not a commissar. He has no business contacting retailers on his own to attack products without the support of agency research. Trumka is a repeat offender abusing his office, and it is long past time for CPSC to rein him in.”

—**Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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