

*** Consumer Federation of America * Kids In Danger ***

November 17, 2023

Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

**Joint Comments to the
Consumer Product Safety Commission on the
Revision to ASTM F963-17 Standard Consumer Safety Specification for Toy Safety
Docket No. CPSC-2017-0010**

Consumer Federation of America (CFA) and Kids In Danger (KID) submit the following comments in response to the U.S. Consumer Product Safety Commission (CPSC or Commission) in the above-referenced matter.

Background

Section 106 of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, (“CPSIA”), made ASTM F963-07ε1, Standard Consumer Safety Specification for Toy Safety, a mandatory consumer product safety standard. That section also provides procedures for revisions to the standard. After compliance with ASTM 963 became mandatory, there were revisions to the voluntary standard in 2008, 2011, 2016, and 2017. In October 2023, ASTM notified the Commission of its approval and publication of revisions to ASTM F963.

Recommendations

Our organizations support updating the Code of Federal Regulations so that ASTM F963-23 becomes the mandatory toy standard because the changes reflect the latest version of the ASTM standard and improve toy safety. Of note, we support the changes for battery-operated toys. ASTM 15.22 balloted a change which, in addition to requiring a tool to open battery compartments, also requires that any fasteners, like screws, remain attached to the compartment or product to avoid either a choking hazard or a compartment that can no longer be closed.

This change is critical because CPSC staff had identified hundreds of nonfatal incidents of children and young adults related to access to button-cell batteries or other types of batteries, most of which involved battery ingestion.¹

While our organizations support the ASTM F963-23 changes, we note that important work on a variety of products and emerging risks continues, including expanding materials. On February 7, 2023, CPSC staff sent a letter to ASTM, identifying the increasing number of incidents involving water beads.² We urge ASTM and CPSC to continue this and other life-saving work. In a look to the future revisions of the toy safety standard, we strongly urge that through the ASTM Toy Safety Subcommittee, CPSC continues to work to address emerging hazards.

Conclusion

Our organizations support updating the toy safety standard, but also recommend future attention to emerging hazards, including toys with expanding materials like water beads.

Respectfully submitted,

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¹ August 19, 2022, CPSC Letter to Joan Lawrence and Al Kaufman, available here: <https://www.cpsc.gov/s3fs-public/8-19-2022-Letter-to-ASTM-Battery-Operated-Toys.pdf?VersionId=PgFoeCeb0BYz0kyg6z87tbwHKv3x9W0y>.

² February 7, 2023, CPSC Letter to Joan Lawrence and Al Kaufman, available here: https://www.cpsc.gov/s3fs-public/2-7-23-Letter-to-ASTM-Expanding-Materials.pdf?VersionId=J6C99JbHigMfjRMQRBP_NO85vevftuq9.