



U.S. CONSUMER PRODUCT SAFETY COMMISSION
5 RESEARCH PLACE, ROCKVILLE, MD 20850

February 5, 2021

Ms. Joan Lawrence, ASTM F15.22 Subcommittee Chair
Mr. Al Kaufman, ASTM F15.22 Task Group Chair
ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

Dear Ms. Lawrence and Mr. Kaufman:

The ASTM F15.22 subcommittee met to discuss various pending ballots regarding contemplated revisions to ASTM F963. As discussed below, CPSC staff indicated at the meeting that they would provide feedback regarding two issues that were balloted on October 23, 2020 (ASTM F15 (20-12) ballot).

The attachment to this letter provides CPSC staff suggested edits¹ to the restatements of the law regarding the CPSC regulations cited in ballot item #3, for section 4.3.8.2 (phthalates) and ballot item #4, section 4.3.5.2 (toy substrate materials). Staff's suggested edits are NOT intended to make substantive changes to the applicable provisions, but rather, they are meant to provide an accurate characterization of the CPSC's regulations for materials determinations under which CPSC does not require third party testing.

Additionally, CPSC staff reviewed the proposed language in ballot item #7 regarding the proposed definitions of "paper" and "paperboard" in section 3.1. CPSC staff has no issue with either definition in that ballot item. If you have any questions, or need additional information, you can contact me at: bmordecai@cpsc.gov, or at: (301) 987-2506.

Sincerely,

¹ The views expressed in this letter are those of CPSC staff, and they have not been reviewed or approved by, and may not necessarily reflect the views, of the Commission.

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Enclosure

CPSC Staff-Proposed Edits

1-14-21

Note. Below are suggested CPSC staff edits to the restatements of CPSC law in the pending ballots for the two provisions that follow. These proposed edits are NOT intended to make substantive changes to the applicable provisions below, but rather, they are meant to provide an accurate characterization of CPSC's regulations for materials determinations that do not require third party testing.

1. Ballot #3

Phthalates

4.3.8.2 While all accessible toy components subject to the requirements at 4.3.8 must be in compliance, CPSC has determined that components comprised of certain materials ~~have been~~ exempted do not ~~from~~ required third-party testing ~~by CPSC~~; these materials determinations are codified at 16 CFR 1252, 16 CFR 1253, and 16 CFR 1308.

Rationale: This revision updates the previous obsolete phthalate requirement in ASTM F963 to reflect current regulation and practice. (The previous requirement was 3% DEHP limitation in pacifiers, rattles, and teethers, determined using Practice D3421, an ASTM method which that has been withdrawn.) This revision will now conform to the current U.S. federal phthalate requirement (at 16 CFR 1307), the current CPSC test method, and exceptions the materials determinations from regarding third-party testing promulgated by CPSC.

2. Ballot #4

Toy Substrate Material

4.3.5.2

(e) In addition, materials that are the subject of determinations or exemptions listed in ~~the most current revision(s)~~ of 16 CFR 1251, 16 CFR 1252, 16 CFR 1253, 16 CFR 1500.88 or 16 CFR 1500.91, and therefore, do not require third-party testing as exempt from testing and certification requirements are also excluded from this requirement for the purposes of determining compliance with this standard.

Discussion Note 5— ~~These exemptions~~ Materials determinations ~~are from routine compliance~~ remove the CPSC's requirement for third-party testing only; and they do not alter the requirement to comply with relevant heavy element limits. ~~They~~ Materials determinations are both material- and element-specific and should be examined with care. The regulation at 16 CFR 1500.91 exempts ~~does not require~~ certain materials ~~from~~ to be third-party tested for total lead content testing; this exemptions these determinations is are also extended to soluble lead for the purposes of this standard. However, some most of the materials listed ~~as exempt from lead testing at~~ in 16 CFR 1253 and 16 CFR 1500.91 ~~materials~~ remain subject to substrate limits for soluble levels of the other seven elements specified by this standard. ~~until such time as CPSC establishes additional exemptions from testing for the specified materials for one or more elements in addition to lead.~~ Notwithstanding this, paper and paperboard are exempt from substrate testing for all elements.

