

**LOG OF MEETING
DIRECTORATE FOR ENGINEERING SCIENCES**

SUBJECT: ASTM F15.77 Subcommittee on Magnets; Subcommittee Meeting

DATE OF MEETING: January 10, 2023, 1:00pm, ET

LOG ENTRY SOURCE: Stephen Harsanyi (ESHF)

DATE OF LOG ENTRY: January 11, 2023

LOCATION: Teleconference

CPSC ATTENDEE(S): Caroleene Paul (ESMC), Jacqueline Campbell (EXHR), and Stephen Harsanyi (ESHF)

NON-CPSC ATTENDEE(S): Contact ASTM for the attendee list.

Summary of Meeting:

The subcommittee convened to discuss the direction of the subcommittee's efforts and the future of ASTM F3458 – 21 (*Standard Specification for Marketing, Packaging, and Labeling Adult Magnet Sets Containing Small, Loose, Powerful Magnets (with a Flux Index $\geq 50 \text{ kG}^2 \text{ mm}^2$)*). CPSC staff noted the following points, among others:

- An attendee stated that the Safety Standard for Magnets¹ has been challenged in court. Another attendee claimed the general argument of the challenge is that the product scope of the rule is too broad. The attendee explained that the subcommittee should consider halting the subcommittee activity until after the court proceeding is completed or until more information about the challenge is available. Another attendee stated that the rule could be overturned due to a process violation as opposed to a finding that there is something wrong with the performance requirements.
- An attendee voiced concern that there is insufficient participation in the subcommittee by consumers and relevant producers.
- An attendee claimed that CPSC staff cannot effectively prohibit the sale of hazardous magnet products, and that companies will follow the market demand even if it means not complying with regulations and voluntary standards.
- Two attendees stated that ASTM F3458 – 21 is an international standard and that it does not need to align with the CPSC rule. One of the members stated that an alternative methodology is needed.

CPSC staff explained that the rule is a minimum safety standard. CPSC staff recommended aligning ASTM F3458 – 21 with the rule, as well as applying the existing requirements in ASTM F3458 – 21 to magnet sets with magnets less than $50 \text{ kG}^2 \text{ mm}^2$. CPSC staff explained that the rule went into effect very recently, and that CPSC staff has been working on addressing products not in compliance with it, but it takes time to identify the products, communicate with the companies, and confirm whether the products are in compliance with the rule, among other relevant procedures. CPSC staff explained that it is in the best interest of consumer safety to not postpone strengthening the safety requirements for magnets until the outcome of the court ruling.

¹ <https://www.federalregister.gov/documents/2022/09/21/2022-20200/safety-standard-for-magnets>

The subcommittee voting members in attendance voted on eight options for the direction of the subcommittee activity. The options included the following:

- (1) making no changes to ASTM F3458 – 21,
- (2) withdrawing ASTM F3458 – 21,
- (3) aligning ASTM F3458 – 21 with the rule and not including other requirements,
- (4) aligning ASTM F3458 – 21 with the rule and including a modified form of the existing requirements in ASTM F3458 – 21,
- (5) adding performance or other requirements that diverge from the rule and including a modified form of the existing requirements in ASTM F3458 – 21,
- (6) continue to work on alternative methodologies,
- (7) cease subcommittee activity until more is known about the challenge to the rule, and
- (8) develop an additional standard to be considered, without slowing down the standard already in development.

Three iterations of votes were taken to focus the options. It was determined that the subcommittee would proceed in the direction of option 4, above.

Next Steps:

The subcommittee will move forward with option 4 and also continue to work on alternative methodologies.