



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY BETHESDA, MD 20814  
**COMMISSIONER MARY T. BOYLE**

January 26, 2023

Ms. Joan Lawrence and Mr. Alan Kaufman  
ASTM International  
100 Barr Harbor Drive  
PO Box C700  
West Conshohocken, PA 19428

Dear Ms. Lawrence and Mr. Kaufman,

I am writing to urge you to take swift action to strengthen the battery access and labeling requirements in ASTM F963. I believe strengthening these requirements is necessary to address the increasing number of incidents in which children have gained access to button or coin cell batteries in battery-operated toys.

Pursuant to recent statutory direction in legislation known as Reese's Law, the Commission yesterday voted to advance a Notice of Proposed Rulemaking (NPR) that would establish performance requirements to secure button or coin cell battery compartments in a manner that would eliminate or adequately reduce the risk of battery ingestion by children who are 6 years old or younger. The legislation, however, exempts toys that comply with the battery accessibility and labeling requirements of the mandatory toy standard.

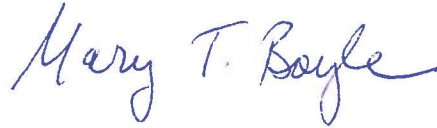
In evaluating whether any current voluntary standards meet the performance and labeling requirements in Reese's Law, CPSC staff reviewed ASTM F963 and identified multiple inadequacies related to the construction and testing of toy products. For example, the standard does not include captive screw or threaded attachment requirements, meaning that users could easily lose or strip the screws securing the battery compartment, which would leave batteries exposed and accessible to children. Similarly, staff assessed that ASTM F963's use-and-abuse testing falls short because it does not include pre-conditioning for plastic battery compartments at a temperature simulating battery operation, and also does not have adequate drop, crush, and impact tests. These apparent shortcomings have real-world impacts: there have been multiple injuries and at least one death associated with children accessing these types of batteries in toy products. (CPSC Staff Letter to ASTM, August 19, 2022)

The Consumer Product Safety Act (CPSA) authorizes the Commission to proceed with rulemaking to ensure that the mandatory toy standard provides the highest level of safety feasible. The path forward for ASTM is clear: the standard should be updated in parallel with the pending rulemaking on battery ingestion. Reese's Law leaves no doubt that this is an urgent priority for the safety of children. All parents should be able to trust the toys they give to their children are safe.

The views expressed in this letter are solely the views of Commissioner Mary T. Boyle and do not necessarily reflect the views of the Commission.

To avoid putting more children in harm's way, I expect ASTM to move expeditiously to strengthen the battery access and labeling requirements and to update the toy standard accordingly. As a Commissioner, I am committed to taking the necessary steps to use our authority to keep children safe from battery ingestion hazards in toys.

Thank you,



Mary T. Boyle  
Commissioner

Cc:

Chairman Alexander Hoehn-Saric  
Commissioner Peter Feldman  
Commissioner Richard Trumka, Jr.  
Alberta Mills  
Jacqueline Campbell  
Austin Schlick  
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