



February 13, 2023

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:

This letter is U.S. Consumer Product Safety Commission (CPSC) staff's¹ response to ballot F15 (23-02), pertaining to F963-17 *Consumer Safety Specification for Toy Safety*. Staff abstains from voting, but appreciates the opportunity to provide comments. Staff has identified the following issues to be addressed.

Item 1, Acoustics

- Section 8.20.2.5(4): Staff believes there is an error in *User-Propelled Modes of Tabletop, Floor, or Crib Toys or Push or Pull Toys* where the measurement of greatest measured sound pressure level (L_{Aeq}) does not match the requirement for highest maximum (L_{AFmax}) in section 4.5.1.5.1. As written, it appears that there is no way to test user-propelled modes for tabletop, floor, or crib toys or push or pull toys to the requirements.
- Rationale A14.X: Staff recommends deleting the statement, "While no incident data is available to indicate hearing damage from sound-producing toys..." Staff believes that this statement is misleading, and may not be technically accurate. Due to the nature of the sound hazard, which typically causes hearing damage from cumulative exposures and may take time to manifest, it is unlikely that such damage will be available in incident data thus specifically linking exposure to toy sound to hearing loss; absence of such data, therefore, does not imply safety.

Item 3, Battery Accessibility

- Section 4.25.4: There is a typo in the paragraph beginning with "An allowance for the alternate use ...," where the section numbers at the end are mislabeled and should read 4.25.4.1 - 4.25.4.2.
- Section 4.25.4.2: While the ballot item rationale states that Section A.9.7.4 will be deleted because it is in conflict with this change, no such change is noted within the item, thus creating a conflict. Staff recommends balloting the change to A.9.7.4 as specified in the rationale or balloting a clarification that A.9.7.4 does not apply if a requirement states otherwise. Staff also asks that the subcommittee consider incorporating the note text into 4.25.4.2.

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



- Section 4.25.4.4: Staff recognizes that the allowance of specialty fasteners could potentially reduce access to battery compartments, because a child may be less likely to obtain access to the appropriate special tool or may be less likely to know how or have the ability to use the tool. However, as implemented, it also has the potential to create new hazards:
 - The consumer must store and keep track of an additional tool;
 - If the tool is lost, caregivers can no longer access the compartment as intended, which may lead to battery leakage (if never removed) or result in damaged or ineffective battery compartments or laceration injuries if the consumer attempts to access the compartment using an inappropriate tool;
 - There is a risk that such tools would not be passed along or sold with the toy for secondhand use.
 - Tools packaged with the toy can become accessible to a child opening the packaging and may be immediately used by the child to access the battery compartment or may pose a choking hazard if the tool is a small part. The proposed instructional language in 6.XX does not fully mitigate the hazards introduced by 4.25.4.4.
- Unless these issues are addressed, staff believes 4.25.4.4 could be interpreted as a reduction in safety.
- Staff recommends that ASTM rebalot the item without 4.25.4.4 and 6.XX, and requests that the allowance for specialty fasteners and any associated requirements be discussed by the subcommittee to determine whether or how the associated hazards can be appropriately mitigated.

Non-Ballot Items

CPSC staff has previously sent letters to this subcommittee requesting action to address battery operated toys,² aquatic toys,³ battery-powered ride-on toys⁴, and expanding⁵ materials.⁶ Additionally, CPSC Commissioner Boyle wrote a letter asking the subcommittee to “take swift action to strengthen battery access and labeling

² Letter to ASTM re: Battery Operated Toys, dated August 19, 2022. <https://www.cpsc.gov/s3fs-public/8-19-2022-Letter-to-ASTM-Battery-Operated-Toys.pdf?VersionId=PgFoeCeb0BYz0kyg6z87tbwHKv3x9W0y>

³ Letter to the ASTM Bath Toys II 08-11-2022. <https://www.cpsc.gov/s3fs-public/81122LettertoASTMBathToysII.pdf?VersionId=ONAHGhHEkSr404ocBZL1Op6Y93CCoC1z>

⁴ [Voluntary Standards | CPSC.gov](https://www.cpsc.gov/voluntary-standards)

⁵ https://www.cpsc.gov/s3fs-public/2-7-23-Letter-to-ASTM-Expanding-Materials.pdf?VersionId=J6C99JbHigMfjRMQRBP_NO85vcvftuq9

⁶ Letter to ASTM Expanding Materials, dated February 7, 2023. https://www.cpsc.gov/s3fs-public/2-7-23-Letter-to-ASTM-Expanding-Materials.pdf?VersionId=J6C99JbHigMfjRMQRBP_NO85vcvftuq9



requirements in ASTM F963,⁷ in conjunction with the Commission's vote to publish an NPR addressing Section 2 of Reese's Law.⁸ Staff expects to also send a letter concerning toy gun markings referenced in 16 CFR 1150. Staff requests that the subcommittee hold meetings to discuss and address these items within the next month.

Additionally, staff requests that a series of periodic meetings be established to address these and other issues and to quickly get this critical safety standard up to date.

A follow-up letter commenting on the five ballot items currently on administrative hold will follow this letter. Staff appreciates the work of the subcommittee to address hazards associated with toys and looks forward to working together to address these hazards.

If you have any questions, or need additional information, you can contact me at: bmordecai@cpsc.gov, or (301) 987-2506.

Sincerely,

Benjamin Mordecai

Benjamin Mordecai
Mechanical Engineer
Project Manager, F963

Cc: Molly Lynyak, ASTM F15 Staff Manager
Daniel Taxier, Children's Program Manager
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⁷ Commissioner Mary T. Boyle Letter to ASTM International on ASTM F963, dated January 26, 2023. https://www.cpsc.gov/s3fs-public/2023-01-26-Boyle-Letter-to-ASTM-re-F963.pdf?VersionId=CXprW7Jt7HG0bFykO.dALZoW_oqsYQer

⁸ Federal Register: Notice of Proposed Rulemaking: Safety Standard and Notification Requirements for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries. <https://www.federalregister.gov/documents/2023/02/09/2023-02356/safety-standard-and-notification-requirements-for-button-cell-or-coin-batteries-and-consumer>