U.S. CONSUMER PRODUCT SAFETY COMMISSION
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TRANSMITTED VIA EMAIL
Jon Robinson
ASTM Subcommittee Chair for ASTM Expansion Gates and Expandable Enclosures
100 Barr Harbor Dr.
West Conshohocken, PA 19428-2959

Re: ASTM F15.16 Expansion Gates and Expandable Enclosures

Dear Mr. Robinson:

In June 2019, the U.S. Consumer Product Safety Commission (CPSC) issued a notice of proposed rulemaking (NPR) for gates and enclosures. This NPR proposed incorporating by reference, F1004-19, and suggested that staff work with the ASTM subcommittee to address the additional issues of the warning label location and visual side-pressure indicators. To date, neither the subcommittee, nor any task groups has met to take up these issues. Therefore, staff[1] is writing to reiterate our position that these are important issues for the safety of pressure-mounted gates, as discussed in the NPR preamble.

Recently, a subcommittee meeting was scheduled for January 21. We hope to see these issues discussed and proposals balloted as soon as possible. To assist the subcommittee in its efforts to address these issues, staff includes in this correspondence draft language for consideration. Staff intends to submit a final rule briefing package to the Commission under Section 104 of the CPSIA on gates in mid-2020. CPSC staff would like to see these issues addressed by the subcommittee before we provide the draft final rule briefing package to the Commission.

Additionally, we would also like to discuss the incident data provided in October 2019, which suggests a potential new hazard pattern involving retractable/mesh gates. We address this issue under section C below.

A. Warning Label Location

[1] The views or opinions expressed in this letter are solely those of the staff, and these views and opinions do not necessarily represent those of the Commission.

As discussed in our ballot comment letter for ASTM ballot F15 (18-11), the location of the label is important to improve the likelihood consumers will act upon the warning message. CPSC staff recommends that the wall cup warning be a separate and distinct warning, positioned in a highly conspicuous location. We suggest the location specified in the ASTM F15.16 ballot in August 2016 (Ballot F15 (16-07)), which would have required the push-out warning to be located along the top rail of the gate. This location will be within the caregiver's line of sight and oriented in a readable direction during normal use of the gate. The specific language that we recommend balloting is below:

> 8.5.3 Products that provide wall cups or other hardware to meet the requirements in 6.3.1 shall ~~address~~ be marked along the top rail, on the side with the locking mechanism (if applicable), with the following at a minimum: You MUST install [wall cups] to keep gate in place. Without [wall cups], child can push out and escape.

B. Side Pressure Indicators

The subcommittee and task groups discussed side pressure indicators at length in 2018. Staff thought the task group was making progress until the task group call on June 6, 2018, which resulted in the task group agreeing to table the issue until resolution of the push-out-force issues. Staff notes that the push-out-force issues were resolved in early 2019, with the publication of F1004-19. Accordingly, staff requests that the task group restart their work. We provide the following language for consideration:

> **3. Terminology**
> 3.1.XX *Visual Side-Pressure Indicator, n*–a warning system, device, or provision using contrasting colors, lights, or other similar means designed to visually alert the installer/user that the minimum side pressure (or force) has been attained upon installation of the gate, continues to display the status when the minimum side pressure is maintained, and changes status when the side pressure falls below the required minimum.
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> **6. Performance Requirement**
> 6.X *Visual Side Pressure Indicators:*
> Pressure-mounted gates that do not require the use of Pressure-Mounted Gate-Mounting Hardware per 6.7 to meet the performance requirements in 6.3.1, shall incorporate Visual Side-Pressure Indicators.
>
> Visual Side-Pressure Indicators shall change in color or status once the minimum side pressure is attained to meet the performance requirements in 6.3.1 and when the side pressure falls below the required minimum side pressure of all four corners of the gate. Additionally, Visual Side-Pressure Indicators shall be conspicuous and readily identifiable to a person installing and standing near the gate.
>
> Note X – The following are examples that would meet 6.X: *(a)* a single side-pressure indicator for each individual corner. *(b)* a single side-pressure indicator for each individual rail (top and bottom), so the opposing horizontal corners are addressed. *(c)* a single side-pressure indicator for the entire gate, as long as it changes status when at least one individual corner fails to attain the minimum required side pressure.
>
> 7.2 *Testing Guidelines:*

7.2.1 The tests under this section shall be conducted in the order shown:
(1) Latching/Locking and Hinge Mechanism Durability Test
(2) Automatic Closing System Test, if applicable
(3) Remaining tests, except Slat Strength test, conducted in any order
(4) Slat Strength Test (the last test)
For pressure-mounted gates with visual side-pressure indicators, ensure visual side-pressure indicator is displaying the proper status per manufacturer's instructions.

7.9.1.2 Follow the manufacturer's installation instructions when installing the gate in the center of the test opening. For pressure-mounted gates with visual side-pressure indicators, ensure the visual side-pressure indicators are displaying the proper status per manufacturer's instructions. ~~Measure the installation force. The installation force shall not exceed 25 lbf (111 N) to a hand operated mechanism or a force of 35 lbf (157 N) to a foot operated mechanism.~~

Section 9 Instructional Literature

9.5. For pressure-mounted gates with visual side-pressure indicators, the instructions shall describe the function, use, and importance of the visual side-pressure indicators and shall describe how to make adjustments to meet minimum side-pressure requirements. Instructions shall include a reminder to routinely check proper status throughout use of gate.

Appendix (rational)
X.1.2.6.X The visual side-pressure indicators' requirement in 6.X is to address incidents with pressure-mounted gates, where consumers had difficulty properly installing the gate or uncertainty in the security of the gate, which led to the gate being "pushed out," "pulled down," or "knocked over" by children.

C. Retractable/Mesh Fabric Gates

In October 2019, staff provided the subcommittee the latest incident data through the JPMA coordinator that contained a potential new hazard pattern regarding retractable/mesh fabric gates. Roughly 20 percent of the new incidents involved retractable/mesh gates, CPSC technical staff has analyzed the six retractable gate incidents further and observed that the locking mechanism is generally on the roller/retraction mechanism side of the gate, rather than on the side of the gate that securely closes the gate. That is, the user generally hooks/latches the free end of the gate on one side, but then activates a lock on the other side to lock the gate fabric tightly so that the fabric does not retract or accidentally loosen. However, the gate fabric may stretch in use, or the retracting spring may loosen over time. Staff is concerned that this may create enough play in the mesh fabric to allow the gate to become unhooked/unlatched through normal actions of a child, notwithstanding the engaged retraction lock. Accordingly, staff concludes that an additional lock that would prevent the unhooking/unlatching of the opening is necessary to prevent the gate from opening inadvertently. We provide the following language for consideration:

6.2 Latching/Locking and Hinge Mechanisms

6.2.X Retractable gates shall have a lock or latch to prevent disengagement of the closure point.

Sincerely,

Hope E J. Nesteruk

CC: Patricia L. Edwards, CPSC Voluntary Standards Coordinator
Meredith Birkhead, Juvenile Products Manufacturers Association (JPMA)
Molly Lynyak, ASTM International