

Ballot Vote Sheet

TO: The Commission
Alberta E. Mills, Secretary

DATE: July 20, 2022

THROUGH: Austin C. Schlick, General Counsel
Jason K. Levine, Executive Director

FROM: Daniel R. Vice, Assistant General Counsel, Regulatory Affairs
Mary A. House, Attorney, Regulatory Affairs

SUBJECT: Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Bassinets and Cradles

TIME CRITICAL BALLOT VOTE DUE: July 22, 2022

Attached is a draft *Federal Register* notice, announcing that on July 18, 2022, the Commission received notification that the voluntary standard, *Standard Consumer Safety Specification for Bassinets and Cradles*, ASTM F2194, has been revised. The Commission has incorporated by reference the 2013 version of the voluntary standard, ASTM F2194-13, into its mandatory rule on the Safety Standard for Bassinets and Cradles, 16 CFR part 1218, with changes. Since publishing the 2013 version of ASTM F2194, ASTM has published several revisions: 2013a, 2016, 2016^{ε1}, 2022, and 2022^{ε1}. ASTM F2194-16^{ε1} made the standard substantially similar to the provisions of part 1218, but CPSC has not received updates from ASTM since CPSC's 2013 rule. On July 18, 2022, however, ASTM provided the Commission with notice of the revised ASTM F2194 2022^{ε1}, as well as redlines demonstrating the changes for each of the five revisions of ASTM F2194 since 2013.

Pursuant to section 104(b)(4)(B) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), if a voluntary standards organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under CPSIA section 104, it must notify the Commission. The revised voluntary standard then shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act, effective 180 days after the date on which the organization notifies the Commission (or a later date specified by the Commission) unless, within 90 days after receiving that notice, the Commission responds to the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. 15 U.S.C. § 2056a(b)(4)(B). Consistent with section 104(b)(4)(B), CPSC staff is assessing the revised voluntary standard for bassinets and cradles to determine its effect on safety.

In the draft notice, CPSC seeks comment from the public on whether the revision improves the safety of the consumer products covered by the standard. To provide sufficient time for CPSC staff's consideration of any comments received and subsequent Commission consideration within the 90-day statutory time frame, the draft notice provides a relatively brief 14-day public comment period. Likewise,



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to expedite publication of the draft notice in the *Federal Register*, the General Counsel has designated this matter as “time critical,” pursuant to section V of the Commission’s Decision Making Procedures.

Please indicate your vote on the following options:

- I. Approve publication of the attached notice in the *Federal Register*, as drafted.

(Signature) (Date)

- II. Approve publication of the attached notice in the *Federal Register*, with the specified changes.

(Signature) (Date)

- III. Do not approve publication of the attached notice in the *Federal Register*.

(Signature) (Date)

- IV. Take other action specified below.

(Signature) (Date)

Attachment: Draft *Federal Register* Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Bassinets and Cradles

CONSUMER PRODUCT SAFETY COMMISSION

Docket No. CPSC-2010-0028

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Bassinets and Cradles

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Bassinets and Cradles, incorporates by reference ASTM F2194-13, Standard Consumer Safety Specification for Bassinets and Cradles, with modifications. ASTM revised F2194-13 several times between 2013 and 2022, but did not notify the Commission of those revisions. ASTM has again revised the voluntary standard for bassinets and cradles, publishing ASTM F2194-22^{e1}, and the Commission has received notice of this revision. CPSC seeks comment on whether ASTM F2194-22^{e1} improves the safety of the consumer product covered by the standard.

DATES: Comments must be received by **[INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit comments, identified by Docket No. CPSC-2010-0028, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (e-mail), except as described

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below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

Mail/hand delivery/courier/confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Division of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may e-mail them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2010-0028, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Celestine T. Kish, Project Manager, Directorate for Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2547; email: ckish@cpsc.gov.

SUPPLEMENTARY INFORMATION:

Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA)

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requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be “substantially the same as” voluntary standards, or may be “more stringent” than voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Pursuant to section 104(b)(4)(B) of the CPSIA, if a voluntary standards organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under CPSIA section 104, it must notify the Commission. The revised voluntary standard then shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or a later date specified by the Commission in the *Federal Register*) unless, within 90 days after receiving that notice, the Commission responds to the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard, and therefore, the Commission is retaining its existing mandatory consumer product safety standard. 15 U.S.C. 2056a(b)(4)(B).

Under this authority, in 2013 the Commission issued a mandatory safety rule for bassinets and cradles. The rulemaking created 16 CFR part 1218, which incorporated by reference ASTM F2194-13, Standard Consumer Safety Specification for Bassinets and Cradles, with modifications to make the standard more stringent. 78 FR 63019 (Oct. 23, 2013). The mandatory standard included performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children. Since

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promulgation of the final rule, ASTM has published several revisions to ASTM F2194-13: 2013a, 2016, 2016^{e1}, and 2022, but ASTM did not notify CPSC of these updates.

In June 2022, ASTM published a revised version of the voluntary standard for bassinets and cradles, and made editorial revisions in July 2022. On July 18, 2022, ASTM notified the Commission that it had approved and published a revised version of the voluntary standard, ASTM F2194-22^{e1}. CPSC staff is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of consumer products covered by the standard. The Commission invites public comment on that question to inform staff's assessment and any subsequent Commission consideration of the revisions in ASTM F2194-22^{e1}.¹

Read-only copies of redlines demonstrating revisions to ASTM F2194-13a, ASTM F2194-16, ASTM F2194-16^{e1}, ASTM F2194-22, and ASTM F2194-22^{e1}, are available for review on ASTM's website (<https://www.astm.org/CPSC.htm>), at no cost. Likewise, a read-only copy of the existing, incorporated standard, ASTM F2194-13, is available for viewing, at no cost, on the ASTM website at: <https://www.astm.org/READINGLIBRARY/>. Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; phone: 610-832-9585; <https://www.astm.org>. Alternatively, interested parties may schedule an appointment to inspect copies of the standards at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: 301-504-7479; email: cpsc-os@cpsc.gov.

¹ The Commission voted [TO BE FILLED IN].

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Comments must be received by **[INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Dated:

Alberta E. Mills, Secretary
Consumer Product Safety Commission