



## Ballot Vote Sheet

**TO:** The Commission  
Alberta E. Mills, Secretary

**DATE:** October 25, 2023

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

**FROM:** Daniel R. Vice, Assistant General Counsel, Regulatory Affairs  
David M. DiMatteo, Attorney, Regulatory Affairs

**SUBJECT:** Notice of Availability and Request for Comment: Revision to the Voluntary  
Standard for Toys

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**TIME CRITICAL BALLOT VOTE DUE:** Friday, October 27, 2023

Attached is a draft *Federal Register* notice announcing that, on October 23, 2023, the Commission received notification that ASTM F963-17, *Standard Consumer Safety Specification for Toy Safety*, has been revised. The Commission has incorporated ASTM F963-17 by reference in its mandatory toy standard, 16 C.F.R. part 1250.

Pursuant to section 106(g) of the Consumer Product Safety Improvement Act (CPSIA), ASTM must notify the Commission if revisions are made to ASTM F963. 15 U.S.C. § 2056b(g). The revised voluntary standard shall be considered a consumer product safety standard issued by the Commission effective 180 days after ASTM notifies the Commission unless, within 90 days after receiving that notice, the Commission notifies ASTM that the Commission has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. *Id.* Consistent with section 106(g), staff is assessing the revised voluntary standard to determine its effect on safety.

The draft *Federal Register* notice would seek comment on whether the revision improves the safety of the consumer products covered by the standard. In order to provide sufficient time for consideration of any comments received and appropriate for Commission action within the 90-day statutory time frame, the draft notice provides a 14-day public comment period. Likewise, to expedite publication of the draft notice, 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 document in the *Federal Register*, as drafted.

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(Signature)

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(Date)

**U.S. Consumer Product  
Safety Commission**  
4330 East-West Highway  
Bethesda, MD 20814

**National Product Testing  
and Evaluation Center**  
5 Research Place  
Rockville, MD 20850

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

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

IV. Take other action specified below.

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachments:

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

ASTM Notification Letter

**CONSUMER PRODUCT SAFETY COMMISSION**

**[Docket No. CPSC-2017-0010]**

**Notice of Availability of Updated ASTM Standard**

**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 Mandating ASTM F963 for Toys, incorporates by reference ASTM F963-17, *Standard Consumer Safety Specifications for Toy Safety*. The Commission has received notice of a revision to this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of the consumer products 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-2017-0010, 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. 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. CPSC typically does not accept comments submitted by e-mail, except as described below.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer

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Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479.

*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>. 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](mailto:cpsc-os@cpsc.gov).

*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-2017-0010, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Benjamin J. Mordecai, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: 301-987-2506; email: [bmordecai@cpsc.gov](mailto:bmordecai@cpsc.gov).

### **SUPPLEMENTARY INFORMATION:**

Section 106(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), mandated that ASTM F963–07<sup>1</sup>, *Standard Consumer Safety Specifications for Toy Safety*, shall be considered a mandatory consumer product safety standard issued by the CPSC.<sup>1</sup> 15 U.S.C. 2056b(a). After compliance with ASTM F963 became mandatory in 2009, there were revisions to the voluntary standard in 2008, 2011, 2016, and 2017. Currently, ASTM F 963–17, with certain exceptions, is considered a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (CPSA). 16 CFR part 1250.

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<sup>1</sup> Section 106(a) of the CPSIA does not require CPSC to incorporate section 4.2 and Annex 4 of ASTM F963-07<sup>1</sup>, or any provision that restated or incorporated an existing mandatory standard or ban promulgated by the Commission or by statute.

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On October 23, 2023, ASTM notified CPSC of ASTM's approval and publication of revisions to ASTM F963 in a revised standard, numbered ASTM F963-23, approved on August 1, 2023. Under section 106(g) of the CPSIA, if ASTM proposes revisions to ASTM F963, ASTM must notify the Commission. 15 U.S.C. 2056b(g). The revised standard shall be considered a consumer product safety standard issued by the CPSC under section 9 of the CPSA (15 U.S.C. 2058), effective 180 days after the date on which ASTM notifies the Commission of the revision, unless, within 90 days after receiving that notice, the Commission notifies ASTM that it has determined that the proposed revision does not improve the safety of toys. 15 U.S.C. 2056b(g).

CPSC is assessing the revised voluntary standard to determine whether the revisions in ASTM F963-23 meet the requirements of CPSIA section 106(g). The Commission invites public comment on that question, to inform staff's assessment and any subsequent Commission consideration of the revisions in ASTM F963-23.<sup>2</sup>

ASTM F963-23 is available for review in several ways. ASTM has provided on its website (at <https://www.astm.org/CPSC.htm>), at no cost, a read-only copy of the 2023 revisions to ASTM F963, including a red-lined version that identifies the changes made to ASTM F963-17. A read-only copy of the existing mandatory standard (ASTM F963-17) is available for viewing, at no cost, on the ASTM website at: <https://www.astm.org/READINGLIBRARY/>. Interested parties can 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 can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301-504-7479.

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<sup>2</sup> The Commission voted X-X to publish this notification.

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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 106(g) of the CPSIA, CPSC will not consider comments received after this date.

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Alberta E. Mills, Secretary  
Consumer Product Safety Commission



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**Katharine E. Morgan**

President

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19428-2959 USA

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October 23, 2023

**VIA ELECTRONIC MAIL**

Ms. Alberta Mills  
Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814-4408

Re: Notice of revision to ASTM F963 *Standard Consumer Safety Specification for Toy Safety*

Dear Ms. Mills:

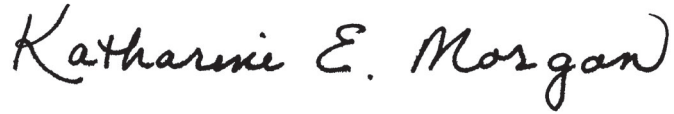
The Consumer Product Safety Improvement Act of 2008 (CPSIA), PL 110-314, Sec.106(g), instructs ASTM International to notify the Consumer Product Safety Commission (CPSC) of revisions to voluntary standards that are a basis for a consumer product safety standard promulgated by the Commission.

*(g) REVISIONS.—If ASTM International (or its successor entity) proposes to revise ASTM F963–07, or a successor standard, it shall notify the Commission of the proposed revision. The Commission shall incorporate the revision or a section of the revision into the consumer product safety rule. The revised standard shall be considered to be a consumer product safety standard issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which ASTM International notifies the Commission of the revision unless, within 90 days after receiving that notice, the Commission notifies ASTM International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.”*

We are writing to officially notify the Consumer Product Safety Commission (CPSC) that ASTM International has published a revised 2023 version of ASTM F963 *Standard Consumer Safety Specification for Toy Safety*. The 2017 version of F963 is currently adopted as a mandatory consumer product safety standard under section 9 of the Consumer Product Safety Act (16 CFR Part 1250). We are enclosing a redlined document highlighting the specific technical changes between the 2017 and 2023 versions of the standard to help facilitate review by the CPSC Staff.

If you or your staff have questions about the specific revisions or would like to discuss any issues related to this notification, you may contact me or Molly Lynyak (610-832-9743 or [mlynyak@astm.org](mailto:mlynyak@astm.org)) at any time. ASTM International looks forward to continuing to work with the CPSC to help ensure the safety of consumer products.

Sincerely,

A handwritten signature in black ink that reads "Katherine E. Morgan". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Katherine E. Morgan  
President, ASTM International

Attachment

cc: Jacqueline Campbell – CPSC Voluntary Standards Coordinator  
Benjamin Mordecai – CPSC Project Manager for Toys  
Donald Mays – Chair, ASTM Committee F15 on Consumer Products  
Joan Lawrence – ASTM F15.22 Subcommittee Chair for Toy Safety