



United States
Consumer Product Safety Commission

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander D. Hoehn-Saric
 Commissioner Peter A. Feldman
 Commissioner Richard Trumka Jr.
 Commissioner Mary T. Boyle

ITEM:

ASTM's Notice of a Revised Voluntary Standard for Children's Chairs and Stools
(Briefing package dated November 2, 2022 OS# 0173)

DECISION:

The Commission voted unanimously (4-0) to determine that ASTM F2613-22 does not improve the safety of children's folding chairs and folding stools and direct CPSC staff to notify ASTM of this determination and that the Commission is retaining the existing standard for children's folding chairs and folding stools in 16 CFR part 1232.

Chair Hoehn-Saric and Commissioner Trumka issued respective statements regarding this matter; see attachments.

For the Commission:

Alberta E. Mills
Secretary

*Ballot vote due November 8, 2022

Attachments: Statement by Chair Hoehn-Saric
Statement by Commissioner Trumka



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

CHAIR ALEXANDER HOEHN-SARIC

**Statement on Vote to Reject
ASTM Revised Voluntary Standard for Children's Folding Chairs and
Children's Folding Stools**

November 8, 2022

Today the Commission voted unanimously to reject an update to the voluntary safety standard for Children's Folding Chairs and Folding Stools. Under section 104 of the Consumer Product Safety Improvement Act, once the Commission has adopted a voluntary standard for durable infant or toddler products as a mandatory standard, we review each update to the voluntary standard that the voluntary standards organization submits to the Commission. If that update does not improve safety, the Commission can reject it and leave the mandatory standard as it is.

This particular update came to us with two separate substantive changes, one of which would improve safety and one that would decrease safety. Taken as a whole, I could not conclude that the updated voluntary standard would improve safety, and so we voted to reject the voluntary standard and retain the mandatory safety standard that was previously approved.

That being said, there was an improvement to safety included in this update – a requirement and test to prevent children's heads from becoming trapped in cords, straps, or other components that create hazardous openings. I hope and expect that the ASTM committee will move quickly to send us a new update to the voluntary standard that includes this substantive change that would improve safety without the problematic language. I encourage this and will act promptly to adopt such a revision in the Commission's mandatory safety rules when it comes back to the Commission. If for some reason action is delayed, the Commission can and should take other regulatory action to amend the rule.



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COMMISSIONER RICH TRUMKA JR.

CPSC REJECTS INDUSTRY ATTEMPT TO ELIMINATE SAFETY RULE FOR CHILDREN'S FOLDING STOOLS

NOVEMBER 8, 2022

Today, the Commission voted unanimously to stop industry from removing an entire category of children's products from safety standards: folding stools. Without our vote today, ASTM's step backwards would have become a binding federal rule under the Consumer Product Safety Improvement Act (CPSIA). By rejecting the exclusion, we are keeping kids safe.

If industry wants the Commission to adopt its standards, it must continuously improve the safety of children's products in each revision. In this case, it tried to pair a reduction in safety alongside a change that would have increased safety—a new test to keep kids' heads from getting trapped. On net, safety would have been reduced by the changes. That is unacceptable.

We are confident that today's vote will create the right incentives for industry to correct its course. We expect it to propose a new revision including only its safety-positive change, and dropping its safety-negative change. Under CPSIA, once ASTM makes that change, the Commission will have the power to harmonize industry's voluntary standards with federal law and improve safety.

I issue the following warning: going forward, if a voluntary standard is revised to include changes that materially improve safety alongside changes that materially decrease safety, I will vote to keep the good and reject the bad, as authorized under CPSIA. To be clear, we have often received revisions that consist of little more than corrections to errors. While it may benefit ASTM to publish those changes, it does not benefit consumers. Using our scarce resources to review changes with *de minimis* safety effects is a poor use of time. In my view, CPSIA strikes a bargain that I intend to enforce: if ASTM would like binding federal standards to match its private voluntary standards, then it must ensure that every substantive change materially improves the safety of American children.