



Ballot Vote Sheet

TO: The Commission
 Alberta E. Mills, Secretary

THROUGH: Jessica L. Rich, General Counsel
 Austin C. Schlick, Executive Director

FROM: Daniel R. Vice, Assistant General Counsel, Regulatory Affairs
 Tayyaba W. Zeb, Attorney, Regulatory Affairs

SUBJECT: Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Infant Bath Seats

DATE: July 10, 2024

TIME CRITICAL BALLOT VOTE DUE: Friday, July 12, 2024

Attached is a draft *Federal Register* notice announcing that on July 8, 2024, the Commission received notification that ASTM F1967, *Standard Consumer Safety Specification for Infant Bath Seats*, has been revised. In the draft notice, CPSC seeks comment from the public on whether the revised ASTM F1967-24 improves the safety of infant bath seats.

In 2010, the Commission issued a mandatory standard, *Safety Standard for Infant Bath Seats*, at 16 CFR part 1215, under the Consumer Product Safety Improvement Act of 2008 (CPSIA). The mandatory standard incorporated by reference ASTM F1967-08a, *Standard Consumer Safety Specification for Infant Bath Seats*. The Commission updated the standard in 2012, 2013, and 2019 and the mandatory standard currently incorporates by reference ASTM F1967-19. Under 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, 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 its effect on safety.

The draft *Federal Register* notice provides a 14-day public comment period to provide sufficient time for CPSC staff and the Commission to consider the revised standard and any comments received within the 90-day statutory time frame. Likewise, to expedite publication of the draft notice

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

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 the publication of the attached notice in the *Federal Register*, with 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 Infant Bath Seats

[Billing Code 6355-01-P]

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1215

[Docket No. CPSC- 2009-0064]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Infant Bath Seats

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 Infant Bath Seats, incorporates by reference ASTM F1967-19, Standard Consumer Safety Specification for Infant Bath Seats. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of infant bath seats.

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

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2009-0064, 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 email, except as described below.

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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 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 email 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 to 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-2009-0064, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Julia Kerns, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2548; email: JKerns@cpsc.gov.

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) 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 they may be “more stringent” than the applicable 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.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice that it has determined that the revised standard does not improve the safety of the consumer product and that it is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the *Federal Register*). 15 U.S.C. 2056a(b)(4)(B).

In 2010, the Commission adopted a mandatory rule for infant bath seats under section 104(b)(1) of the CPSIA, which was codified in 16 CFR part 1215. The rule incorporated by reference ASTM F1967- 08a, *Standard Consumer Safety Specification for Infant Bath Seats*, with modifications to make the standard more stringent. 75 FR 31691 (June 4, 2010). At the

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time the Commission published the final rule, ASTM F1967-08a was the current version of the voluntary standard. ASTM subsequently revised the voluntary standard five times. ASTM F1967 applies to infant bath seats, which it describes as products used in a bathtub, sink, or similar bathing enclosure and that provide support, at a minimum, to the front and back of a seated infant during bathing by a caregiver. The ASTM standard includes performance requirements, test methods, and labeling requirements to address hazards to infants associated with infant bath seats. After the Commission adopted the mandatory standard in 2010, the Commission updated the standard in 2012, 2013, and 2019 and the mandatory standard currently incorporates by reference ASTM F1967-19.284 FR 49435 (September 20, 2019).

On July 8, 2024, ASTM notified CPSC that it had approved and published ASTM F1967-24. 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 F1967-24.¹

The currently incorporated voluntary standard (ASTM F1967-19) and the revised voluntary standard (ASTM F1967-24) are available for review in several ways. A read-only copy of the existing, incorporated standard (ASTM F1967-19) is available for viewing, at no

¹ The Commission voted TBD to approve this notice.

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cost, on the ASTM website at: <https://www.astm.org/READINGLIBRARY/>. A read-only copy of the revised standard (ASTM F1967-24), including red-lined versions that identify the changes from the 2019 version to the 2024 version, are available, at no cost, on ASTM's website at: <https://www.astm.org/CPSC.htm>. 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 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.

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.

Alberta E. Mills,
Secretary,
Consumer Product Safety Commission.