



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
BETHESDA, MD 20814

The contents of this document will be discussed  
at an open Commission Meeting (briefing)  
scheduled for Thursday, February 2, 2012.

This document has been electronically  
approved and signed.

**A DECISION MEETING ON THIS MATTER IS SCHEDULED ON: February 15, 2012**

Date: January 25, 2012

TO : The Commission  
Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director

FROM : Cheryl A. Falvey, General Counsel  
Philip L. Chao, Assistant General Counsel  
David M. DiMatteo, Attorney

SUBJECT : ASTM F963-11 Proposed Revision

Vote Due: February 15, 2012

Attached is a staff briefing package recommending that the Commission accept the proposed revisions in ASTM F963-11. The package includes a draft notice for publication in the *Federal Register*; the notice would announce the Commission's decision.

Please indicate your vote on the following options:

I. Accept the staff recommendation, and approve publication of the notice in the *Federal Register*.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

II. Accept the staff recommendation, and approve publication of the notice in the *Federal Register*, with changes (please specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CPSC Hotline: 1-800-638-CPSC (2772) H CPSC's Web Site: <http://www.cpsc.gov>

III. Reject the staff recommendation, and do not approve publication of the notice in the *Federal Register*.

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

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

IV. Take other action (please specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attachment: Staff Briefing Package, *ASTM F 963 Toy Standard Revision*, memorandum from Jonathan D. Midgett, P.h.D., Program Area Team Coordinator, EXHR, to the Commission, January 2012.

**Billing Code 6355-01-P**

**CONSUMER PRODUCT SAFETY COMMISSION**

**Notice of Acceptance of ASTM F963-11 as a Mandatory Consumer Product Safety Standard**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission (“CPSC,” Commission,” or “we”) is announcing that we have accepted the revised ASTM F963-11 standard titled, *Standard Consumer Safety Specifications for Toy Safety*. Pursuant to section 106 of the Consumer Product Safety Improvement Act of 2008, ASTM F963-11 will become a mandatory consumer product safety standard effective June 12, 2012.

**DATES:** ASTM F963-11 will become effective on June 12, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Midgett, PhD, Office of Hazard Identification and Reduction, U.S. Consumer Product Safety Commission, 4330 EastWest Highway, Suite 600, Bethesda, MD 20814; telephone (301) 504–7692; e-mail [jmidgett@cpsc.gov](mailto:jmidgett@cpsc.gov).

**SUPPLEMENTAL INFORMATION:**

On February 10, 2009, section 106(a) of the Consumer Product Safety Improvement Act of 2008, (CPSIA), P.L. 110-314, made the provisions of ASTM F963-07, *Standard Consumer Safety Specifications for Toy Safety* (except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute) mandatory consumer product safety standards under section 9 of the Consumer Product Safety Act (CPSA). On May 13, 2009, the Commission accepted an ASTM

International (formerly the American Society for Testing and Materials) (ASTM) proposed revisions to the standard, by accepting ASTM F963-08 (except for the removal of section 4.27 of ASTM F963-07, which covers toy chests). The requirements of ASTM F963-08 became effective on August 16, 2009, except for section 4.27 (toy chests) of ASTM F963-07, which was already in effect.

On December 15, 2011, ASTM officially proposed revisions to the existing standard for Commission consideration, by submitting ASTM F963-11, *Standard Consumer Safety Specifications for Toy Safety*. ASTM proposes replacing ASTM F963-08 with the revised ASTM F963-11 version. Section 106(g) of the CPSIA provides that, upon ASTM notifying the Commission of proposed revisions to ASTM F963, the Commission must incorporate the revisions into the consumer product safety rule, unless within 90 days of receiving the notice, the Commission notifies ASTM that it has determined that the proposed revisions do not improve the safety of the consumer product(s) covered by the standard. If the Commission so notifies ASTM regarding a proposed revision of the standard, the existing standard remains in effect, regardless of the proposed revision. If the Commission does not object to the proposed revisions, the revised standard becomes effective 180 days after the date that ASTM notifies the Commission of the revision.

The Commission has determined that the proposed revisions in ASTM F963-11 improve the safety of the consumer products covered by the standard. Therefore, although the CPSIA does not require us to issue a notice in the *Federal Register* announcing our decision, we are, through this notice, announcing that the CPSC accepts the revisions as mandatory consumer product safety standards. ASTM F963-11 will become effective as a mandatory consumer product safety standard on June 12, 2012. However, because ASTM F963-11 does not

reincorporate section 4.27 (toy chests) of ASTM F963-07, that provision from ASTM F963-07 regarding toy chests remains in effect.

Dated: February \_\_\_\_\_, 2012.

**Todd A. Stevenson**

*Secretary*

*Consumer Product Safety Commission*



# **Staff Briefing Package**

ASTM F 963 Toy Standard Revision  
January 25, 2012

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# Briefing Memo



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

This document has been electronically  
approved and signed.

## Memorandum

Date: January 25, 2012

TO : The Commission  
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel  
Kenneth R. Hinson, Executive Director  
Robert J. Howell, Deputy Executive Director for Safety Operations

FROM : DeWane Ray  
Assistant Executive Director  
Office of Hazard Identification and Reduction (EXHR)

Jonathan Midgett, Ph.D.  
Children's Hazards Team Coordinator  
Office of Hazard Identification and Reduction (EXHR)

SUBJECT : A New Version of the ASTM F 963 Toy Standard

## I. Introduction

On February 10, 2009, section 106(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), P.L. 110-314, made the provisions of ASTM F 963-07e1, *Standard Consumer Safety Specifications for Toy Safety* (except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute) mandatory consumer product safety standards under section 9 of the Consumer Product Safety Act (CPSA). Under section 106(g) of the CPSIA, ASTM can propose revisions of ASTM F 963 to the Commission. The provisions of ASTM F 963-08 (except for section 4.27 (regarding toy chests) of ASTM F963-07e1, which remains in effect) currently are considered a mandatory consumer product safety standard. On December 15, 2011, ASTM proposed that ASTM F 963-11 replace ASTM F 963-08. The Commission has 90 days (March 14, 2012) to object to any provisions that do not increase safety before this version will become mandatory by act of law 180 days after the proposal (June 12, 2012).

## II. Revisions in the New Version

Staff has reviewed all of the revisions in ASTM F 963-11 and has no objections. In general, the new standard contains refinements, corrections, and new requirements that will increase safety and enhance the clarity and utility of the standard. Twelve new definitions, 16 references to other standards, and three new figures were added. The amount of heavy metals in substrates of toys and the test methods for determining those levels were updated to the most current requirements and procedures. The levels of lead allowed in surface coatings were also aligned with the newest federal requirements. About 43 other sections and subsections of the standard were refined,

clarified, or expanded. One requirement was aligned with an international toy standard (ISO 8124). ASTM also made many small editorial updates to keep the standard's format and numbering consistent. Additionally, the new version has three new annexes, which, although not binding, contain important information for toy manufacturers. A comprehensive list of refinements can be seen in Tab A. Tab B contains a version of ASTM F 963 with revisions underlined. Both tabs are not available to the public because of issues regarding copyrighted material.

### **III. Recommendation**

Staff recommends that the Commission accept the proposed provisions in ASTM F 963-11.

**TAB A Comparison of ASTM F 963-08 and ASTM F 963-11  
(copyrighted material; not for distribution)**

**T  
A  
B  
A**

**NOTE REGARDING ASTM F963-11**

A comparison chart of ASTM F963-11 was provided to the Commission as part of the briefing package. However, the comparison chart of ASTM F 963-11 does not appear here because of issues regarding copyrighted material.

ASTM F963-11 can be purchased from the American Society for Testing and Materials International's (ASTM) website here:

[https://secure6.astm.org/STORE/review\\_order.html](https://secure6.astm.org/STORE/review_order.html).

**TAB B ASTM F 963-11, Redlined Version (copyrighted material; not for distribution)**

**T  
A  
B  
B**

**NOTE REGARDING ASTM F963-11**

A redlined version of ASTM F963-11 was provided to the Commission as part of the briefing package. However, the redlined version of ASTM F 963-11 does not appear here because it is copyrighted material.

ASTM F963-11 can be purchased from the American Society for Testing and Materials International's (ASTM) website here:

[https://secure6.astm.org/STORE/review\\_order.html](https://secure6.astm.org/STORE/review_order.html)