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Office of the Secretary  
U.S. Consumer Product Safety Commission  
4330 East West Highway, Room 820  
Bethesda, MD 20814

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**Comments of Kids In Danger, Consumers Union, and Consumer Federation of America to the Consumer Product Safety Commission on the Safety Standard Mandating ASTM F963 for Toys (CPSC-2017-0010)**

**Introduction**

Kids In Danger (KID), Consumers Union (CU), and Consumer Federation of America (CFA), (jointly “We”) submit the following comments in response to the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) in the above-referenced matter.<sup>1</sup>

**Background**

Section 106 of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, (“CPSIA”), made ASTM F963-07 $\epsilon$ 1, *Standard Consumer Safety Specification for Toy Safety*, a mandatory consumer product safety standard. That section also provides procedures for revisions to the standard. In accordance with these procedures, the CPSC recently allowed the update to ASTM F963, *Standard Consumer Safety Specification for Toy Safety* (ASTM F963-16), to become the mandatory toy standard. This direct final rule incorporates by reference ASTM F963-16 and updates the existing notice of requirements (NOR) that provide the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing for ASTM F963 pursuant to section 14(a)(3)(B)(vi) of the Consumer Product Safety Act (CPSA).<sup>2</sup>

**Recommendations**

Our organizations support the updating of ASTM F963-16 to become the mandatory toy standard in the United States. Important updates in the new standard will strengthen child safety by improving toy safety.

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<sup>1</sup> “Safety Standard Mandating ASTM F963 for Toys,” Fed. Reg. Volume 82, No. 21, February 2, 2017, p. 8989.

<sup>2</sup> Id.

The updated standard, among other things, works to align portions of the toy standard with the European standard EN71; adds both warnings and additional tests for batteries, covers expanding materials in toys and allows the use of a HD XRF device to screen products for heavy metals.

Batteries are a potential hazard in many products. The toy standard has traditionally had protections for small button batteries that might be a choking or ingestion hazard. Additional warnings were added for batteries of the size and shape most often involved in incidents.

New temperature and current limiting requirements for lithium ion and NiMH batteries were added along with additional requirements for recharging batteries to prevent fire and burn hazards.

Kids In Danger first brought the issue of expanding materials in toys to the committee following an injury to a baby in Texas in 2012. These are small balls or toys that expand when exposed to water. A baby had ingested the small ball which expanded in her abdomen, requiring surgery. A task group on emerging issues studied it carefully and crafted a response that would limit the hazard but not affect toys already on the market which did not pose the same risk.

A flurry of recalls for lead in toys in part was the impetus for including ASTM F963 in the 2008 CPSIA. More work has been done in the updated standard to improve testing for hazardous heavy metals. The use of an HD XRF gun for screening for heavy metals will improve compliance.

We support the effective date of April 30, 2017.

In a look to the future revisions of the Toy Standard, we recommend that through the ASTM Toy Safety Subcommittee, CPSC continue to work to address emerging hazards such as those with connected toys or new technology. In particular, we urge the subcommittee to consider how the safety of young children may be affected by the trend to add connectivity to toys without the necessary privacy or security measures.

## **Conclusion**

Our organizations support updating the requirements to those in ASTM F963-16 with an effective date of April 30, 2017. We also recommend future attention to emerging hazards involving connected toys or new technology.

Respectfully submitted,

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