



January 3, 2018

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

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Comments of Kids In Danger, Consumers Union, Consumer Federation of America, Public Citizen, and U.S. PIRG to the Consumer Product Safety Commission on the Direct Final Rule: Safety Standard Mandating ASTM F963 for Toys (CPSC-2017-0010)**

**Introduction**

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

**Background**

Section 106 of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, (“CPSIA”), made ASTM F963-07<sup>1</sup>, *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 F963-17), to become the mandatory toy standard, with one exception. This direct final rule incorporates by reference ASTM F963-17 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>

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<sup>1</sup> “Safety Standard Mandating ASTM F963 for Toys,” Fed. Reg. Volume 82, No. 231, December 4, 2017, p. 57119.

<sup>2</sup> Id.

## **Recommendations**

Our organizations support updating the Code of Federal Regulations so that ASTM F963-17 becomes the mandatory toy standard in the United States. The changes reflected by the latest version of the ASTM standard generally will better protect children by improving toy safety and maintaining clear terminology, with one exception that we discuss below. Otherwise, our organizations support the editorial changes, use of clearly defined language, updated terminology, and improved definitions in this standard.

The Test Methods section of ASTM F963-17 sought to include an additional sentence in Section 8.20.1.5 (5) which exempts pull/push toys from the A-weighted maximum sound pressure level requirement. We support the CPSC's rejection of these changes on the basis that the changes decrease safety by allowing toys on the market that produce sound levels exceeding noise exposure limits set by the National Institute for Occupational Safety and Health. We agree that this change would also diverge from the European standard EN-71 and make harmonization more difficult.

We support the effective date of February 28, 2018.

In a look to future revisions of the toy standard, we recommend that the CPSC, through the ASTM Toy Safety Subcommittee, continue to work to address emerging hazards such as those associated with connected toys or new technology. In particular, we urge the subcommittee to begin considering how the safety of young children may be affected by the addition of connectivity to toys without sufficient privacy or security protections in place.

## **Conclusion**

Our organizations support updating the toy safety requirements to those in ASTM F963-17 with an effective date of February 28, 2018, with an exception of the additional sentence added to Section 8.20.1.5 (5). We also recommend future attention to emerging hazards involving connected toys or new technology.

Respectfully submitted,

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