



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

This document has been electronically
 approved and signed.

Date: June 17, 2015

BALLOT VOTE SHEET

TO : The Commission
 Todd A. Stevenson, Secretary

THROUGH: Patricia H. Adkins, Executive Director
 Stephanie Tsacoumis, General Counsel

FROM : Patricia M. Pollitzer, Assistant General Counsel

SUBJECT : ASTM's Revisions to Toddler Bed Standard

BALLOT VOTE DATE: June 23, 2015

Staff is forwarding to the Commission a memorandum recommending that the Commission determine that ASTM's recent revision to ASTM's standard, ASTM F1821 - 15, *Standard Consumer Safety Specification for Toddler Beds*, does not improve the safety of toddler beds and thus should not be considered a consumer product safety standard. Under the Consumer Product Safety Improvement Act of 2008, revised voluntary standards of which the Commission is notified automatically are considered consumer product safety standards unless the Commission determines and notifies the voluntary standards organization that the revised voluntary standard "does not improve the safety of the consumer product. . . and that the Commission is retaining the existing consumer product safety standard." As explained in the staff's memorandum, the 2015 revision inadvertently omitted safety provisions concerning side rails. The relevant ASTM subcommittee is currently balloting new language to address this omission. When ASTM publishes a revised and corrected standard, ASTM will notify CPSC of the revision.

Please indicate your vote on the following options:

- I. Determine that ASTM F1821 - 15, *Standard Consumer Safety Specification for Toddler Beds*, does not improve the safety of toddler beds and that the Commission is retaining the existing consumer product safety standard.

 Signature

 Date

- II. Allow ASTM F1821 - 15, *Standard Consumer Safety Specification for Toddler Beds*, to take effect as CPSC's consumer product safety standard for toddler beds.

Signature

Date

- III. Take other action (please specify):

Signature

Date



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

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Memorandum

Date: June 17, 2015

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Stephanie Tsacoumis, General Counsel

Patricia H. Adkins, Executive Director

Robert J. Howell, Deputy Executive Director for Safety Operations

FROM: George A. Borlase, Ph.D., P.E., Assistant Executive Director
Office of Hazard Identification and Reduction

Celestine T. Kish, Project Manager
Division of Human Factors, Directorate for Engineering Sciences

SUBJECT: Consumer Product Safety Improvement Act of 2008, as revised by Pub.
L. No. 112-28 (H.R. 2715) Notice of Revision to the Toddler Beds
Standard

EXECUTIVE SUMMARY

ASTM International ("ASTM") officially notified CPSC on April 6, 2015 of a revision to the toddler bed standard. Due to an ASTM oversight, important testing provisions relating to a new side rail performance standard were omitted from the revised standard. Although ASTM is now seeking subcommittee approval for a revised version that includes the omitted testing provisions, ASTM is not rescinding its prior notice to CPSC. As a result, unless CPSC notifies ASTM within 90 days after the notice that the proposed revision does not improve safety, the new ASTM toddler bed standard that failed to provide for side rail testing will become effective as a consumer product safety standard.

Because staff views the omitted testing provisions as critical from a safety perspective, staff recommends that the Commission notify ASTM that the revised standard does not improve safety and that the Commission is retaining the existing toddler bed consumer product safety standard.

DISCUSSION

The Consumer Product Safety Improvement Act of 2008 (“CPSIA”), Pub. L. No. 110-314 Sec. 104(b), (4)(B), as revised by Pub. L. No. 112-28 (H.R. 2715) Sec. 3, outlined below, instructs ASTM to notify CPSC of revisions to voluntary standards that are a basis for a consumer product safety standard promulgated by the Commission:

“(B) COMMISSION ACTION ON REVISED VOLUNTARY STANDARD - If an organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under this subsection, it shall notify the Commission. The revised voluntary standard shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or such later date specified by the Commission in the Federal Register) unless, within 90 days after receiving that notice, the Commission notifies the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard”.

In May 2011, the Commission issued a rule establishing a standard for toddler beds, in accordance with section 104 of the CPSIA. The rule incorporated by reference ASTM F1821 - 09, *Standard Consumer Safety Specification for Toddler Beds*, along with several modifications. 16 C.F.R. part 1217 (76 Fed. Reg. 22019, April 20, 2011), and was corrected¹ in May 2011 (76 Fed. Reg. 27882 May 13, 2011). ASTM officially notified the CPSC on September 25, 2013, that ASTM had published a revised 2013 version of ASTM F1821. The Commission voted unanimously to publish a *Federal Register* notice revising the Commission’s toddler bed standard to reference ASTM F1821 – 13, effective March 24, 2014.

On April 6, 2015, ASTM officially notified the CPSC that ASTM has revised ASTM’s toddler bed standard again and has published a revised 2015 version of ASTM F1821. The 2015 version of ASTM F1821 included new side rail performance requirements; however, the testing requirements that correspond to the new side rail performance requirements were omitted from the 2015 revision. ASTM personnel advised staff that the omission was inadvertent. The ASTM subcommittee is currently balloting new side rails test requirement language to be added to section 7.5 of the ASTM standard.

¹ The correction notice was necessary because the *Federal Register* inadvertently omitted the last two sections and figure from the April 20, 2011 *Federal Register* notice.

As noted above, because ASTM officially notified the Commission of the revision to the standard, the Commission must notify ASTM within 90 days "...that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard." It is staff's view that the omitted testing requirements language could lead to potentially violative toddler beds not being tested for side rail entrapment.

Because ASTM F1821-15 lacks an important safety provision relating to the testing of side rails, staff recommends that the Commission determine that the revision does not improve the safety of toddler beds and notify ASTM that the Commission is retaining ASTM F1821-13 as the Commission's toddler bed standard. When ASTM publishes a revised and corrected standard, ASTM will notify CPSC of the revision. After CPSC receives that notification, staff will review the revised standard and make a recommendation to the Commission about the action the Commission should take at that time.