

PRODUCT SAFETY LETTER

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In This Issue

Age Grading: Four issues are unresolved for guide... **Page 1**

Cribs: Nineteen question aim to ease burden..... **Page 1**

Fireworks: Work with states, AFSL tells CPSC..... **Page 1**

Augmented Reality: Main work starts in spring ... **Page 1**

Small Batch: Order targets counterfeiting breach.. **Page 1**

GPSD: Updates are among EU's 2020 goals..... **Page 1**

Four Unresolved Issues Might Be Targets for Next Update of CPSC's Age Guide

CPSC staffers identified four unresolved issues with the new Age Determination Guidelines. The updated document (bit.ly/2RYuPay) – described by staffers to commissioners in late January (*PSL*, 2/3/20) – becomes effective June 1. The discussion of unresolved matters is from accompanying background documents (bit.ly/2uZYtmX). In those, staffer urged more research to resolve questions about: see **Age**, p. 3

CPSC Gives More Details on Review of Burdens from Crib Rules

CPSC is asking 19 question across five topics for its burden-reduction inquiry into its crib rules. The answers are due March 31. This is part of a Regulatory Flexibility Act review that commissioners late last month voted to begin (*PSL*, 2/3/20). It is under Section 610 of the law, which targets the effects on small businesses although many of the questions ask about larger companies as well. See the January 31 *Federal Register* (bit.ly/3bdLDBZ). The questions seek to learn more information about: see **Cribs**, p. 2

AFSL Urges CPSC to Work More with States on Fireworks Surveillance

CPSC should leverage its Section 29 powers to get state and local help in fireworks enforcement, visitors from the American Fireworks Standards Laboratory (AFSL) reiterated February 4. That part see **Fireworks**, p. 4

UL Augmented-Reality Work Will Pick Up in the Spring

Expect the first in-depth discussion at the end of March on UL's in-the-works standard on augmented, virtual, and mixed reality. Participants in an organizational teleconference for the UL 8400 STP heard February 4 that they could expect to read an initial document by mid-February for discussion at an in-person session at UL's North Carolina facility in Research Triangle Park March 31-April 1.

Thus, there was not discussion of potential provisions of a standard. Indeed, most of the session involved general introduction to the UL standards-development process and to its online collaboration service. Last fall (*PSL*, 11/11/19), UL held an interest meeting on the potential standard. The target is see **Augmented**, p. 4

Small Batch Shipments Get Attention from Executive Order

A January 31 executive order targets the exploitation of small shipments for importing counterfeits and other contraband. The problem is that older exceptions for what are deemed personal shipments see **Shipments**, p. 3

GPSD Updates Are Among Targets of EU 2020 Work Plan

Renewed attention to the EU's product safety law is an element of the EC's 2020 work program made available January 29. This refers to the on-again-off-again activity aimed at updating the General Product Safety Directive (GPSD). Annex 2 of the new plan (bit.ly/2Os3c7y) explains:

"The initiative will tackle the safety issues of products brought about by new technologies; address the need for more concrete actions on online selling; update the general legal framework on product safety; and in the light of the new Regulation (EU) 2019/1020 on market surveillance and compliance of products, fill the existing gap between harmonised and non-harmonised products as far as market surveillance is concerned. The revision would also improve the effectiveness of product recalls and the coverage of new product safety risks. It should strengthen the enforcement powers of Member States in particular in relation to import controls."

Meanwhile, product safety will be an aspect of activity aimed at making the EU "fit for the digital age." One area will be follow-up work on a soon-to-be-available white paper on artificial intelligence. That effort – targeted for the end of the year – will involve safety, liability, and rights.

In 2017 to 2019, European legislators worked towards adoption of the "Goods Package" that included the surveillance and other compliance updates mentioned above. Some elements will become effective in January 2021 while others will come online later in the year (*PSL*, 6/24/19).

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Cribs from page 1

Safety and Effectiveness

- Whether there are new technologies that would improve safety and what would be the effects on companies of adopting them.
- Whether parts of the rules could be improved without weakening them and how companies would be affected.

Costs and Effects on Suppliers

- Whether any parts are unduly costly, especially those that burden small companies, and how to fix them.
- The percentage of costs and time attributable to compliance, including geographical and other variations.
- What design modification have been needed due to the rules, including the cost of making them, both one-time and ongoing.
- Whether and how the rules have made market-entry difficult.
- Whether companies dropped models or lines and why.
- The effects of compliance delays for childcare facilities.
- Other effects on small companies.

Recordkeeping and Third-Party Testing

- The percentage of time and costs used, including variation for

third-party versus internal testing as well as which parts of these rules are most and least burdensome.

- Whether recordkeeping rules are adequate or not, whether they are too burdensome, and whether there are alternatives.
- The frequency and costs of test sample submissions, including small- versus large-company variations.
- Whether third-party testing has replaced other kinds of testing, making the burden changes a wash.
- Whether flexibility aimed at components and relying on suppliers' certifications has given any relief,
- What changes could be made without weakening rules.

Clarity and Duplication

- Whether parts are unclear, too complex, or duplicative.
- Whether parts overlap or conflict with other mandates.

Outreach and Advocacy

- Whether and how CPSC could better communicate the requirements to infrequent importers or small-lot manufacturers.
- Whether there are compliance problems at childcare and other public accommodations and possible solutions.

CPSC-Administered Recalls

Product	Date ¹	Company	Hazard	Units ²	Incidents Reported	Sold	Price	Remedy/Action
Bead Mazes: Sophie la Giraffe	2/6/20	Juratoys US	Triangle shape is a small part	980	None	Feb 2019- Nov 2019	\$25	Replacement piece
Catcher's Helmets: CHMACH-SR Senior	2/6/20	Rawlings	Back plate can fail to protect head	1,400 (C:70)	None	Jul 2018- Sep 2019	\$200	Refunds or replacements
Essential Oils: Wintergreen 2-, 4-, 8-, and 16-fluid-ounces	2/6/20	Sun Organic	No CR closure	16,000	None	Dec 2014- Apr 2019	\$9-\$33	Replacement caps
Infant Carriers: Go Forward 4-in-1 Evolved Ergonomic, Flip Front2back and Up Close Newborn	2/6/20	Infantino	Buckles can break	14,000	None	Nov 2019- Dec 2019	\$30-\$50	Replacements
Leaf Blowers: DR Premier 1200, DR Pro 2000, and DR Pro 2000SP	2/6/20	DR Power Equipment	Blades can break off and discharge	100	Eight but no injuries	Sep 2019- Nov 2019	\$800-\$1,700	Refunds
Lounge Chairs: Patmos Chaise Lounge	2/6/20	Rooms To Go	Lead in paint	385	None	Mar 2017- Apr 2019	\$500-700	Replacements
Lounge Pants: TINFL numerous lots, cotton	1/30/20	K-Apparel	Flammability non-compliance	2,200	None	Dec 2018- Sep 2019	\$18	Refunds
Sump Pumps: Utilitech 148009, Do It 433063, Star Water Systems 3CEH	2/6/20	Star Water Systems	Overheating	33,000	Six with smoke but no injuries	Jun 2014- Dec 2019	\$100	Refunds
Utility Vehicles: 3650	1/30/20	Bobcat	Rear brake line can become punctured	522 (C:53)	None	May 2016- Feb 2019	\$24,000- \$29,000	Repairs
Utility Vehicles: Brutus DSL HD PTO DLX, DSL HD PTO, DSL HD PTO DLX	1/30/20	Polaris	Rear brake line can become punctured	340 (C:19)	One but no crashes or injuries	May 2016- Apr 2019	\$18,800- \$24,100	Repairs
Utility Vehicles: PRO XD 4000D, 2000D and 200D 4X2	1/30/20	Polaris	Rear brake line can become punctured	760	Eight but no crashes or injuries	Nov 2017- Nov 2019	\$14,600- \$17,750	Repairs

¹ Dates in parentheses are original dates for reannouncements. ² Numbers in parentheses are units in joint recalls with Health Canada (C) and/or Mexico's Profeco (M). (U) = unspecified

ASTM New, Reapproved and Revised Standards

Subject	Standard	Contact
Fire Protection	E3134-20, <i>Standard Specification for Transportation Tunnel Structural Components and Passive Fire Protection Systems</i>	Tom O'Toole, totoole@astm.org
Infant Carriers	F2050-19, <i>Standard Consumer Safety Specification for Hand-Held Infant Carriers</i>	Molly Lynyak, mlynjak@astm.org
Upholstered Furniture	E1474-20, <i>Standard Test Method for Determining the Heat Release Rate of Upholstered Furniture and Mattress Components or Composites Using a Bench Scale Oxygen Consumption Calorimeter</i>	Tom O'Toole, totoole@astm.org
Wall Covering	E1740-20, <i>Standard Test Method for Determining the Heat Release Rate and Other Fire-Test-Response Characteristics of Wall Covering or Ceiling Covering Composites Using a Cone Calorimeter</i>	Tom O'Toole, totoole@astm.org

UL Proposals and Outlines

Subject	Date	Standard	Related to	Contact
Automated Vehicles	2/4/20	UL 3100, <i>Automated Mobile Platforms (AMPs)</i>	Second issue outline	Megan.Monsen@ul.org
Burglar Alarms	1/31/20	UL 634, <i>Connectors and Switches for Use with Burglar-Alarm Systems</i>	Reaffirmation of 9 th edition	Wathma.Jayathilake@ul.org
Connected Products	1/31/20	UL 2900-1, <i>Software Cybersecurity for Network-Connectable Products, Part 1: General Requirements</i>	ISO references, spoofing, more	Barbara.J.Davis@ul.org@ul.org
Distributed Energy	2/5/20	UL 1741, <i>Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources</i>	System disconnect, equipment disconnect	Susan.P.Malohn@ul.org
Fire Protection	1/31/20	UL 33, <i>Heat Responsive Links for Fire-Protection Service</i>	Reaffirmation of 8 th edition	Nicolette.A.Weeks@ul.org
Flammable Fluids	2/1/20	UL 842, <i>Valves for Flammable Fluids</i>	Combustibles, shutoffs, more	Jeffrey.Prusko@ul.org
Refrigerants	2/4/20	UL 1963, <i>Refrigerant Recovery/Recycling Equipment</i>	Hose assembly	Alan.T.McGrath@ul.org

UL New Editions and Revised Standards

Subject	Date	Standard	Contact
Exercise Machines	1/28/20	UL 1647, <i>Motor-Operated Massage and Exercise Machines</i>	Doreen.Stocker@ul.org
LP Gas	1/29/20	UL 2061, <i>Adapters and Cylinder Connection Devices for Portable LP-Gas Cylinder Assemblies</i>	Jeffrey.Prusko@ul.org
Luminaires	1/28/20	UL 1598A, <i>Supplemental Requirements for Luminaires for Installation on Marine Vessels</i>	AnneMarie.Jacobs@ul.org
	2/3/20	UL 1598B, <i>Supplemental Requirements for Luminaire Reflector Kits for Installation on Previously Installed Fluorescent Luminaires</i>	

Age from page 1

- **Numbers and Variations:** This problem is mainly a time issue. Staffers simply could not review all types of toys, so they acknowledge the likely need for future attention to many.
- **Outdoors, Water, Media-Based:** Testing and observation occurred indoors in normal rooms, so there was little attention to items meant for play outside or in water, including baths. Meanwhile, activities involving mobile apps, videos and the like were outside the scope of the project.
- **Younger and Older:** The focus was on children 1-9 years because "the middle age groups needed the most clarification in revising of the Guidelines and were prioritized for inclusion in the study." However, play by children below and above that range needs more attention in the future.

- **Long-Term Play:** The observations did not include how play might change over a session longer than an hour.

The backgrounder (bit.ly/2UnHwxb) listed eight additional issues for possible future attention although these were not framed as unresolved but simply as future goals:

- **Focus Groups:** Gathering parents for discussion might aid understanding of some difficulties. An example is parental skepticism about the accuracy of manufacturers' recommendations.
- **Online Shopping:** This purchase method is increasingly common. Platforms can put up wrong age recommendations. In other cases, the recommendations can be hard to find. Future research would seek to see how common these problems are and whether buyers know of them and take them into account.
- **Understandability and Background:** Some parents express desire to know more about why an age grade applies. Such information might help in understanding, for example, that a 2-year-old might be developmentally advanced enough to play with a toy but still remain at risk of mouthing small parts.
- **New Technology:** Noting trends like virtual reality and connectivity, staffers wrote, "Research should delve into the cutting-edge technologies available to children, their safety and privacy implications, and the ages at which their use is appropriate."
- **Age Manipulation:** The term refers to researchers looking at how children play with items just above or just below their age ranges (not to something nefarious). More work could aid

- understanding disparities in different researchers' suggestions.
- **Play Partners:** The methodology mostly involved solo play, but observing how children interact could give more information to aid in age determinations.
- **Features:** Some toys require actions like pulling a trigger or throwing a ball. Better understanding of such developmental thresholds could aid in determinations.
- **No Labels:** The concern here is secondhand sales where labels no longer exist or online sales where they might not be visible. Staff envision a guide aimed at consumers to help them make informed decisions in such cases.

The backgrounder also highlighted twelve toy categories that were the subjects of differing conclusions by staffers versus their work partners at the National Institute of Child Health and Human Development (NICHD).

Since the 2018 draft update of the guidance (*PSL*, 3/28/18), they worked to resolve differences on bowling sets, dolls with accessories, floor launchers, floor pianos, karaoke machines, matching games, robotic magnetic building cubes, remote-controlled monster trucks, spiked light-up balls, sticker pad, table hockey, and wooden trains with stackable pieces. At the recent public meeting, staffers explained that 55 toy categories are getting new attention.

Shipments from page 1

are increasingly outdated due to ecommerce. The executive order (bit.ly/2trFkJZ) calls for updated importer-of-record policies, including actions that can be taken against problematic designees up to shutting down facilities or revoking broker licenses.

The order also notes the need for similar postal policies, and it directs the U.S. Postal Service and Customs and Border Protection (CBP) to cooperate in giving recommendations later this spring, including on importer-of-record policies.

CBP also would devise ways to target problematic shippers and shipments, and it would set up ways to publicize relevant information and take enforcement measures.

Although not mentioning CPSC, the order does highlight the safety problems with counterfeits and it directs the Department of Homeland Security to consult with other agencies "as appropriate" on the adequacy of related funding. CPSC works closely with CBP in identifying shipments likely to violate product safety rules.

Non-U.S. Recalls

Country	Product	Date	Company	Hazard	Incidents Reported	Units	Sold	Remedy/Action
Australia	Bath Toys: Croc Family	2/4/20	Little Knick Knacks	Squeaker can detach	(U)	(U)	Sep 2019- Oct 2019	Refunds
	Paddle Pools: Nabaiji Tidipool	2/5/20	Decathlon	Labeling noncompliance	(U)	(U)	Oct 2016- Oct 2019	Refunds
	Sunglasses: Numerous models	2/5/20	Decathlon	Labeling noncompliance	(U)	(U)	Jul 2016- Dec 2019	Refunds
	Travel Mugs: Troligtvis 30412448, 40429189, 60429188, 80443329	2/2/20	Ikea	DBP	(U)	(U)	Oct 2019- Dec 2019	Refunds
Canada	Catcher's Helmets: CHMACH-SR Senior	2/6/20	Rawlings	Back plate can fail to protect head	None	66	Jul 2018- Sep 2019	Replacements or refunds
	Cleaner: Black Label	1/30/20	Randy's SNT	Inadequate labels	None	12,000	Feb 2018- Mar 2019	New labels
	Mini-Blinds: 1-inch	1/31/20	B&B Blinds	Operating cords can form loop	None	10,000	2009-2019	Instructions
	Remote-Control Toys: Road Warrior Racing Truck	2/3/20	Amax Group	Overheating	12, some fires, but no injuries	796	Nov 2019- Jan 2020	Refunds
	Security Gates: Dreambaby Chelsea L790W, L778W, L782W, F191B	1/31/20	Tee-Zed Products	Barium in surface coating	None	1,482	Jan 2017- Jan 2020	Refunds
	Tinted Gel: Brilliant Brow soft black	2/3/20	Beautycounter	Mold contamination	None	659	Feb 2019- Dec 2019	Disposal
	USB Chargers: Numerous	2/6/20	Numerous	Various shock, burn, and fire	(U)	31,625	(U)	Return to retailers or disposal
New Zealand	Toy Wands: Toymagic Wand	2/4/20	SSS Toys	Battery cover screw can fail	(U)	(U)	Apr 2019- Jul 2019	Refunds
United Kingdom	Baby Monitors: SCD620	2/3/20	Philips Avent	Batteries can overheat	(U)	(U)	Jan 2016- Mar 2018	(U)

(U) = Unspecified in the notice. U.K. Safety Gate (RAPEX) notices appear in a separate chart.

Fireworks from page 1

of the Consumer Product Safety Act addresses cooperation with other federal agencies and lower level governments. The part pertinent to AFSL empowers CPSC to:

"...commission any qualified officer or employee of any State or local agency as an officer of the Commission for the purpose of conducting examinations, investigations, and inspections."

The AFSL idea – which it has floated with compliance staff before – would be to "deputize" fire marshals to look for non-compliant products, thereby enhancing the agency's ability to find violative items. This would be more formalized than most of CPSC's interaction with such officials, possibly through MOUs and perhaps involving organizations like the National Association of State Fire Marshals.

Formal agreements, additionally, could spell out that any activity needed to follow, for example, CPSC 6(b) restrictions on information disclosure. They also might help put reluctant officials at ease as well as to promote the program.

Such an approach, of course, is just a suggestion for now. Indeed, CPSC staff could not commit to anything but did express the typical cautions about needing to assess any new initiatives with limited money and staff in mind.

However, regarding resources and personnel, AFSL also urged dedication of more staff to fireworks oversight as well as the creation of an inter-department rapid response team to handle any quickly emerging fireworks issues.

Related to all that is the organization's desire that agency staffers' knowledge of fireworks matters be improved beyond the general. An example would be better understanding of the characteristics that can help identify problem shipments. A

dedicated reporting mechanism also would help. AFSL gave numerous reasons for wanting these steps. First is its internal data showing a rise in deaths, especially with aerial devices, in recent years. Although acknowledging possible links to higher sales, the visitors – Executive Director John Rogers and counsel Quin Dodd – said they also suspect increased explosivity.

Additionally, the short span of the fireworks selling season – measured in weeks – makes it difficult for CPSC to find and react to violations before items are sold and used.

Finally, AFSL has had to address misinterpretations by Chinese manufacturers about the meaning of the failed vote last fall (PSL, 9/30/19) to finalize the pending updates to the agency's fireworks regulations. Some took it to mean that the existing CPSC rules and even voluntary standards were pulled back or somehow not in effect. The AFSL thinking is that visible enforcement actions would drive home that nothing changed.

Augmented from page 1

systems by which humans interact with simulated environments, including use of head-mounted displays. Likely to get focus are risks ranging from lost awareness of physical surroundings to neck strain, optical radiation, and eye-heat exposure.

CPSC staffers are participating. Almost three years ago (PSL, 2/6/17), the agency identified augmented reality as among the emerging technology issues deserving scrutiny, along with 3D printing, IoT/connected devices, wearables, robotics, and more. They also have interacted with a newish trade group called XR Association (PSL, 5/27/19). The XR stands for "extended reality."

The EU has identified possible concerns like anxiety, nausea, eye strain, radiation exposure, and a sense of general discomfort colloquially called "virtual reality sickness" (PSL, 1/12/19).

BRIEFS

REACH: Companies have to February 11 to make sure they have not improperly declared themselves small or medium size for REACH compliance. This applies to any that registered substances in 2016-2019. ECHA warned (bit.ly/39b8egN) that after the deadline, companies would not be eligible for waivers of fees as high as €19,900.

Brexit: The U.K. government February 3 put up links to guidelines – including on product safety – related to importing into the nation post-Brexit. Find the information at bit.ly/387TfnQ.

Cigarettes: NIST January 29 wrote (bit.ly/2v88RZK) that its researchers determined that extinguished butts continue to release airborne toxins for days even when cold to the touch.

EU Safety Gate (RAPEX) Notices Issued Jan 31 (Report 5)

Country	Product (number of notices)	Hazard	Action
Austria	Plush Toys: Unknown brand/model snowman	Nose and eyes can detach	Voluntary withdrawal
	Toys: Unknown brand/model Christmas bell	Small parts can detach	Voluntary destruction
Czech Republic	E-Cigarette Liquid: Mr Freeze Menthol Peach Frost	No CR closures	Mandatory withdrawal
Denmark	Sunscreen: Nubian Kids SPF 50	SPF is only 7.8	Mandatory withdrawal
Denmark	Baby Nests: Unknown brand/model	Small parts can detach	Voluntary withdrawal
Germany	Riding Gloves: HKM Sports Equipment 4831	Chromium VI	Voluntary destruction
Hungary	Dolls: Jun Sheng Toys Mermaid Beautiful Legend	DEHP	Mandatory withdrawal/recall
	Dolls: Sofi Style BBL77173	DEHP	Mandatory withdrawal/recall
	Soft Toys: Unknown brand 97742 dog	Small parts can detach	Ban
Lithuania	Soft Toys: Unknown brand HZH(56), HJ(54) dog	Small parts can detach	Ban
	Bathmats: Bene Domo unknown model	DEHP	Mandatory withdrawal
Malta	Slime: Slime Toys DIY Slime 002	Boron	Voluntary recall
Poland	Dolls: P.H. Kris – Taem Lalka	DEHP	Voluntary withdrawal
	Toy Vehicles: Mega Creative Zwierzatka 419323	Small parts can detach	Voluntary withdrawal
Slovenia	Rings: Unknown brand/model	Cadmium and lead	Voluntary withdrawal
Sweden	Yoga Mats: Blacc unknown model	SCCPs	Unspecified voluntary action
United Kingdom	Henna: Rasm E KC-023	Unspecified chemical burns	Voluntary withdrawal
United Kingdom	Power Adaptors: Unknown brand/model	Inadequate creepage/clearance	Voluntary withdrawal/recall
	Shavers: Show Girl-Lady sg661	No shutters on adaptor	Mandatory withdrawal

CPSC Calendar *

When	CPSCers	With/For	Topic/Purpose	Where/How	To Learn More
Feb 10 8:00a	Scott Ayers	UL/CSA 60335-2-89	Flammable refrigerants	Teleconference	Ayers, sayers@cpsc.gov
Feb 10 2:00p	Hope Nesteruk and others	ASTM F15.66	Crib mattress compression	Teleconference	Nesteruk, hnesteruk@cpsc.gov
Feb 11-14 All day	Rodney Valliere	American Pyrotechnics Association	Educational conference	Las Vegas, Nev.	Valliere, rvalliere@cpsc.gov
Feb 11 2:00p	Hope Nesteruk and others	ASTM F15.18	Play yard stability	Teleconference	Nesteruk, hnesteruk@cpsc.gov

* (w) = webcast will be available on CPSC website; underscored names are commissioners; times are local; teleconferences are EST/EDT.

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