

PRODUCT SAFETY LETTER

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Hoehn-Saric and Trumka Pass Committee while Boyle Awaits Vote

Two of three CPSC nominees moved a step towards confirmation September 22 when the Senate Commerce Committee favorably reported Alexander Hoehn-Saric to be chairman and commissioner as well as Richard Trumka to be commissioner. Hoehn-Saric's nominations passed by voice vote. Trumka's passed a rollcall vote 24-4.

As for the third nominee, Mary Boyle, she was not mentioned during the voting despite her name being on the agenda. At the end of that phase of the hearing, Sen. Maria Cantwell (D-Wash.), who chairs the panel, replied to a question about Boyle simply: "We are not
see Nominees, p. 2

CPSC FY2022 Operating Plan Addresses Two Funding Sources

Commissioners' votes were due near the *PSL* deadline on the FY2022 Operating Plan. The year begins October 1. Spending changes assume approval of the \$170 million request (*PSL*, 6/7/21). In separate accounting, they deal with money from the March stimulus act (*PSL*, 3/15/21). Staffing would rise from 538 full-time equivalents (FTEs) to 598. On the potential
see Plan, p. 3

CPSC Adds to Staffers Voting on or Leading Standards Panels

CPSC's executive director during the first half of FY2021, approved four new voting and one new leadership position on standards activities panels. Three were for Celestine Kish to vote on three ASTM F15.18 issues: bassinets/cradles, inclined sleep products, and in-bed sleepers. The other new voting approval went to Steve Harsanyi for STM F15.66 on crib
see Standards, p. 2

North American Regulators Discuss Joint Safety Projects

Expect CPSC staff, by the end of the year, to seek updates to UL 1310 on class 2 power units. Viewers of a virtual session during the 5th North American Consumer Product Safety
see Summit, p. 3

CPSC Takes Steps on Two Section 104 Rulemakings

Expansion gates/enclosures and crib mattresses are the topics of two Section 104 rulemaking activities getting the attention of commissioners. The first was 3-0 approval of a direct final rule to incorporate changes from ASTM F1004-21 on gates/enclosures. Staffers wrote (bit.ly/3u5gJFP) that the updates either are safety-neutral editorial revisions or harmonized with CPSC requirements at 16 CFR 1239 on issues like wall cups and pressure indicators. The updates would be effective January 2 absent significant adverse comment.

Meanwhile votes are due by September 28 on the crib mattress final rule to incorporate with amendments ASTM F2933-21 in 16 CFR 1120 and 1112. There are three changes from
see 104s, p. 2

ASTM Panel Targets Child-Appeal of Lamp/Torch Fuel

An ASTM F15.72 working group September 21 had preliminary discussion towards a potential standard on lamp and torch fuel scent and color. The work is a follow-on to the soon to be active standard, F3304-21, on packaging for such fuels, which does address visibility of the fuels via a mandate for opaque packaging. The new work seeks to add extra protections for fuel that might be attractive to children due to its color or scent. However, CPSC staff suggested there is data to show that children over age 2 can be attracted to non-bright
see Fuels, p. 2

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Nominees from page 1

moving Ms Boyle today." Neither the committee nor Boyle responded to *PSL* inquiries.

PSL also has not learned anything definitive about the speculation in the product safety community that the reasons might be a vote count concern and/or the early-2020 pandemic-related pause in CPSC's port presence.

On the ports, Boyle did field questions during her confirmation hearing (*PSL*, 8/2/21). That July session also saw discussion of a request by ranking member Roger Wicker (R-Miss.) and Marsha Blackburn (R-Tenn.) for GAO to look into the matter. Their move was prompted by a July *USA Today* story that included discussion of Boyle's role. She was and still is the agency's executive director.

Standards from page 1

mattresses. Meanwhile, Vineed Dayal can lead ASTM F08.53 on helmet standards.

Additionally, according to CPSC's just-released (but dated June) voluntary standards report (bit.ly/3ABcDrt), renewals of already-approved voter statuses went to Harsanyi (ASTM F15.77 on adult magnets), Kevin Lee (ASTM F15.29 on public playgrounds), and Allyson Tenney (ASTM F08.22 on tent flammability). Also renewed was Arthur Lee for leadership (UL 1040 on electric room heaters).

On accomplishments, the report outlines nine revised and five new standards that CPSC staff aided. Published from October 2020 to March 2021, the new ones address connected products, polymeric nanocomposite films, cabinet/drawer child safety locks/latches, graphene structural characterization, and adult magnet sets.

Overall, staff worked on 78 projects. The report gives brief overviews of recent and expected activity as of mid-2021.

104s from page 1

last year's NPR (*PSL*, 10/12/20) in response to comments.

- **Fitted sheet tests** would accommodate larger mattresses via measurement of gaps from projected crib corners.
- **Cyclic impact tests** would have a clarification on need for multiple mattresses due to destructive testing.
- **Safety labeling provisions** would have clarifications related providing information on SIDS and suffocation.

Fuels from page 1

colors, and there even was talk during the virtual session of the appeal of clear or white liquids that, strictly speaking, have no colors. This raised a possible need to ensure that words like *color* do not wrongly imply exemptions.

Even with scent, there was a question about whether the appealing odor would come from the packaging or from the lamp/torch via diffusion during burning. There likely will be a third phase of this work aimed at lamps/torches.

In any event, potential performance standards might involve additional leakage and flow restriction tests with CR closures removed. This could compel secondary devices like pour restrictors found on products like lighter fluids.

A question about bitterants drew a remark from a CPSC staffer that very low quantities can cause harm, so bitterants might not protect against risky doses. An industry representative further noted that bitterants can cause vomiting, which is an aspiration risk with such fuels.

There also were questions about whether certain ingredients – like EPA-regulated insect repellants – would render a fuel out of scope. This is a CPSC driven voluntary standard. The impetus is a 2011 petition seeking opaque packaging. Commissioners deferred consideration the following year (*PSL*, 10/8/12) to allow standards activities.

CPSC-Administered Recalls

Product	Date ¹	Company	Reason	Units ²	Incidents Reported	Sold	Price	Remedy/Action
ATVs: Phoenix 200	9/23/21 (7/2/20)	Polaris	Throttle speed control stop can break	13,000 (C:990)	18 with one crash and injury	Sep 2010- Jun 2021	\$3,500- \$4,300	Replacement brackets
Newborn Loungers: Original, Preferred, Pottery Barn Kids	9/23/21	Boppy	Positional/rollover suffocation	3.3 million (C:35,000)	Eight deaths	Jan 2004- Sep 2021	\$30-\$44	Refunds
Snorkels: Oceanic Adult Dry Top	9/22/21	Huish Outdoors	Bottom purge valve can leak	76,000	13 within one injury	Feb 2021- Jul 2021	\$40	Replacements

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
Shopping Carts	F2372-15(2021), <i>Standard Consumer Safety Performance Specification for Shopping Carts</i>	Molly Lynyak, mlynjak@astm.org
Smoke Generation	E662-21ae1, <i>Standard Test Method for Specific Optical Density of Smoke Generated by Solid Materials</i>	Tom O'Toole, totoole@astm.org

UL Proposals and Outlines

Subject	Date	Standard	Related to	Contact
Appliance Wiring	9/17/21	UL 758, <i>Appliance Wiring Material</i>	Halogen free wire, more	Linda.L.Phinney@ul.org
Dishwashers	9/17/21	UL 749, <i>Household Dishwashers</i>	12 th edition	Annemarie.Jacobs@ul.org
Fire Curtains	9/15/21	UL 10D, <i>Fire Tests of Fire Protective Curtain Assemblies</i>	Flaming exceptions, more	Nicolette.A.Weeks@ul.org
Power Converters	9/17/21	UL 347A, <i>Medium Voltage Power Conversion Equipment</i>	Grounding/bonding, more	Mitchell.Gold@ul.org
Unit Heaters	9/17/21	UL 731, <i>Oil-Fired Unit Heaters</i>	Reaffirmation & continuance	Marcia.M.Kawate@ul.org

UL New Editions and Revised Standards

Subject	Date	Standard	Contact
Central Alarms	9/15/21	UL 827, <i>Central-Station Alarm Services</i>	Wathma.Jayathilake@ul.org
EV Circuits	9/16/21	UL 2231-1, <i>Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits; Part 1: General Requirements</i>	Patricia.A.Sena@ul.org
Garage Equipment	9/16/21	UL 201, <i>Garage Equipment</i>	Doreen.Stocker@ul.org
Photovoltaics	9/15/21	UL 62108, <i>Concentrator Photovoltaic (CPV) Modules and Assemblies – Design Qualification and Type Approval</i>	Susan.P.Malohn@ul.org
Signals	9/21/21	UL 1638A, <i>Visual Signal Appliances for General Signaling Use</i>	Paul.E.Lloret@ul.org

EU Legislators Call for Less Animal Testing

There is a push from the European Parliament for more movement away from animal testing. A September 16 release (bit.ly/3CFwqXf) explains there is a desire for an EU phase-out plan with sufficient funding for success.

The statement explains:

"MEPs understand that there are cases where animal experiments are still needed to gain scientific insights for certain diseases due to the current unavailability of non-animal methods. They underline however that these testing regimes must only take place where conditions are optimised to minimise pain, distress and suffering and protect the welfare of the animals concerned."

An impetus is a 2020 report (bit.ly/3zAFoDs) on the continued breeding in the EU of test animals despite limits in a 2010 directive. Among the authors' findings were differences in implementation of and education about it.

Plan from page 1

\$35 million increase above FY2021's \$135 million appropriation, the agency would direct \$3.3 million (pay) and \$1.2 million (non-pay) to maintain levels after expected cost increases. It also would lower funds for pool-safety grants by \$1.3 million, relying on exiting money.

Remaining money would go towards actual resource increases in six areas: import surveillance (+\$8.3 million, +38 FTEs); hazard identification (+\$16.1 million, +8 FTEs); internet surveillance (+\$1.5 million, +8 FTEs); communications (+\$1.6 million, +4 FTEs); operational support (+\$4.1 million, no additional FTEs); and Inspector General support (\$200,000; +1 FTEs).

The big bump in import surveillance staffing would involve e-commerce (10 FTEs); expanded traditional ports presence (6 FTEs); lab and compliance support (14 FTEs); targeting/surveillance/screening (2 FTEs); and operational support (6 FTEs). Impetus was a directive in the FY2021 appropriations act (*PSL*, 1/4/21).

Meanwhile, from the stimulus act, the agency would inject one-time boosts in four areas and totaling \$12.7 million: targeting/surveillance/screening (\$6.4 million); procuring equipment for e-commerce activities (\$300,000); data collection (\$2.0 million); and internet surveillance (\$4 million).

EU EMF Team Has Problem Finding Experts

An EU panel looking at risks from electromagnetic fields (EMFs) hit a snag finding experts in the field. That is according to minutes (bit.ly/3lXnaat) of an early September meeting of the related work group for SCHEER (Scientific Committee on Health, Environmental and Emerging Risks).

The panel failed to find people with adequate knowledge of physics and EMF in an EU database of outside experts. As a secondary option, they will seek expertise in human or other vertebrate biology/toxicology. If that fails, it will need to use a lengthier call for experts.

Last summer (*PSL*, 7/19/21), the EC sought a review of the sufficiency of existing guidelines, dating to the late 1990s. A previous, similar review look at research available through mid-2014. Since then, according to the EC's request for an opinion (bit.ly/3z1bKan):

"[A] sufficient number of new scientific publications have appeared to warrant a new analysis of the scientific evidence on possible effects on human health of exposure to EMF."

Summit from page 1

Summit heard that the move is prompted by joint activity among CPSC, Health Canada, and PROFECO, beginning in 2018 (*PSL*, 2/26/18). Outcomes included numerous stop-sale and recall actions on the continent in 2019 and 2020. Further, Health Canada already is working in the voluntary standards area on updates, and Mexico has made changes. The three agencies detailed their concerns and four testing ideas in a late 2018 letter still online at bit.ly/2GcCTPi.

A newer trilateral project – on lithium-ion power banks – was delayed by lab closures due to the pandemic. Expect that activity to pick up as access allows.

The two-day summit September 22-23 included sessions on e-commerce and the pandemic, senior safety, the Internet of Things, and safety by design. Expect those to be future focus areas. Indeed, the session ended with the reading of a joint declaration that included a statement that future work would be "informed by the presentations." Moreover, discussions went beyond North America and included input from those beyond the continent.

Release of the statement is forthcoming.

Non-U.S. Recalls

Country	Product	Date	Company	Reason	Incidents Reported	Units	Sold	Remedy/Action
Australia	AC Adapters: Kuantech for Thuraya satellite phones KSAS0100500200D5	9/17/21	Pivotel Setellite	Pin insulation can crack	(U)	(U)	Jan 2014- Jul 2021	Replacements
	ATVs: Phoenix 200	9/20/21	Polaris Sales Australia	Throttle speed control stop can break	(U)	15	Aug 2011- Jul 2013	Repairs
	Beer Glasses: Zytho Beer Lovers Collection 6 Pack Plus Bonus Glass	9/20/21	Pinnacle Drinks	Loose glass fragments inside bonus glass	(U)	(U)	Aug 2021- Sep 2021	Refunds
	Ring Lights: V-Glamour, V-Pro, V-Pro Travel, V-Tuber, V-Dual	9/17/21	Cygnett	Accessible button batteries	(U)	(U)	Nov 2020- Jun 2021	Replacement remote controllers
	Solar Inverters: 8000 MTL-S 8.2KW	9/17/21	Growatt New Energy Australia	Incompatible connectors	(U)	(U)	Mar 2021- May 2021	Repairs
Canada	Firepots: JHY Design, numerous models	9/22/21	Ningbo New Image Gifts	Flame jetting	None	300	Dec 2020- Sep 2021	Contact company
	Newborn Loungers: Original, Preferred, Pottery Barn Kids	9/23/21	Boppy	Positional/rollover suffocation	None in Canada; eight deaths in U.S.	34,941	Jan 2016- Sep 2021	Refunds
	Snowboard Bindings: Clicker X HB step-in	9/23/21	K2	Retaining clip can fracture	None	340	Aug 2020- Jul 2021	Repairs

(U) = Unspecified in the notice. UK Product Safety Database notices appear in a separate chart.

BRIEFS

Button/Coin Batteries: HR 5313, introduced September 21 by Rep. Robin Kelly (D-Ill.) would direct a CPSC rule on child-resistant closures on products that use such batteries. It is with the Commerce Committee.

Firearms: CPSC would be a member of a federal "gun safety board" that would be created by HR 5273, introduced September 17 by Rep. Mark DeSaulnier (D-Calif.). The mission would go far beyond safety issues. It is with the Commerce Committee.

CPSC Agenda: Commissioners 3-0 approved the fall regulatory agenda. It typically does not become available until months later, released with those across federal agencies. The vote record is at bit.ly/2XSN3QA.

E-Commerce: Health Canada September 22 issued warnings about online sales of portable firepot (bit.ly/39ufC9j) and magnet sets (bit.ly/3zCxc5A). Both identified problematic products it has found. They also described the agency's broader activities on such products and gave safety tips.

E-Commerce: The World Trade Organization September 13 said members working on an e-commerce initiative made progress towards a "clean" provision calling for protections of the safety of goods and services. This would include normal and reasonably foreseeable use. See its statement at bit.ly/2XOfJdE.

Titanium Dioxide: The European Chemicals Agency September 20 released a guide clarifying that a recent carcinogenic classification does not mean extra classification and labeling needs for "articles" (products). That is a small part of the guide bit.ly/2Zs4IPB on the substance or mixtures containing it.

Europe: A September 21 nine-page legislative briefing on last summer's proposals for product safety updates (*PSL*, 7/12/21) is at bit.ly/3zw01k0.

EU Safety Gate (RAPEX) AND UK Product Safety Database Notices Issued September 17

Country	Product (number of notices)	Reason	Action/Measure
Austria	Sunscreens: SolarTea Bio SFP 30 6237	Protection lower than declared	Voluntary sales stop
Belgium	Baby Toys: Happy World Baby Play Balls 22269	BPA level	Voluntary recall
Cyprus	Novelty Lighters: AK 6600656000023 gun	Child-appealing	Mandatory withdrawal
France	Barbecues: CASA Smokey BBQ 111484.01	Surface gets too hot, more	Voluntary withdrawal
Germany	Swings: Conradi Kaiser Seesaw two rider	Protruding edges	Voluntary sales stop
	Jock Straps: Rouge RJS1032BK leather	Chromium VI	Voluntary withdrawal/recall
	Soft Toys: Unk. brand orange bear with LED light	Small parts can detach	Ban/mandatory recall
Hungary	Wristwatches: Infinity Accessoires Herrenuhr	Nickel level	Voluntary recall/sales stop
	Hoverboards: 2Drive 2D-LED-R and SMART S	Battery lacks temperature monitor	Mandatory withdrawal/recall
Ireland	Night Lights: Le Royal R22614-5 / 243 owl	Accessible live parts, more	Mandatory withdrawal/recall
Lithuania	Toys: Science4You Space Expedition Kit 918922	Accessible flashlight battery	Voluntary recall
Lithuania	Water Heaters: Unk. brand Pro 1 MS1976 electric	Inadequate grounding	Mandatory withdrawal
Netherlands	Plush Toys: Funnies Knuffel Leeuw lion	Zipper pull can detach	Mandatory recall
Poland	Dolls: Hit-Chin Beauty Girl 6869D	DEHP level	Voluntary withdrawal
	Toy Putty: Unk. brand Ice Cream Putty	Boron level	Voluntary withdrawal
	Toy Telephones: Pegaz Toys CY1013-7C	Too loud	Voluntary withdrawal
Slovenia	Toy Whistles: Brelok TG 364911	Too small	Voluntary withdrawal
	Filter Masks: Xique LK-Z1510	Insufficient filtration	Voluntary withdrawal
Spain	Earrings: San Saru Aalok 8 mm	Lead level	Ban
United Kingdom	Bath Toys: Angusiasm wind-up turtles	Small parts can detach	Withdrawal
United Kingdom	Bath Toys: Fun Sensor Diving Fish	Accessible batteries	Recall
	Dolls: Young Toddler Sisters Princess	Unsp. phthalate level	Recall
	Drawing Boards: Good Lucky Boy Magic	Accessible batteries	Contact distributor
	Fishing Games: Unnamed brand/model	Magnets are too small/powerful	Contact distributor
	Fishing Toys: Skxnier Inflatable Magnetic Fishing	Magnets are too small/powerful	Contact distributor
	Magnet Earrings: Senhua Lovely Fruits for babies	Magnets are too small/powerful	Contact distributor
	Magnet Sets: Unnamed brand Magic Magnetic Cube	Magnets are too small/powerful	Recall
	Magnet Sets: Unnamed brand Magnetic Building	Magnets are too small/powerful	Recall
	Magnet Toys: Creative ball maze	Magnets are too small/powerful	Contact distributor
	Magnet Toys: Nogoo bars/balls set	Magnets are too small/powerful	Contact distributor
	Magnet Toys: Unnamed brand/model blocks	Magnets are too small/powerful	Contact distributor
	Matryoshka Dolls: Unnamed brand dogs	Smallest dogs are small parts	Recall
	Music Toys: Musical Educational Animal Farm	Accessible batteries	Recall
	Play Food: Unnamed brand Music and Play cake	Small, protruding candles	Recall
	Play Food: Unnamed brand WJ2019012200	Small, protruding candles	Contact distributor
	Play Gyms: UK Baby	Small parts can detach	Recall
	Play Makeup: MicroPlush Girls Princess	Packaging bag too thin	Contact distributor
	Play Sets: Hersity Kid Pet Animals	Small parts can detach	Recall
	Plush Toys: Unnamed brand Cheesy Puffs	DEHP level	Contact distributor
	Plush Toys: Unnamed brand LED elephant	Short circuiting	Contact distributor
Rattles: Unnamed brand Doll Baby rabbit	Small parts can detach	Recall	
Soft Toys: Unnamed, brand Cute Creative Dog	Small parts can detach	Recall	
Swim Floats: Unnamed, brand infant neck ring	Small parts can detach	Recall	
Toy Blocks: Think Kids Build-A-Garden	Small, protruding stems	Contact distributor	
Toy Cash Registers: Unnamed brand/model	Packaging bag too thin	Contact distributor	
Toy Trains: Little Lolo Wood Mom	Magnets are too small/powerful	Recall	
Toy Trains: Sina for Brio tracks	Short circuiting	Contact distributor	
Toy Trucks: City Creator fast-food truck	Sharp points	Contact distributor	
Toy Trucks: New Children's excavator	Short circuiting	Contact distributor	

CPSC Calendar *

When	CPSCers	With/For	Topic/Purpose	Where/How	To Learn More
Sep 27 9:00a	Arthur Lee	UL 507/705	Electric fans	Virtual	Lee, alee@cpsc.gov
Sep 28 & 30 9:00a	Vineed Dayal and others	UL 3300	SCIEE robots	Virtual	Dayal, vdayal@cpsc.gov
Sep 28 2:00p	Mark Kumagai and others	PGMA	CO hazard mitigation in portable generators	Virtual	Janet Buyer, jbuyer@cpsc.gov
Sep 29-30 Mornings	Treye Thomas and others	UL 2904	3D printers - chemical/particle emissions	Virtual	Thomas tthomas@cpsc.gov
Sep 29 2:00p	Tim Smith	ANSI Z535.7	Safety information in electronic media	Virtual	Smith, tsmith@cpsc.gov
Sep 30 10:30a	Susan Bowley	ASTM F15.03	Bathtub/shower structures	Virtual	Bowley, sbowley@cpsc.gov
Oct 5 2:00p	Hope Nesteruk and others	ASTM F15.18	Infant sleep surface angles	Virtual	Nesteruk, hnesteruk@cpsc.gov
Oct 6 8:00a	Treye Thomas and others	UL 2904	3D printers - chemical/particle emissions	Virtual	Thomas tthomas@cpsc.gov

* (w) = webcast will be available on CPSC website; underscores names are commissioners; times are local; teleconferences are EST/EDT. See CPSC's Public Calendar for a current and complete listing of upcoming meetings: www.cpsc.gov/Newsroom/Public-Calendar

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