



MEETING LOG

SUBJECT: ASTM F2374 Task Group Meeting with CPSC

FY 24 OP PLAN ENTRY:

DATE OF MEETING: 6/24/2024

LOCATION OF MEETING: Virtual

CPSC STAFF FILING MEETING LOG: Runiya (Juni) Dasgupta (CRE)

FILING DATE: 6/28/2024

CPSC ATTENDEE(S): Stephanie Synnott (CRE), Daniel Taxier (ESME), Runiya (Juni) Dasgupta (CRE)

NON-CPSC ATTENDEE(S): Contact ASTM for the full attendee list

Summary of Meeting:

This meeting of the ASTM F2374 Task Group (TG) was led by Sonny Silva, Regional Supervisor Elevating and Amusement Devices Program of the Technical Standards and Safety Authority in Ontario, Canada. The purpose of this meeting was to discuss industry's questions and concerns regarding the enforcement of the phthalate requirements for constant air inflatable play devices and the differences between ASTM F2374 – Standard practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices and ASTM F2729 – Standard Consumer Safety Specification for Constant Air Inflatable Play Devices for Home Use.

The main topics of discussion included the following:

- *Constant Air Inflatable Devices (CAID) are considered toys under CPSIA.* The definition of a toy from ASTM F963 is: 3.1.92 toy—any object designed, manufactured, or marketed as a plaything for children under 14 years of age while a “children's toy” under CPSIA is defined as a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays. In general, toys must comply with the safety regulations under CPSIA, which includes certain requirements such as, lead, lead in paint, and phthalates. CAIDs were not considered toys under the ASTM definition but are considered toys under the CPSIA definition. It's acknowledged that some of CPSC's business education websites were recently updated with clarifying language, but the guidance that was previously available did not state that CAIDs were excluded from certain requirements.



- *Enforcement of phthalate requirements on CAIDs.* While the definition of toy under ASTM F963 includes an exclusion for air inflatables that does not mean it's excluded from the definition of children's toy under CPSIA. Industry asked when the new definition for toys was introduced or if the Commission was moving in a new direction. CPSC staff responded that there was no deliberate switch over to using the CPSIA definition from the ASTM definition for the applicability of phthalates, and that no specific company was being targeted. Products are collected as they come into the port and screened for potential violations. CPSC staff present at the TG meeting were unable to speak for past enforcement but informed industry that staff, people, and the Commission change, and currently consumer products that meet the definition of a toy are being enforced to the phthalates requirements. CPSC staff stated industry is able to send a letter to the Commission requesting a period of enforcement discretion to make sure their products meet the mandatory requirements; however, there is no guarantee that it will be granted
- It was discussed that under the ASTM F2374 standard it does include the requirement to meet the limit of certain phthalates. The applicable phthalates that are listed in the standard do not correspond to the same phthalates that are currently banned under 16 CFR 1307. The regulation was implemented in 2018 and there were some phthalates removed and added compared to the ones originally listed under CPSIA. The TG discussed the steps they would need to take to update the ASTM standard.
- *Definition of "consumer."* Industry asked if there was a difference between consumers who would use inflatables for home use versus at an amusement park, with the latter being for entertainment and not for at home. CPSC staff responded that the consumer definition does not have that split and that products used for recreational use such as at restaurants and schools are still under CPSC jurisdiction.

Next Steps:

CPSC staff may attend future meetings of the TG to observe potential changes in the voluntary standard and will most likely attend the bigger subcommittee meetings in the fall and winter. Some of the industry representatives on the call may reach out to the vinyl/plastic manufacturers to inquire about compliance with the phthalate regulations. The TG may reach out to other regulatory agencies in other countries for their inputs and concerns.