Perspectives on Standards in Regulation – Consumer Safety Case Study

US-SADC Exchange on Good Regulatory Practices with SADCSTAN and SADCTRLC
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Since 1898

12,000+ ASTM standards operate globally

Applied to just about everything from steel to sustainability

30,000+ members

145 Committees

148 Countries
Wide Range of Consumer Related Activities

- D01 Paint
- D10 Packaging
- D11 Rubber
- D12 Soaps
- D13 Textiles
- F08 Sports Equipment
- F09 Tires
- F04 Medical Devices
- F11 Vacuum Cleaners
- F14 Fences
- F15 Consumer Products
- F24 on Amusement Rides and Devices
- F27 Snow Skiing
Lots of ABC’s to get to a ‘Safe Product’

- The product safety landscape is complex
- There are many actors, each with unique and changing roles
- Key considerations
  - Type of product
  - Intended market
  - Hazards
The Actors...

Government Agencies and Regulators
- Consumer Product Safety Commission (CPSC)
- The Food and Drug Administration (FDA)
- Health Canada
- The European Commission
- National Highway Transportation and Safety Administration (NHTSA)

Consumer Groups
- Kids in Danger (KID)
- Consumer Federation of America (CFA)
- Keeping Babies Safe
- Consumers Union (CU)
- AAP
- Safe Kids Worldwide
- ANEC

Trade Associations
- Juvenile Product Manufacturers Association (JPMA)
- Toy Industry Association (TIA)
- Fashion Jewelry and Accessories Trade Association (FJATA)
- American Home Furnishings Alliance
- BIFMA

The Standards Developers (SDO’s)
- ASTM International
- Underwriters Laboratories (UL)
- ASME International
- ANSI
- ISO / IEC
- CSA
- NSF

Test Labs / Academia

Industry

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Types of Requirements

Laws, Regulations, Rulemakings, Mandatory Standards

Incorporated Referenced Standards

Voluntary Standards
Product Safety through Regulation

Statutes

- Consumer Product Safety Act (CPSA)
- Consumer Product Safety Improvement Act (CPSIA)
- Virginia Graeme Baker Pool and Spa Safety Act [PL 110-140]
- H.R. 2715
- Canadian Consumer Product Safety Act (CCPSA)

Regulations and Mandatory Standards

- 15 CFR 1150 Marking of Toys, Look-Alike and Imitation Firearms
- 16 CFR 1303 Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead Containing Paint
- 16 CFR 1500 Hazardous Substances Act Regulations
- CPSC-CH-E1002-08.1 Standard Operating Procedure for Determining Total Lead (Pb) in Non-Metal Children’s Products
Many ways to incorporate, even in the same act!

Section 104 - in accordance with section 553 of title 5, United States Code, promulgate consumer product safety standards that—(i) are substantially the same as such voluntary standards; or (ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

Section 106 - ..., the provisions of ASTM International Standard F963–07 Consumer Safety Specifications for Toy Safety (ASTM F963), as it exists on the date of enactment of this Act...

"Section 104 includes—full-size cribs and nonfull-size cribs; toddler beds; high chairs, booster chairs, and hook-on chairs; bath seats; gates and other enclosures for confining a child; play yards; stationary activity centers; infant carriers; strollers; walkers; swings; and bassinets and cradles.
Why Voluntary Standards?

- Ensures safety, quality and reliability
- Constantly responding to new challenges, new technology and new markets
- Built on principle of voluntary consensus: giving everyone an opportunity to participate
- Effective and relevant across diverse markets
- Helping everyone: consumers, businesses, manufacturers, innovators and governments
- Incorporated into contracts, regulations, codes, and laws around the world; they support established and emerging economies and free and fair global trade.

6,525
ASTM standards have been adopted, used as a reference, or used as the basis of national standards outside the USA
How We Work

- The US does standards differently than the rest of the world
- Standards are generally market driven
- Multiple paths towards standardization
- Worldwide acceptance and trust comes from the principle of openness
- Experts, individuals, organizations, academia, governments, trade associations, consultants and consumers come together
- Exchanging expertise and knowledge
- Participating in a transparent process – open to anyone, anywhere
- Timely and relevant. Fully representative of sectors. An aid to innovation, not a hurdle to overcome
Approaches towards incorporation

Mixed bag

- Incorporate technical requirements in regulation
  - Led limits in CPSIA
- General Requirements or directives
  - Followed by rulemakings
- Static Reference
  - Include Year Date (most references)
- Ambulatory Reference
  - CPSIA Toy Reference; dated but with ability to keep pace with change
Keeping Pace With Change

Cooperation helps with challenges

- Global Harmonization
- Territoriality
- Regulatory Conflicts / Reciprocity
- Duplication of Effort / Few Resources
- Marketplace Confusion
- Emerging Hazards

197 new standards, and 1,997 revised standards issued in 2013
Everyone Plays an Important Role

Compliant Product

Regulatory Surveillance

Certification

Test Lab Verification

Standards and Technical Requirements

Law or Statute
Thank you.

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