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Helping our world work better

Perspectives on Standards in Regulation – Consumer Safety Case Study

US-SADC Exchange on Good Regulatory Practices with SADCSTAN and SADCTRLC
Garden Court Hotel, Johannesburg, South Africa –
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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

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



Using Standards as Mandatory Requirements



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 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.

One Hundred Tenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Thursday,
the third day of January, two thousand and eight*

An Act

To establish consumer product safety standards and other safety requirements for children’s products and to reauthorize and modernize the Consumer Product Safety Commission.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Consumer Product Safety Improvement Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Important. Every Day.



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.



Moving ahead.



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



- Transparency
- Openness
- Impartiality and consensus
- Effectiveness and relevance
- Coherence
- Consideration of developing nations

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

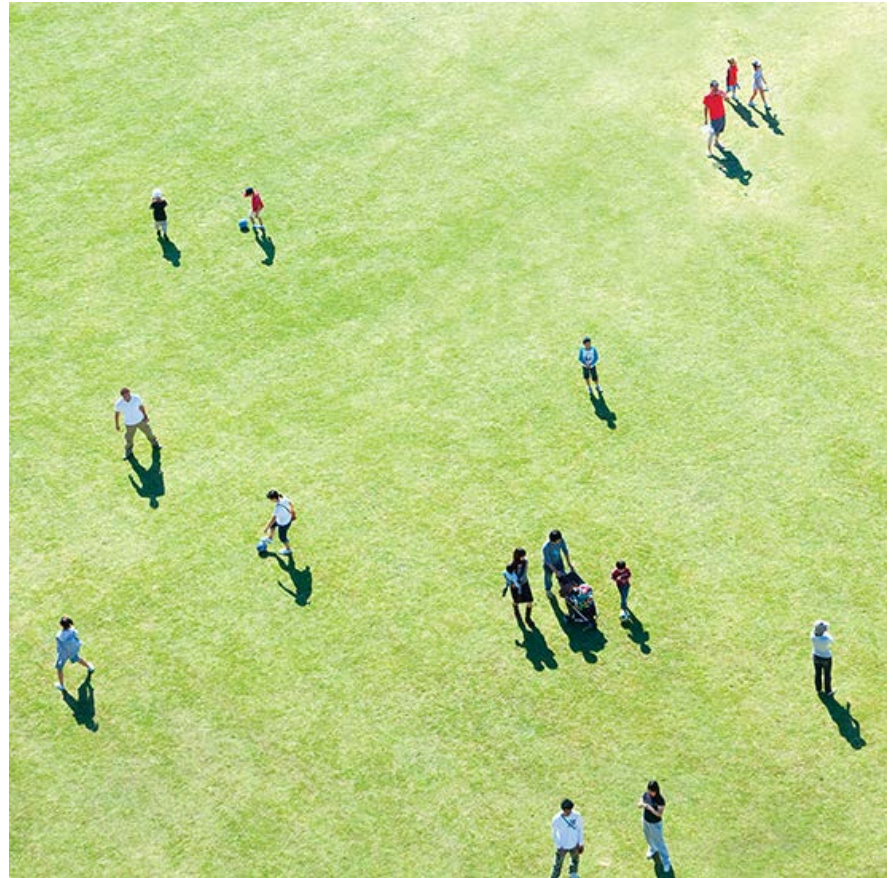
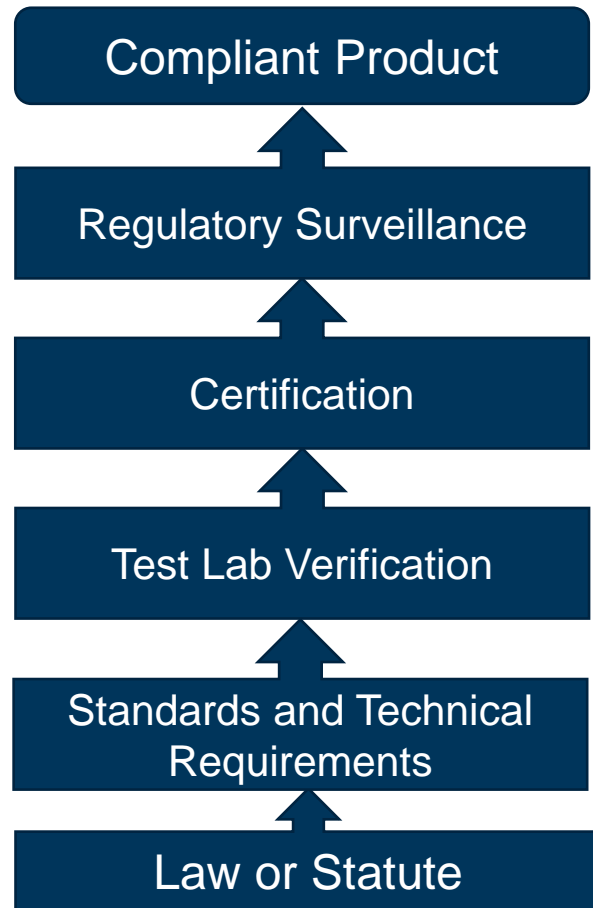


Cooperation helps with challenges

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



Everyone Plays an Important Role





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Thank you.

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