



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
ROCKVILLE, MD 20850

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DATE: September 27, 2016

MEMORANDUM

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Mary T. Boyle, General Counsel
Patricia H. Adkins, Executive Director

FROM : George A. Borlase, Assistant Executive Director
Office of Hazard Identification and Reduction

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Office of Hazard Identification and Reduction

SUBJECT: September 2016-Update to Petition CP-13-1 Request for a Ban or Standard for
Adult Portable Bed Rails

Background

Petition CP 13-1 requests that the U.S. Consumer Product Safety Commission (Commission or CPSC) ban or issue a standard for adult portable bed rails (APBR). On April 29, 2014, the Commission voted unanimously (3-0) to defer the petition and directed CPSC staff to provide an update to the Commission in 6 months and again in 12 months on the progress of the American Society of Testing and Materials (ASTM) voluntary standards process. On October 14, 2015, CPSC staff provided the 6-month update. On April 17, 2015, staff provided the 12-month update. On April 28, 2015, the Commission voted to defer the decision on the petition to allow the ASTM voluntary standard development process to continue. The Commission further directed the staff to update the Commission by January 2016 to report on the progress of the APBR standard. On January 20, 2016, CPSC staff provided an update and indicated that staff would provide the next report on the progress of the APBR standard in October 2016. This memorandum provides the staff's update on the progress of the standard development since January 2016.

APBR Standard Development

Since the April 17, 2015 update, the ASTM F15 Committee continues to move toward the goal of a published standard to reduce entrapment hazards associated with APBRs. ASTM has named William Hyman the subcommittee chairman. In addition, the subcommittee has drafted a voluntary standard which has gone through two ASTM main committee ballots. The first main committee ballot closed February 24, 2016 with four negatives, two from consumer advocate

groups, one from the Toy Industry Association, and one from a consumer products industry consultant. These negatives were resolved via teleconference and the draft standard was submitted for a second main committee ballot. The latest ballot closed August 12, 2016 with five negative votes, one from the representative from the Food and Drug Administration (FDA), one from an APBR manufacturer, one from a children's products manufacturer, one from a consumer products industry consultant and one from a consumer advocate. The members of the subcommittee and other stakeholders, including APBR manufacturers, consumer interest groups, and FDA, continue to be active participants in strengthening the draft standard after each ballot. They shared a common goal of developing accurate technical requirements and working to gain support for the standard while resolving all the negative comments received during the ballot. A teleconference has been scheduled for September 22, 2016 to resolve the negatives received from the latest main committee ballot on August 12, 2016.

Staff Recommendation

To continue the development of the ASTM voluntary standard, staff anticipates that ASTM will conduct a main committee ballot in December 2016. An ASTM ballot is open for 30 days. Staff expects this ballot will result in an approved standard. Staff will maintain active involvement with the goal of a published standard by the end of fiscal year 2017.

A standard can be published only upon completion of the ASTM balloting process and approval of the standard. Staff will provide an update to the Commission in 12 months, by September 2017, on the progress of the APBR voluntary standards process. Should the new ASTM voluntary standard be published before September 2017, staff will evaluate the new voluntary standard and make a recommendation to the Commission whether to approve or deny the adult portable bed rail petition.