

## Consumer Product Safety Commission

## § 1250.2

(d) Any instructions provided in addition to those required by this section shall not contradict or confuse the meaning of the required information or be otherwise misleading to the consumer.

### § 1243.8 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; phone (301) 504-7479; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The material may be obtained from the following sources:

(a) National Electrical Manufacturers Association (NEMA), 1300 17th St. N, Arlington, VA 22209; phone: (703) 841-3200; website: [www.nema.org](http://www.nema.org).

(1) ANSI Z535.4-2011(R2017), *American National Standard for Product Safety Signs and Labels*, approved October 20, 2017; approved for §§1243.6 and 1243.7.

(2) [Reserved]

NOTE 1 TO PARAGRAPH (A): NEMA standards are also available from the American National Standards Institute (ANSI), which provides a free, read-only copy of the standard at <https://ibr.ansi.org/Standards/nema.aspx>. Contact ANSI by mail at American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, USA; phone: (212) 642-4900; website: [www.ansi.org](http://www.ansi.org).

(b) ASTM International (ASTM), 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959; phone: (800) 262-1373; website: [www.astm.org](http://www.astm.org).

(1) ASTM D3359-23, *Standard Test Methods for Rating Adhesion by Tape Test*, approved February 1, 2023; approved for § 1243.5.

(2) [Reserved]

## PART 1250—SAFETY STANDARD MANDATING ASTM F963 FOR TOYS

Sec.

1250.1 Scope.

1250.2 Requirements for toy safety.

AUTHORITY: 15 U.S.C. 2056b.

SOURCE: 82 FR 8993, Feb. 2, 2017, unless otherwise noted.

### § 1250.1 Scope.

This part establishes a consumer product safety standard for toys that mandates provisions of ASTM F963.

### § 1250.2 Requirements for toy safety.

(a) Each toy must comply with all applicable provisions of ASTM F963-23 *Standard Consumer Safety Specification for Toy Safety*, approved on August 1, 2023. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504-7479, email [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations). A read-only copy of the standard is available for viewing on the ASTM website at <https://www.astm.org/READINGLIBRARY/>. You may obtain a copy from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone (610) 832-9500; [www.astm.org](http://www.astm.org).

(b) Pursuant to section 106(a) of the Consumer Product Safety Improvement Act of 2008, section 4.2 and Annex 5 or any provision of ASTM F963 that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute or any provision that restates or incorporates a regulation promulgated by the Food and Drug Administration or any statute administered by the Food

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and Drug Administration are not part of the mandatory standard incorporated in paragraph (a) of this section.

[89 FR 3351, Jan. 18, 2024]

**PART 1251—TOYS: DETERMINATIONS REGARDING HEAVY ELEMENTS LIMITS FOR CERTAIN MATERIALS**

Sec.

1251.1 The toy standard and testing requirements.

1251.2 Wood.

AUTHORITY: Sec. 3, Pub. L. 110–314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B).

SOURCE: 80 FR 78656, Dec. 17, 2015, unless otherwise noted.

**§ 1251.1 The toy standard and testing requirements.**

The Consumer Product Safety Improvement Act of 2008 (“CPSIA”) made provisions of ASTM F963, Consumer Product Safety Specifications for Toy Safety (“toy standard”), a mandatory consumer product safety standard. 15 U.S.C. 2056b. The toy standard requires that surface coating materials and accessible substrates of toys that can be sucked, mouthed, or ingested, must comply with solubility limits that the toy standard establishes for eight heavy elements. Materials used in toys subject to the heavy elements limits in the toy standard must comply with the third party testing requirements of section 14(a)(2) of the Consumer Product Safety Act (“CPSA”), unless listed in § 1251.2.

**§ 1251.2 Wood.**

(a) Unfinished and untreated wood does not exceed the limits for the heavy elements established in the toy standard with a high degree of assurance as that term is defined in 16 CFR part 1107, provided that the material has been neither treated nor adulterated with materials that could result in the addition of any of the heavy elements listed in the toy standard at levels above their respective solubility limits.

(b) For purposes of this section, unfinished and untreated wood means wood harvested from the trunks of

trees with no added surface coatings (such as, varnish, paint, shellac, or polyurethane) and no materials added to the wood substrate (such as, stains, dyes, preservatives, antifungals, or insecticides). Unfinished and untreated wood does not include manufactured or engineered woods (such as pressed wood, plywood, particle board, or fiberboard).

**PART 1252—CHILDREN’S PRODUCTS, CHILDREN’S TOYS, AND CHILD CARE ARTICLES: DETERMINATIONS REGARDING LEAD, ASTM F963 ELEMENTS, AND PHTHALATES FOR ENGINEERED WOOD PRODUCTS**

Sec.

1252.1 Children’s products, children’s toys, and child care articles containing lead, ASTM F963 elements, and phthalates in engineered wood products and testing requirements.

1252.2 Definitions.

1252.3 Determinations for engineered wood products.

AUTHORITY: Sec. 3, Pub. L. 110–314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B).

SOURCE: 83 FR 28991, June 22, 2018, unless otherwise noted.

**§ 1252.1 Children’s products, children’s toys, and child care articles containing lead, ASTM F963 elements, and phthalates in engineered wood products and testing requirements.**

(a) Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) provides that any children’s product, material, or component part or a children’s product must comply with a lead content limit that does not exceed 100 parts per million. Materials used in children’s products subject to section 101 of the CPSIA must comply with the third party testing requirements of section 14(a)(2) of the Consumer Product Safety Act (CPSA), unless listed in 16 CFR 1500.91.

(b) Section 106 of the CPSIA made provisions of ASTM F963, Consumer Product Safety Specifications for Toy Safety, a mandatory consumer product safety standard. Among the mandated provisions is section 4.3.5 of ASTM F963 which requires that surface coating materials and accessible substrates of