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As President of ASTM International, James A. Thomas directs the operations and strategic activities of one of the largest voluntary standards development organizations in the world.

Thomas has devoted his entire career to ASTM, where he has served in various positions since 1972. In 1983, Thomas was promoted vice-president of the Standards Development Division, where he was responsible for all ASTM technical committee operations, including guiding new technical committees in the early stages of their development, and for representing ASTM in standards development activities with other organizations.

Thomas was appointed executive vice-president of the Society in 1987. His responsibilities in that office included directing the development and implementation of operating policies, and the analysis and evaluation of operations to assess attainment of growth and financial objectives. His appointment as president of ASTM became effective on July 1, 1992.

Thomas is a member of the Standards Engineering Society which awarded him the Leo B. Moore medal in 2004, the Council for Engineering and Scientific Society Executives, the American Society for Association Executives, and the the United States Trade Representative's Industry Trade Committee on Standards and Technical Trade Barriers. He also serves on the Board of Directors of the American National Standards Institute and the Clinical and Laboratory Standards Institute and he has contributed to the development and revision of the National Standards Strategy for the United States.

Thomas is a native of Philadelphia, Pennsylvania. He received his bachelor of science degree in industrial relations in 1976, and his master's degree in organization management in 1990, both from LaSalle University.

## **Testimony Summary of Mr. James A. Thomas, President, ASTM International**

**About ASTM International** - ASTM International is a global open forum for the development of high-quality, market relevant international standards used around the world. As a non-profit organization, ASTM has served society for over 100 years as a venue for consumers, industry and regulators to come together and solve problems by crafting consensus solutions that promote health, safety and improve the overall quality of life.

**ASTM Committee F15 on Consumer Products** has played an important role in consumer product safety standards for over 30 years. Child safety is a critical area of focus for Committee F15. Often initiated by a request from the Consumer Product Safety Commission, the committee has published numerous ASTM standards that are helping to address the safety of pools, spas and playgrounds; prevent strangulation by clothing drawstrings; reduce bunk-bed and baby walker injuries; eliminate the toxicity of crayons and other art supplies; enhance the fire safety of candle products and more. We are currently working on CPSC requests to establish standards for powered scooters, above ground inflatable portable pools and infant bathtubs.

**ASTM Toy Standard** - ASTM F 963, Consumer Safety Specification for Toy Safety, establishes recognized safety requirements for toys intended for use by children under the age of 14. First drafted in 1971, many federal toy safety regulations are referenced in ASTM F 963. The ASTM toy standard protects children in countless ways as it relates to possible hazards that may not be recognized readily by the public, but that may be encountered in the use for which a toy is intended or after reasonably foreseeable abuse.

**ASTM Responds to Magnet Ingestion** - ASTM F 963 is reviewed and revised every five years, at a minimum, and on an ad hoc basis to address newly identified hazards. Most recently, incidents of magnet ingestion drove a major new revision requiring that magnets and magnetic components be reliably contained within a toy or carry a warning describing the dangers posed by functional small ingestible magnets. The new edition of ASTM F 963 was approved March 15, 2007, nine months following the initial establishment of the task group. Consumer safety advocates industry representatives, and CPSC staff recognized the urgency of the need and diligently worked together to develop the new safety requirements in nine months of development time. Given the complexity of the task in a full consensus environment, this revision is evidence of the high priority that the various interest groups involved placed on finding a solution.

**Conclusion** - Voluntary consensus standards developed through ASTM International continue to enhance the safety of children and the public in everyday life. Continued and enhanced cooperation and deeper participation will be critical in meeting emerging safety challenges of the future. The open forum that ASTM provides is unlike any other in the world. Working together, ASTM consumer product standards will continue to improve product quality, reduce the risk of injury, and give consumers confidence that the products they rely on are safe and ready to use. For more information please see: <http://www.astm.org>.



**May 15, 2007**

**Testimony of**

**James A. Thomas  
President  
ASTM International**

**Before the**

**House Committee on Energy and Commerce  
Subcommittee on Commerce, Trade, and Consumer Protection**

**Hearing on**

***Protecting Our Children: Current Issues in Children's Product Safety***

## **Introduction**

Thank you Chairman Rush, Ranking Member Stearns, and Members of the Subcommittee for the opportunity to participate in this important hearing. I am Jim Thomas, President of ASTM International.

ASTM International is a leading non-profit organization devoted to the development of international standards that are utilized by virtually every industrial sector and geographic region of the world. For more than 100 years, ASTM has served society as a leading venue for consumers, industry and regulators to come together and solve problems by crafting consensus solutions that promote health, safety and improve

the overall quality of life. The standards that result from ASTM's development process are well known and valued for their technical quality and relevance.

Our standards touch the lives of consumers every day in countless ways. Hundreds of items and materials in homes, schools, hospitals and other buildings are produced according to ASTM standards to ensure that they are structurally sound, made of non-toxic or non-hazardous materials, resistant to fire, and so that they perform in an environmentally efficient manner. And as you go outdoors, ASTM standards are ubiquitous as they are embedded in paving materials, bridges, playground equipment, and much more. Of particular interest to today's hearing, ASTM standards are widely used to make toys and juvenile products safer and to reduce the threat of injury that common household products and furniture pose to children.

### **The U.S. Voluntary Consensus Standards System**

As this committee knows very well, the Consumer Product Safety Act and its subsequent amendments establishes a Federal policy directing the CPSC to defer to a voluntary consumer product safety standard in lieu of promulgating its own requirements if important criteria are likely to be met through the use of the voluntary standard. This criteria includes a CPSC determination as to whether the utilization of a voluntary standard would eliminate or adequately reduce the risk of injury addressed and whether it is likely that there will be substantial compliance to the standard by industry. Other important Federal laws such as the National Technology Transfer and Advancement Act

(NTTAA) directs all agencies to use voluntary consensus standards and to participate in their development where it makes sense to do so.

As a result of these Federal laws, the United States has a very decentralized voluntary consensus standards system that is driven by the needs of stakeholders. The government is a major participant. But the process requires participation and cooperation of all stakeholders and a commitment towards reaching a consensus. To guide the process, ASTM and many standards development organizations are accredited by the American National Standards Institute and adhere to procedures for due process, openness, balance and transparency. If it is suggested that these procedures are not being met, there are protective actions such as a right of appeal to preserve the integrity of the process.

The U.S. system of standardization is the most dynamic and effective system in the world. It eliminates or significantly reduces the cost to the Federal government of developing its own standards. For consumers, it reduces the costs of most goods that are purchased. But most importantly, the system allows stakeholders – technical experts, consumer advocates and regulators to engage directly in the process. While the process is not perfect, it often results in new standards or revisions to existing standards that reflect changing technology and that establish requirements to address changing hazard patterns or emerging issues. Led by the private sector, these changes can often be made and then be incorporated into the marketplace much faster than an agency rulemaking or other regulatory action.

## **ASTM Standards and Child Safety**

Of all of the standards activities that ASTM is engaged in, none are more important than our work with the Consumer Product Safety Commission (CPSC), consumers, safety advocates, and representatives of the consumers products industry. ASTM's largest consumer product standards committee is F15 on Consumer Products. Committee F15 has played an important role in consumer product safety standards for over 30 years. The committee has a broad global membership of approximately 900 professionals and encompasses 50 standards-writing subcommittees, each of which focuses on a specific product area. F15 stakeholders work in the public interest, forming new subcommittees as urgent safety issues and new hazards are identified in various products.

One of the most critical areas of focus for Committee F15 is child safety. Throughout its history, Committee F15 has worked – often at the request of the CPSC - to address children's safety issues. A few examples of recent F15 accomplishments include:

*F2613-07 Standard Consumer Safety Specification for Children's Folding Chairs*

– After significant incidents and recalls of children's folding chairs, the CPSC asked ASTM F15 to devise a standard that will reduce lacerations, fractures, pinches and amputations of children's fingers in folding mechanisms, and that

improve the structural integrity and labeling of this type of product. ASTM F15 responded and published F2613-07 in less than one year of time.

*F1487-07 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use* – F15.29 is a 200 member subcommittee of F15 that meets three times a year to keep this one critical safety standard current.

Revisions to this standard address evolving components of commercial playground equipment and help to minimize the likelihood of life-threatening or debilitating injuries.

*F 2208 – 07 Standard Specification for Pool Alarms* – ASTM F15 has responded to the CPSC strategic priority on pool safety with several standards, including F2208-07 whose initial development was achieved within 9 months time. ASTM currently maintains 9 standards related to pool safety. In fact, legislation recently referred to the Energy and Commerce Committee as H.R. 1721 by Congresswoman Wasserman Schultz includes references to ASTM pool safety standards.

Other accomplishments of ASTM F15 include the development of standards helping to prevent strangulation by clothing drawstrings, bunk-bed injuries, crayon toxicity, fire safety of candle products and more. These ASTM standards prevent injuries and save lives throughout the world. We are currently working on requests from CPSC to establish standards for powered scooters, above ground inflatable portable pools and infant bath tubs. In fact, ASTM just received a letter from CPSC staff dated May 10,

2007, requesting that F15 coordinate the development of a new standard for mitigating lead in children's vinyl products.

### **ASTM Toy Standards**

Another important focus of F15 child-related products standards is toy safety. With thousands of new toys introduced to the marketplace each year, ASTM plays a vital role to protecting the safety of children. An important contributor to that safety is ASTM F 963, Consumer Safety Specification for Toy Safety, which establishes recognized safety requirements for toys intended for use by children under the age of 14. First drafted in 1971, ASTM F 963 has been enhanced over the years to address new product technology and innovation.

Many federal toy safety regulations, which appear in the U.S. Code of Federal Regulations Title 16-Commercial Practices, are referenced in ASTM F 963, and additional requirements and test methods are included. There are more than 100 separate tests and design specifications included in ASTM F 963 and the federal regulations to reduce or eliminate hazards with the potential to cause injury under conditions of normal use or reasonably foreseeable abuse. These tests and specifications include use-and-abuse tests, testing for accessible sharp points and edges, and measuring for small parts, wheel-pull resistance and projectiles. There are also tests for flammability, toxicity, electrical and thermal requirements, and noise. ASTM F 963 protects children in countless ways as it relates to possible hazards that may not be recognized readily by the public, but that

may be encountered in the normal use for which a toy is intended or after reasonably foreseeable abuse.

ASTM F 963 is reviewed and revised every five years, at a minimum, and on an ad hoc basis to address newly identified hazards. Recent revisions made to ASTM F 963 include the addition of safety requirements and test methods for yo-yo elastic tether toys; the addition of requirements related to cord, straps and elastics; and revisions to sections that address packaging film, age requirements as they pertain to use and abuse testing, and hemispheric shaped objects.

### **ASTM Responds to Magnet Ingestion**

Most recently, incidents of magnet ingestion drove a major new revision to ASTM F 963. In several cases, children have swallowed small magnets that were built into toys or were part of a building play set with small parts intended for older children. A change was made to F 963 requiring that magnets and magnetic components be reliably contained within a toy or carry a warning describing the dangers posed by functional small ingestible magnets.

The new edition of ASTM F 963 was approved March 15, 2007, nine months following the initial establishment of the task group in June 2006. ASTM members involved in this effort recognized the urgency of the need and diligently worked together to develop the new safety requirements. Nine months of development time, given the

complexity of the task in a full consensus environment, is evidence of the high priority that the various interest groups involved placed on finding a solution.

While the toy standard has been revised to reflect magnet ingestion, ASTM's work is not done. Representatives of ASTM F15.22 will be part of the CPSC Magnet Safety Forum in June. That forum may serve as a springboard for additional revisions or new standards activities. ASTM is also working on a webinar training course to explain the safety issues with magnets, the new requirements of F 963, and to provide guidance as to how to properly perform the test.

#### **ASTM F 977 Standard Consumer Safety Specification for Infant Walkers**

In the 1990's, the CPSC responded to incident data involving baby walker stair falls by initiating an advance notice of proposed rulemaking (ANPR). After publication of the ANPR, Commission staff worked with the ASTM Walker Subcommittee to add new performance requirements to the existing ASTM voluntary walker standard to address the stair fall hazard. A revised ASTM F 977 standard incorporating improvements and features that reduced the likelihood of stair fall injuries associated with traditional baby walkers was approved and published. The CPSC made a determination that the revised ASTM standard adequately reduced the risk of injury and concluded that there would be significant industry compliance with it. Accordingly, the ANPR was terminated. Since the revisions to the ASTM F 977, there has been a decrease in injuries of over 84 percent. The CPSC has projected societal costs decreased by about \$600 million annually from this one action.

## **Participation in ASTM F15**

Most major manufacturers of toys, juvenile and related consumer products participate in ASTM F15, as do many major retailers. These individuals are classified as “producers” for the purposes of committee operations and standards development work. Representatives of consumer groups, safety advocates, testing laboratories, academics and government agencies are classified as “non-producers” since they represent a consumer, user or general interest. ASTM’s regulations require a balance of interests in two ways – first by allowing only one voter per organization and second by ensuring that the number of voting producers never exceeds the number of voting non-producers. Thus, no single person or entity can control an ASTM standards committee, its agenda or the content of an ASTM standard.

Staff of the CPSC are actively engaged in the work of ASTM F15, particularly in key subcommittees on toys and related juvenile products. While CPSC attends meetings and actively participates in the standards development process, a Commission policy requires that staff maintain non-official voting status. However, CPSC staff regularly return abstention ballots with technical comments that are very significant to F15 deliberations.

Consumers and safety advocates continue to play an important role in F15 and other ASTM technical committees by raising awareness of issues, providing valuable input regarding consumer behavior and preferences and recommending entire new subject areas for standardization. These individuals

share their experiences and knowledge to create better standards and, ultimately, better products. One of the greatest barriers to participation by consumers has been a lack of financial resources. Recognizing the need to assure that the interests of the public are protected and represented in our standards activities, ASTM provides a level of travel and participation assistance for consumers to attend subcommittee meetings and Committee F15 has a policy of waiving the annual administrative membership fee to encourage a broader participation of consumers. And ASTM has reduced barriers to participation with a full range of electronic initiatives that allow individuals to participate in the standards development process from their computer desktop without ever having to physically attend meetings.

ASTM has also begun to support the important work of the International Consumer Product Health and Safety Organization, an organization where health and safety professionals can meet annually to exchange ideas, share information, and take leadership roles in addressing health and safety concerns affecting all consumers. Finally, ASTM is a member of the Consumer Interest Forum of the American National Standards Institute which helps to facilitate the representation of consumer interests in the voluntary standardization process.

While taking steps to encourage more active consumer participation, Committee F15 is proud of the fact that many leading consumer organizations – including Kids In Danger, the Consumer Federation of America, Safe Kids, the American Academy of Pediatrics, Consumers Union, Good Housekeeping, and

Keeping Babies Safe – are engaged and are making a difference. Individuals and organizations that do participate in standards development should be applauded for their contributions of time, talent and resources. I wish to thank them for their important efforts and numerous contributions to the development of ASTM safety standards.

## **Conclusion**

Voluntary consensus standards developed through ASTM International continue to enhance the safety of children and the public in everyday life. While we have had great success in working cooperatively with representatives from the CPSC, industry, consumer groups and other interested stakeholders to develop ASTM standards, enhanced cooperation and deeper participation will be critical in meeting emerging safety challenges of the future. It is vital that all interested stakeholders participate and have a voice in standards development. The open forum that ASTM provides is unlike any other in the world. Working together, ASTM consumer product standards will continue to improve product quality, reduce the risk of injury, and give consumers confidence that the products they rely on are safe and ready to use.

I thank you for the opportunity to participate in today's hearing and I look forward to answering your questions.