



July 16, 2014

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Meetings: Potential Ways to Reduce Third Party Testing Costs Through Determinations Consistent With Assuring Compliance, CPSC Docket No. CPSC-2011-0081

Dear Mr. Stevenson:

The Juvenile Products Manufacturer's Association ("JPMA") appreciates the opportunity to comment on the February 27, 2014, Federal Register Notice, "CPSC Workshop on Potential Ways to Reduce Third Party Testing Costs Through Determinations Consistent With Assuring Compliance" (CPSC Docket No. CPSC-2011-0081). The workshop and subsequent request for comments seek information about ways in which to reduce third party testing costs in the manufacturing process. In response to the request of the Commission's staff, JPMA submits the following comments.

The Juvenile Products Manufacturers Association (JPMA) is a national not-for-profit trade organization representing 95% of the prenatal industry including the producers, importers and distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA exists to advance the interests, growth and well-being of North American prenatal to preschool product manufacturers, importers and distributors marketing under their own brands to consumers. It does so through advocacy, public relations, information sharing, product performance certification and business development assistance conducted with appreciation for the needs of parents, children and retailers. JPMA continues to work with government officials, consumer groups and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

JPMA hopes that these comments will assist the Commission in effectively implementing regulations in a consistent manner with hazard based requirements. JPMA has previously submitted extensive comments on a variety of CPSIA issues, including in the April 16, 2013 Federal Register Request For Information (RFI), "Regarding Third Party Testing for Lead Content, Phthalate Content, and the Solubility of the Eight Elements Listed in ASTM F963-11"¹ as well as during the initial comment period on the February 27, 2014,

¹ <http://www.regulations.gov/#!documentDetail;D=CPSC-2011-0081-0034>

Federal Register Notice, “CPSC Workshop on Potential Ways to Reduce Third Party Testing Costs Through Determinations Consistent With Assuring Compliance” (CPSC Docket No. CPSC-2011-0081).

As the CPSC is aware, JPMA and its members have been active participants in supporting the CPSC’s efforts to reduce the costs associated with third party testing. Like the CPSC, JPMA shares the mutual objective of ensuring that the products our manufacturers produce meet the highest safety standards and do not contain any banned substances. We believe that the current collaborative efforts by both CPSC and industry as well as the directive mandated by PL 112-28 to reduce the costs of third party testing, provide the perfect opportunity to address some of the unintended consequences of the Consumer Product Safety Improvement Act (CPSIA.)

To that end, we have surveyed our member manufacturers and have identified the materials listed below as reasonably unlikely to contain CPSIA restricted phthalates and our justification for each product to be included in an exempted category list.

Recognizing the fact that this study has not been included in the Operating Plan for 2014, JPMA has engaged our laboratory partners in creating a more robust testing and information sharing plan that will require our members to identify products or components when they are tested and the laboratories accommodate collection of such information for more substantive records. We will continue to work with our labs on this project and submit more research and data as appropriate to the CPSC to aid in this effort.

We hope that CPSC staff will take the list below under serious consideration. These exemptions would provide necessary and immediate relief to our manufactures.

	Material		Reason (see below)	Comments
1	Cold Rolled Steel	ST	3	As steel is used for its stiff properties there is no incentive whatsoever to add a chemical that would make steel pliable
2	Aluminum	AL	3	As aluminum is used for its stiff properties there is no incentive whatsoever to add a chemical that would make aluminum pliable
3	Polypropylene	PP	1,3	The use of a plasticizer would

				certainly disrupt the molding process and make PP useless. However to make polypropylene out of propylene the industry is using DEHP as a catalyst (to kick start the polymerization reaction) and you will find minor ppm amounts of DEHP in the final molded PP
4	Acrylonitrile butadiene Styrene	ABS	1,3	As ABS is used for its stiff properties there is no incentive whatsoever to add a chemical that would make ABS pliable + the use of a plasticizer would certainly disrupt the molding process and make ABS useless.
5	High Density Polyethylene	PE (HDPE)	1,3	the use of a plasticizer would certainly disrupt the molding process and make HDPE useless. Especially with PE by playing around with the number of cross links between the PE molecules you will get more or less stiff materials – High Density = High amount of cross links = very stiff; low density = low amount of cross links = pliable
6	Polycarbonate	PC	1,3	As PC is used for its stiff properties there is no incentive

Juvenile Products Manufacturers Association, Inc.

15000 Commerce Parkway, Suite C • Mt. Laurel, NJ 08054 • 856.638.0420 • 856.439.0525

E-mail: jpma@ahint.com • Website: www.jpma.org

				whatsoever to add a chemical that would make PC pliable + the use of a plasticizer would certainly disrupt the molding process and make PC useless.
7	Thermoplastic Elastomer	TPE	1,3	the use of a plasticizer would certainly disrupt the molding process and make TPE useless + the molecular structure of TPE makes it pliable out of its own nature and does not need extra assistance of a plasticizer
8	Polyamides - Nylon, Aramids, etc.	PA	1,3	the use of a plasticizer would certainly disrupt the molding process and make polyamides useless + the molecular structure of polyamide makes it pliable out of its own nature and does not need extra assistance of a plasticizer
9	Polyoxymethylene	POM	1,3	As POM is used for its stiff properties there is no incentive whatsoever to add a chemical that would make PC pliable + the use of a plasticizer would certainly disrupt the molding process and make PC useless.
10	Thermoplastic Rubber	TPR	1,3	the use of a plasticizer would certainly disrupt the molding

Juvenile Products Manufacturers Association, Inc.

15000 Commerce Parkway, Suite C • Mt. Laurel, NJ 08054 • 856.638.0420 • 856.439.0525

E-mail: jpma@ahint.com • Website: www.jpma.org

				process and make TPR useless + the molecular structure of TPR makes it pliable out of its own nature and does not need extra assistance of a plasticizer
11	High Impact Polystyrene	HIPS	1,3	As HIPS is used for its stiff properties there is no incentive whatsoever to add a chemical that would make HIPS pliable + the use of a plasticizer would certainly disrupt the molding process and make HIPS useless. (this would also be the case for normal polystyrene)
12	Rubber	Rubber	1,3	the use of a plasticizer would certainly disrupt the molding process and make TPE useless + the molecular structure of TPE makes it pliable out of its own nature and does not need extra assistance of a plasticizer
13	Fabric	FB	1,3	Fabrics are pliable out of its own nature and do not need extra assistance of a plasticizer – with the exception of PVC fabric off course
14	Cardboard	CB	3	A plasticizer would disrupt the structure of cardboard and make it useless

Juvenile Products Manufacturers Association, Inc.

15000 Commerce Parkway, Suite C • Mt. Laurel, NJ 08054 • 856.638.0420 • 856.439.0525

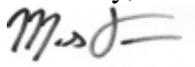
E-mail: jpma@ahint.com • Website: www.jpma.org

15	Wood	Wood	3	As wood is used for its stiff properties there is no incentive whatsoever to add a chemical that would make wood pliable; plus it is simply impossible to add a plasticizer to wood
16	Fiberboard	FB	3	As fiberboard is used for its stiff properties there is no incentive whatsoever to add a chemical that would make it pliable

1) some of these materials could not be properly formed if Phthalates were added during the molding process, 2) the inclusion of Phthalates in some of these materials would most certainly introduce a potential hazardous health environment due to off gassing, 3) that phthalates used in these materials would not add any functional purpose or enhancement to the properties of the base material and finally 4) that their use is costly thus does not provide any incentive for suppliers to include them.

JPMA continues to be supportive of the CPSC’s effort to reduce the burden’s associated with third party testing. We would like to encourage the CPSC to thoroughly evaluate all the chemicals discussed at the workshop as well as the data points presented by industry experts and also available at the staff’s own initiative as well. Additionally, JPMA hopes that the CPSC will seriously consider expanding the scope of the workshop and allowing additional time for laboratory submissions of collected material/product test data as a result of these comments. We believe that by making these changes in the testing process, the CPSC can effectively provide **immediate and necessary relief** to the manufacturing community. We, like the CPSC, share the mutual objective of addressing the specific hazard in evidence and improving product safety in the marketplace. Thank you for your consideration.

Sincerely,



Mark S. Fellin, MPS
 Director of Regulatory and Legislative Affairs, JPMA