



## Compliance to the Federal and Voluntary Standards for Full Size Cribs Myth vs. Fact



### Facts and Myths about the Mandatory Final Rule for Full Size Cribs

1. *The CPSC has published a final rule for full size and non full size cribs.*

**FACT**

The CPSC published a final rule in the Federal Register on December 28, 2010. The rule goes into effect on June 28, 2011. Compliance with this rule for child care facilities, family child care homes, and places of public accommodation is not required until December 28, 2012.

2. *Retailers will be unable to sell product that is not compliant once the final rule is published*

**MYTH**

The law allows for a **180 day period from the date the final rule is actually published** in the Federal Register for the rule to become effective ("effective date").

3. *Retailers will be unable to sell product that is not tested to the mandatory standard on the date that the rule becomes effective*

**FACT**

Retailers can sell product up until the **effective date**. The final rule was published in the Federal Register on December 28, 2010. It will not be effective until June 28, 2011. Once that effective date is reached, retailers will be unable to sell product that is not compliant with the mandatory standard. CPSC will develop an Enforcement Policy that will delineate which cribs can or cannot be sold or distributed after the **effective date**.

4. *All labs are certified to test to the new mandatory standards*

**MYTH**

Labs cannot test and certify to the new crib standard until the CPSC certifies them to do so, which we expect will take place now that the new mandatory final rule is published. Manufacturers are required to base their certifications of compliance on independent third party laboratory testing, for goods manufactured 90 days after CPSC certifies suitable laboratories. Laboratories have recently or are just now purchasing and installing the equipment needed to do the testing.

**Facts and Myths about the ASTM Voluntary Standards and the  
JPMA Certification Program**

1. *The ASTM Standard F1169 is a mandatory standard*

**MYTH**

ASTM, the international standards setting organization, writes and publishes voluntary standards. F1169-10 is a voluntary standard, though manufacturers would be wise to be compliant to F1169-10 for all products manufactured after January 1, 2011. JPMA will begin certifying to this ASTM standard effective January 1, 2011. We expect the CPSC Final Rule will be based in large part on such standard. The effective date in the CPSC rule is the date that governs compliance to the new federal requirements.

Mandatory standards are those that are enforced by government law. Voluntary standards are standards that are suggested standards that many manufacturers do, but are not required to meet.

2. *Retailers cannot sell product that is not compliant with ASTM F1169-10 once it is published*

**MYTH**

ASTM F1169-10 is a voluntary standard. Many manufacturers are already testing and certifying via the JPMA Certification program to this standard; however, other than in Illinois, retailers are not required to remove product from their inventory that does not meet this standard. Since compliance is voluntary and is based upon the date of manufacture, a manufacturer can certify to whichever version of the standard was in place at the time the product was manufactured. However, as mentioned above once the new CPSC mandatory standard is effective, retailers cannot sell product that is not compliant with that new law, other than in compliance with CPSC's enforcement Policy.

3. *JPMA certifies products to the most recent ASTM standards as soon as they are published*

**MYTH**

As with many mandatory regulations, the JPMA Certification program allows for a 6-month phase in date for testing and certification to any revised version of a standard, although many manufacturers and retailers can and do choose to certify earlier.

**Publication and Implementation Schedule**

<b><u>Standard / Rule</u></b>	<b><u>Published</u></b>	<b><u>JPMA Certification Implementation</u></b>
ASTM F1169-09	December 2009	June 2010
ASTM F1169-10	July 26, 2010	January 1, 2011
ASTM F1169-10a	Not yet published	
Federal Rule on Cribs	December 28, 2010	June 28, 2011

**Outline of General Requirements in Standards**

<b><u>Provision</u></b>	<b><u>ASTM F1169-09</u></b>	<b><u>ASTM F1169-10</u></b>	<b><u>Federal Rule for Cribs</u></b>
Eliminates Drop – Sides	✓	✓	✓
Improvement to Structural Integrity of Crib Slats	✓	✓	✓
Vertical Mattress Impact Test	✓		
Modified Vertical Mattress Impact Test		✓	✓
Elimination of wood screws from key structural elements		✓	✓
Additional language on toe holds 6 inches from the top of the sides of the crib.		✓	✓
Marking and Labeling improvements		✓	✓
*Retightening of screws in between tests		✓	

\* NOTE: ASTM F 1169–10 allows retightening of screws between the crib side latch test and mattress support vertical impact tests. The mandatory final rule will not allow for the retightening of screws in between tests.

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