

CPSC Updates Its Mandatory Standard for Gates and Enclosures to Incorporate by Referencing ASTM's 2021 Version

On 2020-07-06, under section 104 of the CPSIA, the **U.S. Consumer Product Safety Commission (CPSC)** published a final rule that incorporated by referencing *ASTM F1004-19*, "Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures", as the mandatory standard for **gates and enclosures**, with modifications to make the standard more stringent, to further **reduce the risk of injury** associated with gates and enclosures.

Subsequently, the reference standard had a revised version, *ASTM F1004-21*, published in June 2021, and the CPSC published a new final rule "16 CFR Part 1239: Safety Standard for Gates and Enclosures", to adopt the latest ASTM reference without modification, on the grounds that the new ASTM improved the safety requirements, and it had substantively revised to harmonize with the original mandatory requirements for gates and enclosures.

Accordingly, by operation of law under section 104(b)(4)(B) of the CPSIA, *ASTM F1004-21* will become the mandatory consumer product safety standard for gates and enclosures on **2022-01-02**. In brief, *16 CFR Part 1239* is updated to incorporate by referencing the revised voluntary standard, *ASTM F1004-21*, without modification.

Changes:

The CPSC allows the revised ASTM to become the mandatory standard for gates and enclosures without modification, because the revised performance requirements in *ASTM F1004-21* are identical to *16 CFR Part 1239*; therefore, the revisions are neutral as far as *16 CFR Part 1239* is concerned.

Apart from those revisions aiming at harmonizing with the original *16 CFR Part 1239* requirements, the other changes in *ASTM F1004-21* are neutral and do not affect the safety of gates and enclosures, including:

- Hyphenating multiple terms used as adjectives, such as "single-action," "pressure-mounted," "partially-bounded," and "hold-open," throughout;
- Correcting the spelling of "guage" to "gauge" in section 3.1.16;
- Adding conversions to Celsius in section 4.4;
- Changing the capitalization of some terms, such as "Small Torso Probe" to "small torso probe"; and
- Changing unit expressions to bring the standard in accordance with ASTM Form and Style, such as adding a repeater unit when expressing a range (e.g. "2 in. x 2 in." instead of "2 x 2 in.").

Effective Date:

The rule is effective on **2022-01-02**, unless the CPSC receives a significant adverse comment by 2021-10-28.

References:

<https://www.govinfo.gov/content/pkg/FR-2021-09-28/pdf/2021-20851.pdf>
<https://www.astm.org/Standards/F1004.htm>

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