



CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1239

[Docket No. CPSC-2019-0014]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Gates and Enclosures

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Gates and Enclosures, incorporates by reference ASTM F1004-22, Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of gates and enclosures.

DATES: Comments must be received by [INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2019-0014, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer

Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2019-0014, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Carlos Torres, Project Manager, Division of Mechanical and Combustion Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2504; email: ctorres@cpsc.gov.

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be “substantially the same as” voluntary standards, or they may be “more stringent” than the applicable voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission previously had incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice of revision that the Commission has determined that the revised standard does not improve the safety of the consumer product and that CPSC is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the *Federal Register*). 15 U.S.C. 2056a(b)(4)(B).

Under this authority, in 2020 the Commission issued a mandatory safety rule for gates and enclosures. The rulemaking created 16 CFR part 1239, which incorporated by reference ASTM F1004-19, Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures, with modifications. 85 FR 40100 (July 6, 2020). At the time the Commission published the final rule, ASTM F1004-19 was the current version of the voluntary standard. ASTM F1004-19 applied to expansion gates, which it described as a “barrier intended to be erected in an opening, such as a doorway, to prevent the passage of young children, but which can be removed by older persons who are able to operate the locking mechanism,” and expandable enclosures, which it described as a “self-supporting barrier intended to completely surround an area or play-space within which a young child may be confined.” The mandatory standard included performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with gates and enclosures.

After the Commission adopted the mandatory standard in 2020, in both 2021 and 2022, ASTM notified CPSC that it had issued a revised voluntary standard for gates and enclosures. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, these revised standards became the new mandatory standard for gates and enclosures. 86 FR 53535 (Sep. 28, 2021), 87 FR 68032 (Nov. 14, 2022). The mandatory standard currently incorporates by reference ASTM F1004-22. In 2023, ASTM issued another revision to the voluntary standard, ASTM F1004-23. However, ASTM did not notify CPSC of this revision under CPSIA section 104(b)(4)(B). Consequently, the revised standard did not become the mandatory standard by operation of law, and the Commission did not update the mandatory standard to incorporate by reference this revised ASTM standard.

On January 20, 2026, ASTM notified the Commission that it had approved and published a revised version of the voluntary standard, ASTM F1004-25. CPSC is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of gates and enclosures subject to 16 CFR part 1239. The Commission invites public comment to inform CPSC staff's assessment and subsequent Commission consideration of the revisions in ASTM F1004-25.

The currently incorporated voluntary standard (ASTM F1004-22) and the revised voluntary standard (ASTM F1004-25) are available for review in several ways. A read-only copy of the existing, incorporated standard (ASTM F1004-22) is available for viewing, at no cost, on the ASTM website at: <https://www.astm.org/READINGLIBRARY/>. A read-only copy of the revised standard (ASTM F1004-25), including red-lined versions that identify the changes from the 2022 version to the 2023 version and from the 2023 version to the 2025 version, is available, at no cost, on ASTM's website at: <https://www.astm.org/CPSC.htm>. Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; phone: 610-832-9585; <https://www.astm.org>. Alternatively, interested parties can schedule an appointment to

inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: 301-504-7479.

Comments must be received by **[INSERT DATE 14 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,
Secretary,
Consumer Product Safety Commission.

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