



CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1223

[Docket No. CPSC-2013-0025]

Safety Standard for Infant and Cradle Swings

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In May 2024, the U.S. Consumer Product Safety Commission (CPSC or Commission) published an update to the consumer product safety standard for infant and cradle swings under the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference ASTM F2088-24, *Standard Consumer Safety Specification for Infant and Cradle Swings*, the voluntary standard for infant and cradle swings that was in effect at the time. ASTM has now issued a revised standard, ASTM F2088-25. Consistent with the CPSIA, this direct final rule updates the mandatory standard to incorporate by reference ASTM's 2025 version of the voluntary standard.

DATES: The rule is effective on July 25, 2026, unless CPSC receives a significant adverse comment by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If CPSC receives such a comment, it will publish a document in the *Federal Register*, withdrawing this direct final rule before its effective date. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of July 25, 2026.

ADDRESSES: You can submit comments, identified by Docket No. CPSC-2013-0025, 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. CPSC

typically does not accept comments submitted by email, except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

Mail/Hand Delivery/Courier/Confidential Written Submissions: 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 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. 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-2013-0025, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Joseph Williams, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7585; email: jfwilliams@cpsc.gov; or 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:

I. Background

A. Statutory Authority

Section 104(b)(1) of the CPSIA requires the Commission to assess the effectiveness of voluntary standards for durable infant or toddler products and adopt mandatory standards for these products. 15 U.S.C. 2056a(b)(1). The mandatory standard must be “substantially the same as” the voluntary standard, or “more stringent than” the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.*

Section 104(b)(4)(B) of the CPSIA specifies the process for updating the Commission’s rules when a voluntary standards organization revises a standard that the Commission 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. The Commission may reject the revised standard by notifying the voluntary standards organization, within 90 days of receiving notice of the revision, that it has determined that the revised standard does not improve the safety of the consumer product and that it is retaining the existing standard. If the Commission does not take this action to reject the revised standard, then the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (CPSA; 15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision or on a later date specified by the Commission in the *Federal Register*. 15 U.S.C. 2056a(b)(4)(B).

B. Safety Standard for Infant and Cradle Swings

Under section 104(b)(1) of the CPSIA, the Commission published a mandatory standard for infant swings, codified in 16 CFR part 1223, “Safety Standard for Infant Swings.” The rule incorporated by reference the then-current voluntary standard, ASTM F2088-12a, *Standard Consumer Safety Specification for Infant Swings*, with modifications to make the standard more

stringent. 77 FR 66703 (Nov. 7, 2012). After the Commission adopted the mandatory standard in 2012, ASTM subsequently revised the voluntary standard seven times. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, five of these revised standards became the new mandatory standard for infant and cradle swings.¹ In this regard, the Commission published direct final rules to update 16 CFR part 1223, incorporating by reference ASTM F2088-13, ASTM F2088-20, ASTM F2088-21, ASTM F2088-22, and ASTM F2088-24, respectively, without modification. 78 FR 37706 (June 24, 2013), 86 FR 4961 (Jan. 19, 2021), 86 FR 59609 (Oct. 28, 2021), 87 FR 57390 (Sep. 20, 2022), 89 FR 46797 (May 30, 2024).

ASTM F2088-24, *Standard Consumer Safety Specification for Infant and Cradle Swings*, is the current mandatory standard incorporated by reference in 16 CFR part 1223. In 2024, when the Commission updated 16 CFR part 1223 to incorporate by reference ASTM F2088-24, the Commission included “cradle swings” in the title of the mandatory standard (“Safety Standard for Infant and Cradle Swings”) to align with the voluntary standard.² 89 FR 46797. ASTM F2088-24 applies to infant swings, which it describes as “a swing that enables an infant in a seated position to swing or glide and is intended for use with infants from birth until infant attempts to climb out of the swing (approximately 9 months),” and cradle swings, which it describes as “a swing which is intended for use by an infant lying flat to swing or glide and is intended for use with infants from birth until infant begins to push up on hands and knees (approximately 5 months).” The mandatory standard includes performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to infants associated with infant and cradle swings.

In November 2025, ASTM approved another revision to the voluntary standard for infant and cradle swings, ASTM F2088-25. On January 26, 2026, ASTM notified CPSC of the

¹ ASTM approved two revisions in 2015 and 2019 (ASTM F2088-15 and ASTM F2088-19). However, ASTM did not notify CPSC of these revisions under CPSIA section 104(b)(4)(B). Consequently, these revised voluntary standards did not become the mandatory standards by operation of law, and the Commission did not update the mandatory standard to incorporate by reference these revised ASTM standards.

² In 2020, ASTM changed the title of the voluntary standard from “Standard Consumer Safety Specification for Infant Swings” to “Standard Consumer Safety Specification for Infant and Cradle Swings.”

revision. On January 29, 2026, the Commission published in the *Federal Register* a notice of availability of the revised voluntary standard and sought comments on the effect of the revisions. 91 FR 3845. CPSC received two comments on the notice of availability.

One of the comments was anonymous, and the other was a joint comment from the Consumer Federation of America, Consumer Reports, and Safe Infant Sleep. Both the anonymous and joint comment stated support for the revisions in ASTM F2088-25. The joint comment further urged the Commission to consider whether it would be feasible to conduct safety testing while the product is in motion, not just in a static position. The commenters explained that infant and cradle swings are intended for continuous motion and may result in unintended infant repositioning during periods of use, and as such, “testing the product in static configurations alone does not adequately capture real-world safety performance under actual use conditions.” The Commission appreciates the Consumer Federation of America, Consumer Reports, and Safe Infant Sleep for sharing this comment, and staff will review and address the comment with the ASTM subcommittee.

Based on staff’s review of ASTM F2088-25, as discussed below, and the public comments received, the Commission will allow the revised voluntary standard to become the mandatory standard for infant and cradle swings. Accordingly, by operation of law under section 104(b)(4)(B) of the CPSIA, ASTM F2088-25 will become the mandatory consumer product safety standard for infant and cradle swings on July 25, 2026. 15 U.S.C. 2056a(b)(4)(B). This direct final rule updates part 1223 to incorporate by reference the revised voluntary standard, ASTM F2088-25.

II. Revisions to ASTM F2088

On November 15, 2025, ASTM approved a revised version of the standard, ASTM F2088-25. ASTM F2088-25 contains performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to infants associated with infant and cradle swings. ASTM F2088-25 includes several additions and revisions to ASTM

F2088-24, including clarifications regarding scope and terminology, a new testing requirement, new and revised marking and labeling requirements, as well as editorial revisions that do not alter substantive requirements in the standard or impact safety. As discussed below, the Commission considers the revisions in ASTM F2088-25 to be an improvement to the safety of infant and cradle swings.

A. Scope

ASTM F2088-25 clarifies in section 1.3 that the voluntary standard does not cover products “in the rest (non-rocking) position” that are intended to provide sleeping accommodations for the occupant. ASTM F2088-25 further adds that these products are addressed in Consumer Safety Specification F2194 for bassinets and cradles. ASTM F2088-24 stated only that the voluntary standard “does not cover products that are intended to provide sleeping accommodations for the occupant[.]” and did not specify that products “in the rest (non-rocking) position” would be out of scope of the voluntary standard.

Particularly, when cradle swings are in the rest (non-rocking) position, they behave similarly to a bassinet or a cradle. This is because a cradle swing, among other things, is designed so that the infant is lying completely or nearly flat on its back. This horizontal positioning for infants is conducive for sleep. In fact, in section 5.11, the voluntary standard already acknowledges that cradle swings in the rest (non-rocking) position behave similarly to a bassinet or cradle, and that they are already in the scope of the voluntary standard for bassinets and cradles (ASTM F2194). Section 5.11 of ASTM F2088 states, “[c]radle swings or combination swings in a cradle swing use, mode, or position while in the rest (non-rocking) position shall comply with the requirements of Consumer Safety Specification F2194.” These clarifying changes in section 1.3, therefore, make clear from the beginning that swings in the rest (non-rocking) position are out of the scope of the voluntary standard for infant and cradle swings, and that they must follow the voluntary standard for bassinets and cradles. As a result, these changes improve safety by ensuring that swings functioning as a bassinet or cradle are

evaluated under the correct standard for safe sleep for infants (i.e., the requirements under ASTM F2194).

B. Terminology

ASTM F2088-25 defines “cradle swing” as “a swing which is intended for use by an infant lying flat, with an incline less than or equal to 10° from horizontal while in the rest (non-rocking) position, to swing or glide and is intended for use with infants from birth until infant begins to push up on hands and knees (approximately 5 months).” ASTM F2088-24 did not include the following language in the definition for cradle swing: “with an incline less than or equal to 10° from horizontal while in the rest (non-rocking) position.”

ASTM F2088-25 adds this language to clarify what “flat” means in this context to minimize any ambiguity in the interpretation of the term so to better distinguish cradle swings from infant swings. This change improves safety, because by more clearly distinguishing cradle swings from infant swings, it ensures that products will adhere to the correct performance and testing requirements.

C. Test Methods

ASTM F2088-25 adds a new test in section 7.17 (Suffocation Hazard Visibility Test) to evaluate the conspicuousness of the new front warning label requirement (discussed in greater detail in the next section). The test consists of placing the infant swing on the floor; placing and securing a newborn dummy in the product with the restraint system engaged according to the manufacturer’s instructions; and then standing in front of the product to verify the required warning statements are visible (sections 7.17.1-7.17.3). Products that include any accessory(ies) that could potentially obscure the warnings also must comply with the visibility requirements in this section both with such accessory(ies) in place (in all configurations and combinations) and with the accessory(ies) removed (section 7.17.3.1). It is acceptable if any part of the required warnings is obscured by a toy bar or its attached toys but is visible with a shift of the observer’s

head position (section 7.17.4). Section 7.17 includes a note that the “placement of the warnings is only applicable to the English language portions of the warning label.”

This new test certifies that the front warning label can be seen and noticed by a caregiver while standing in front of the swing. It also verifies that the label is not blocked by the occupant or by other accessories that may be included with the swing. As such, this new test improves the safety of infant swings because it ensures that the front warning label is visible to a caregiver. This will make it more likely that the caregiver will see and read the important warning statements for the product to avoid the suffocation hazards associated with infant swings, as further discussed below.

D. Marking and Labeling

1. Suffocation Hazards for Infant Swings

ASTM F2088-25 makes several additions and revisions to warning labels concerning suffocation hazards associated with babies falling asleep in infant swings. In particular, ASTM F2088-25 adds new on-product warning statements for infant swings under section 8.6.1.2. One of these new warning statements states, “Babies have suffocated when swings are used as a sleep product.” Another states, “Never use blankets or swaddles when using this product.” In addition to the warning statements above, ASTM F2088-25 also requires a new, separate warning label with the following warning statement under section 8.6.1.4:

“SUFFOCATION HAZARD This product is **NOT SAFE FOR SLEEP.**
NEVER use blankets or swaddles when using this product.”

This new, separate warning label, which repeats in part the warning statements under section 8.6.1.2, must be on the front surface of the swing to comply with the Suffocation Hazard Visibility Test in section 7.17 discussed above.

Moreover, ASTM F2088-25 revises and moves one of the required on-product warning statements for infant swings to the “SUFFOCATION HAZARDS” category under section 8.6.1.2. ASTM F2088-24 required that infant swings have the following warning statement

under “FALL and STANGULATION HAZARDS”: “Stay near and watch baby during use. This product is not safe for sleep or unsupervised use. If baby falls asleep, remove baby as soon as possible and place baby on a firm, flat sleep surface such as a crib or bassinet.” ASTM F2088-25 revises this statement by deleting “as soon as possible” from the statement and moves this statement from the “FALL and STANGULATION HAZARDS” category to the “SUFFOCATION HAZARDS” category on the warning label.

While ASTM F2088-24 provided a warning that infant swings are not safe for sleep, it incorrectly labeled such warning as a fall or strangulation hazard, did not otherwise clearly identify why infant swings are not safe for sleep (i.e., suffocation hazard), and did not address the suffocation hazard associated with the use of blankets and swaddles with infant swings. When a baby falls asleep in an infant swing, their head and chin point downwards because of the seated, inclined position of the baby. The positioning of their head and chin in this way can block the baby’s airways and lead to suffocation. The use of swaddles and blankets with a baby in an infant swing can likewise obstruct a baby’s airways, leading to suffocation.

The new warning statements added to ASTM F2088-25 and the movement of the prior warning statement regarding sleep in ASTM F2088-24 make clear that there is a suffocation hazard associated with using an infant swing for sleep and with the use of swaddles and blankets in an infant swing. As a result, the caregiver will be better informed of the dangers associated with sleep and the use of blankets/swaddles, which will increase the likelihood of caregivers following these warnings. In addition, the new requirement of the separate label and placement of that label in the front of the product will make that warning statement more noticeable to the caregiver. Consequently, these changes will more likely alert caregivers of the potential suffocation hazard and to the importance of both not allowing infants to sleep in the swing and not using blankets or swaddles when placing them in the swing. Moreover, deleting the phrase “as soon as possible” in the warning statement regarding sleep in ASTM F2088-24 directs the caregiver to remove the baby from the infant swing as soon as the baby falls asleep. Therefore,

this change will more likely minimize the time a baby remains asleep in an infant swing. Based on the foregoing, these changes improve the safety of infant swings.

2. Fall and Strangulation Hazards for Infant Swings

ASTM F2088-25 revises one of the existing warning statements in ASTM F2088-24 by changing the formatting of two words. ASTM F2088-24 included the warning statement “**ALWAYS** use restraints. Adjust to fit snugly.” ASTM F2088-25 revises this statement by adding the following bold font and capitalization: “**ALWAYS USE RESTRAINTS**. Adjust to fit snugly.”

ASTM F2088 requires infant swings to have a restraint system to secure an occupant while in the swing (section 6.5). The use of a restraint system prevents infants from falling out of the swing. The additional use of bold and capital lettering in ASTM F2088-25 makes the warning statement about always using restraints more noticeable and conspicuous. Thus, this change improves the safety of infant swings because caregivers are more likely to notice and follow this warning statement to prevent infant falls.

E. Other Revisions

ASTM F2088-25 also includes various minor revisions that are editorial in nature and do not alter any substantive requirements in the standard. These changes include eliminating hyphens in section 2.1 for consistency with the rest of that section; standardizing the spelling of “adapters” so that it is consistent throughout the standard (section 6.1.4); replacing the word “to” with “with” (section 6.7); reformatting text of warning statements (sections 8.4.2.3, 8.6.1.1, 8.6.1.2, 8.6.1.3, 8.6.2, and 8.6.4); renumbering within section 8.6.1 to better organize and reflect the changes in that section; editing Figure 18 (example of warnings for infant swings) to correspond to the changes made to section 8.6.1; adding Figure 20 (example of new sleep warning label for infant swings) to correspond to the addition of section 8.6.1.4; adding appropriate reference to that new figure (Figure 20) in section 8.5.7; adding the word “also” to the text in section 8.6.1.3 to acknowledge the changes made in section 8.6.1; and repositioning

the figures throughout the standard so they appear closer to their first reference in the text.

Because these revisions do not change any substantive requirements, they do not impact the safety of infant and cradle swings.

III. Incorporation by Reference

Section 1223.2 of the direct final rule incorporates by reference ASTM F2088-25. The Office of the Federal Register (OFR) has regulations regarding incorporation by reference. 16 CFR part 51. Under these regulations, agencies must discuss, in the preamble of the final rule, ways in which the material the agency incorporates by reference is reasonably available to interested parties, and how interested parties can obtain the material. In addition, the preamble to the final rule must summarize the material. 16 CFR 51.5(b).

In accordance with the OFR regulations, section II of this preamble summarizes ASTM F2088-25, which the Commission incorporates by reference into 16 CFR part 1223. The standard is reasonably available to interested parties in several ways. Until the direct final rule takes effect, a read-only copy of ASTM F2088-25 is available for viewing on ASTM's website at: <https://www.astm.org/cpsc.htm>. Once the rule takes effect, a read-only copy of the standard will be available for viewing on the ASTM website at: www.astm.org/READINGLIBRARY/. Additionally, interested parties can purchase a copy of ASTM F2088-25 from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: (610) 832-9585; www.astm.org. Finally, interested parties can schedule an appointment to inspect a copy of the standard at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479; email: cpsc-os@cpsc.gov.

IV. Certification

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, including importers, of products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, to certify that

the products comply with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children's products, on tests of a sufficient number of samples by a CPSC-accepted third party conformity assessment body accredited to test according to the applicable requirements. As noted, standards issued under section 104(b)(1)(B) of the CPSIA are "consumer product safety standards." Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because infant and cradle swings are children's products, a CPSC-accepted third party conformity assessment body must test samples of the products. Products subject to part 1223 must also comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA,³ the phthalates prohibitions in section 108 of the CPSIA⁴ and 16 CFR part 1307, the tracking label requirements in section 14(a)(5) of the CPSA,⁵ and the consumer registration form requirements in 16 CFR part 1130. ASTM F2088-25 makes no changes that would impact any of these existing requirements.

V. Notice of Requirements

In accordance with section 14(a)(3)(B)(vi) of the CPSA (15 U.S.C. 2063(a)(3)(B)(vi)), the Commission previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies (third party labs) for testing infant and cradle swings. 78 FR 15836 (Mar. 12, 2013). The NOR provided the criteria and process for CPSC to accept accreditation of third party conformity assessment bodies for testing infant and cradle swings to 16 CFR part 1223. The NORs for all mandatory standards for durable infant or toddler products are listed in the Commission's rule, "Requirements Pertaining to Third Party Conformity Assessment Bodies," codified in 16 CFR part 1112. The NOR for accreditation of third party labs for testing infant and cradle swings is codified at 16 CFR 1112.15(b)(8).

³ 15 U.S.C. 1278a.

⁴ 15 U.S.C. 2057c.

⁵ 15 U.S.C. 2063(a)(5).

ASTM F2088-25 includes a new testing requirement (Suffocation Hazard Visibility Test). This new test requires only an infant dummy and the swing product. This equipment is already required for the testing requirements found in ASTM F2088-24. As a result, the new testing requirement in ASTM F2088-25 does not require any new testing equipment or systems. Accordingly, the revisions in ASTM F2088-25 do not significantly change the way that third party conformity assessment bodies test these products for compliance with the safety standard for infant and cradle swings. Testing laboratories that have demonstrated competence for testing in accordance with ASTM F2088-24 will have the competence to test in accordance with the revised standard ASTM F2088-25. Therefore, the Commission considers the existing CPSC-accepted laboratories for testing to ASTM F2088-24 to be capable of testing to ASTM F2088-25 as well. Accordingly, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditations to reflect the revised standard in the normal course of renewing their accreditations.

VI. Direct Final Rule Process

On January 29, 2026, the Commission published in the *Federal Register* a notice of availability regarding the 2025 revision to ASTM F2088 and requested comment on whether the revision improves the safety of infant and cradle swings covered by the standard. 91 FR 3845. CPSC received two comments. The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551-559) generally requires agencies to provide notice of a rule and an opportunity for interested parties to comment on it, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). The Commission concludes that when it updates a reference to an ASTM standard that the Commission previously incorporated by reference under section 104(b) of the CPSIA, notice and comment are not necessary.

The purpose of this direct final rule is to update the reference in the Code of Federal Regulations (CFR) so that it reflects the version of the standard that takes effect by statute. This rule updates the reference in the CFR, but under the terms of the CPSIA, ASTM F2088-25 would take effect as the new CPSC standard for infant and cradle swings in the absence of any action by the Commission. Thus, public comments would not lead to substantive changes to the standard or to the effect of the revised standard as a consumer product safety rule under section 104(b) of the CPSIA. Under these circumstances, notice and comment are unnecessary.

In Recommendation 2024-6, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are unlikely to elicit any significant adverse comments. *See* 89 FR 106406 (Dec. 30, 2024). ACUS recommends that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). *Id.* at 106409. ACUS also explains that notice and comment may be “unnecessary” when the agency lacks discretion regarding the substance of the rule. *Id.* at 106408. As noted, this rule updates a reference in the CFR to reflect a change that occurs by operation of law. Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on July 25, 2026. In accordance with ACUS’s recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, “including challenges to the rule’s underlying premise or approach,” or where the commenter explains why the rule would be ineffective or unacceptable without change. *Id.* at 106409. As noted, this rule updates a reference in the CFR to reflect a change that occurs by statute.

If the Commission receives a significant adverse comment, the Commission will withdraw this direct final rule. Depending on the comment and other circumstances, the

Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As discussed in section VI of this preamble, the Commission has determined that notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply. CPSC also notes the limited nature of this document, which merely updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

VIII. Paperwork Reduction Act

The current mandatory standard includes requirements for marking, labeling, and instructional literature that constitute a “collection of information,” as defined in the Paperwork Reduction Act (PRA; 44 U.S.C. 3501-3521). While the revised mandatory standard adds marking and labeling requirements for infant and cradle swings, the new requirements would not materially add to the burden hours because the products already require marking and labeling. The Commission took the steps required by the PRA for information collections when it promulgated 16 CFR part 1223, and the marking, labeling, and instructional literature for infant and cradle swings are currently approved under OMB Control Number 3041-0159. Because the information collection burden is essentially unchanged, the revision does not affect the information collection requirements or approval related to the standard. The agency will consider whether OMB Control number 3041-0159 should be revised for infant and cradle swings in the next scheduled update.

IX. Environmental Considerations

The Commission's regulations provide for a categorical exclusion from any requirement to prepare an environmental assessment or an environmental impact statement where they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

X. Preemption

Section 26(a) of the CPSA provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the Federal standard. 15 U.S.C. 2075(a). Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to CPSC for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA deems rules issued under that provision "consumer product safety standards." Therefore, once a rule issued under section 104 of the CPSIA takes effect, it will preempt in accordance with section 26(a) of the CPSA.

XI. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standards organization revises a standard that the Commission adopted as a mandatory standard, the revision becomes the CPSC standard 180 days after notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the *Federal Register*. 15 U.S.C. 2056a(b)(4)(B). The Commission is taking neither of those actions with respect to the revised standard for infant and cradle swings. Therefore, ASTM F2088-25 automatically will take effect as the new mandatory standard for infant and cradle swings on July 25, 2026, 180 days after the Commission received notice of the revision. As a direct final rule, unless the Commission receives a significant adverse comment within 30 days of this document, the rule will become effective on July 25, 2026, and will apply to products manufactured after the rule's effective date.

XII. Congressional Review Act and Executive Order 12866

Pursuant to the Congressional Review Act (CRA) and Executive Order (EO) 12866, the Office of Management and Budget's Office of Information and Regulatory Affairs has determined that this rule does not qualify as a "major rule," as defined in 5 U.S.C. 804(2), and is not a significant regulatory action, as defined under section 2(f) of EO 12866. To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1223

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, Safety, Toys.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II as follows:

PART 1223—SAFETY STANDARD FOR INFANT AND CRADLE SWINGS

1. The authority citation for part 1223 continues to read as follows:

Authority: 15 U.S.C. 2056a.

2. Revise § 1223.2 to read as follows:

§ 1223.2 Requirements for infant and cradle swings.

Each infant and cradle swing (including combination swings) must comply with all applicable provisions of ASTM F2088-25, Standard Consumer Safety Specification for Infant and Cradle Swings, approved on November 15, 2025. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference material is available for inspection at the U.S. Consumer Product Safety Commission (CPSC) and at the National Archives and Records Administration (NARA). Contact CPSC at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: (301) 504-7479, email: cpsc-os@cpsc.gov. For information on the availability of this material at NARA, visit

www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. A read-only copy of the standard is available for viewing on the ASTM website at www.astm.org/READINGLIBRARY/. You may also obtain a copy from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: (610) 832-9585; website: www.astm.org.

Alberta E. Mills,
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