

No more than 20% of children in each group shall be tested at or obtained from any one site.

Commenters requested that child testing be allowed to be performed at one or more central locations, provided the children are drawn from a variety of locations within the geographic area and the children are made to feel comfortable at the test site.

Although this approach might make it easier to conduct the tests, the Commission has concerns about the effect of unfamiliar surroundings on CR package testing. The current regulations contain the requirement for familiarity; therefore, all data collected for the past 20 years were collected from tests conducted in familiar surroundings. It is not known what influence unfamiliar surroundings might have on a child's participation in the test, and the commenter did not provide data on this issue. For example, a child may be distracted during testing because of being separated from a parent in a strange place, or by being paired with another child who is a stranger rather than a classmate. Therefore, testing will continue to be conducted at five sites familiar to the children.

#### Sample Preparation

Commenters indicated that the sample preparation sections of the child and senior tests should be consistent. The Commission agrees and has modified section 1700.20(a)(2)(iv)(1) of the child test instructions to state:

Reclosable packages, if assembled by the testing agency, shall be properly secured at least 72 hours prior to beginning the test to allow the materials (e.g., the closure liner) to "take a set." Application torques must be recorded in the test report.

The proposed child-test instructions also stated that reclosable packages shall be opened and properly resecured one time by the tester who will be conducting the test. Commenters requested that testers resecure torque-dependent packages to a specified torque prior to testing the samples with children. Commenters voiced concern that test results would depend on the strength of the tester and not on only the child/package interaction.

The Commission opposes resealing packages that are to be child tested to a specified torque, because the preparation of samples is designed to mimic the situation found in the home. Testing packages with a specific application torque only represents the child-resistance at that torque and above. Machine application torques only represent the first opening and not how the package will be available to the children in the household most of the

time. Having people resecure the packages prior to testing better mimics the home situation. The commenters provide no information about what criteria would be necessary to determine the appropriate torque in this case. The Commission agrees, however, with comments stating that it is not necessary for the same tester who conducts the test to open and resecure the packages before testing, and has modified the instructions in the final rule accordingly.

The commenters also indicated that test instructions should include a test to determine that a CR package will continue to function for the number of openings and closings customary for its size and contents, as required by the current PPPA regulations. The Commission agrees with this comment and has added the standard procedure for multiple openings/resealings used by CPSC in Instruction 3 of the Child Test Instructions.

#### Child Test Instructions

Several comments were received regarding the child test instructions. Most of these comments requested clarifications of the instructions printed in the March 1994, **Federal Register** notice. Several minor changes to wording of the instructions have been made by the Commission in response to these requests and suggestions.

#### Seating

One comment concerned the statement in the instructions that children are required to sit in chairs. It was requested that this statement be deleted because chairs are not practical for testing large or tall containers. The Commission agrees that chairs may make it difficult for children to handle large or tall containers. Therefore, the Commission has changed instruction 6 of the child test to read "The tester, or another adult, shall escort a pair of children to the test area. The tester shall seat the two children so that there is no visual barrier between the children and the tester."

It is important, however, that tests be conducted consistently. If a large or tall package is tested, all the children tested should sit on the floor. If a table and chairs are used, all children tested should be tested at tables and chairs. This does not restrict the children from freedom of movement during the test as indicated in the test instructions. The Commission recommends that testing agencies note on the data sheets and in the test report whether children have been tested on the floor or in chairs.

#### Use of Teeth

Children often use their teeth to try to open packages when they are at home. It is therefore important to determine whether CR packaging can be opened by children when they use their teeth. However, children may feel inhibited about doing so during the test. Accordingly, the current child test procedure states that if one or both children have not used their teeth to try to open their packages during the first 5 minutes, the tester shall say, "you can use your teeth if you want to" before the start of the second 5-minute test period. Some commenters requested that the instruction to use teeth be given before the demonstration instead of after. These commenters request moving the statement because when the instruction is given immediately before the second 5-minute test period, the children do not try to open the packages as the tester demonstrates but put the packages immediately into their mouths. The commenters contend that the present order of instructions minimizes the effect of the demonstration and emphasizes the permission to use teeth. The commenters want to separate the instruction that teeth can be used from the demonstration of how to open the package.

The Commission disagrees with the solution proposed by these commenters. The suggested change would simply reverse the impact by giving the statement that teeth can be used at the end of the first test period, after children have put the package down. The subsequent demonstration may negate the effect of the permissive statement.

There may be better ways to address these commenters' concern that the teeth-using instruction be separated from the demonstration so the children will have an opportunity to model the tester's actions. For example, the timing, rather than the order, of the instruction regarding teeth could be altered (e.g., one minute after the demonstration). [234] However, it is not known whether this would actually better mimic the situation that exists in the home. Furthermore, the effect of this modification on test results is unknown, since a shorter time period would be available for children to use their teeth. For unit packaging, this could affect the quantity of product children access during testing. As with the commenters' proposal, such a change could result in future test outcomes which differ significantly from those obtained in the past.

The Commission concludes that the stringency of the child-resistance test should not be increased or decreased