

Safety Requirements for Toys in the United States

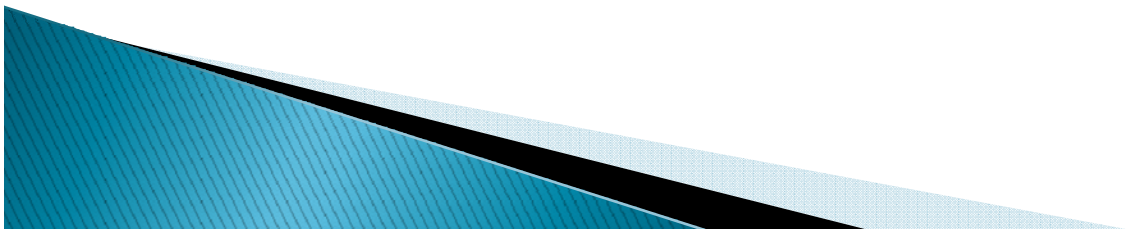


John Massale
Mechanical Engineer
Division of Laboratory Sciences

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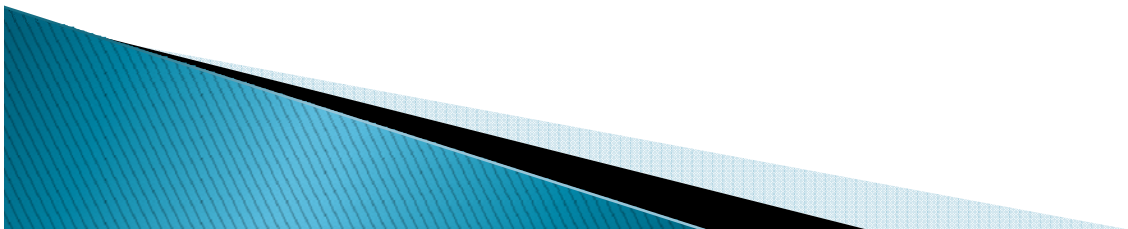
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What is a Children's Product?

- ▶ The term is defined as a *consumer product* that is designed or intended *primarily* for children *12 years* of age and younger



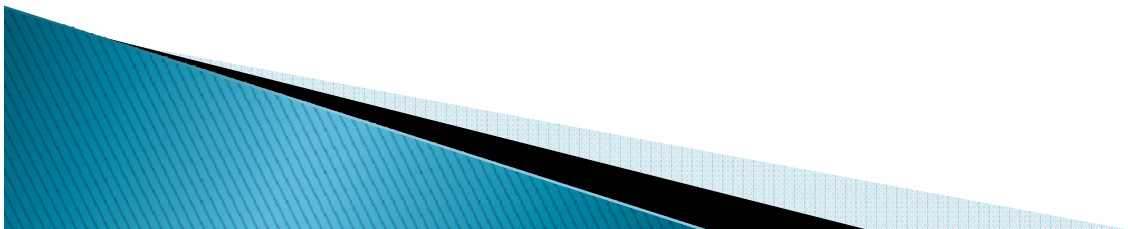
Defining “Children’s Product”

Factors CPSC *must* consider:

- (1) A statement or marking by the *manufacturer* , but only *if reasonable*
- (2) whether the product is represented as appropriate for children under 13 in its *packaging, advertising*, etc.
- (3) whether the product is “commonly recognized” as intended for children under 13
- (4) CPSC’s Age Determination Guidelines

Key Mandatory Toy Standards

- ▶ Code of Federal Regulations (16 CFR)
- ▶ CPSIA, Consumer Product Safety Improvement Act
 - Includes many provisions of ASTM F963
- ▶ FHSA, Federal Hazardous Substances Act



What Mandatory Standards Apply?

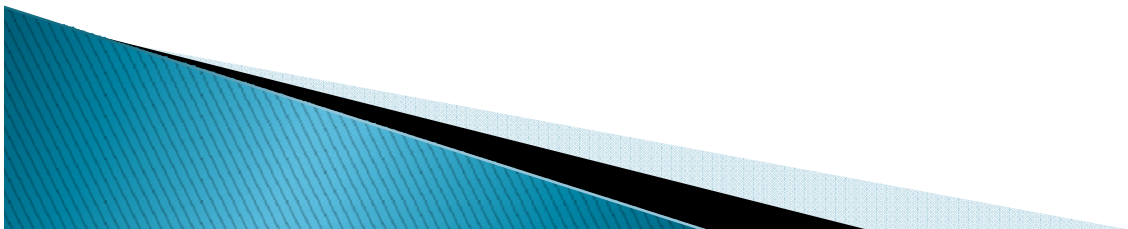
- ▶ Is the product intended for babies or children *under 36 months* of age?
- ▶ Is it a *pacifier* or a *rattle*?
- ▶ Is it a “*child care article*” for children under 5?
- ▶ Is it a *durable nursery product*?
- ▶ Is it intended for children over 36 months but *under 6* years of age?
- ▶ Is it children’s *sleepwear*?

More Mandatory Requirements

- ▶ Does it bear *paint* or a similar surface coating?
- ▶ Is it a *toy*?
- ▶ Does it include *art materials*?
- ▶ Is it *children's jewelry*?

Age Grading of Toys

- ▶ Age grading:
 - matches the attributes of the toy to the capabilities of the child.
 - is used to determine the appropriate tests to which a product must comply.
- ▶ When determining whether the age grade on the product is appropriate the Commission considers:
 - the manufacturer's labeling on the product, if it is reasonable;
 - whether the product is advertised, promoted, and marketed for that age child;
 - whether the product is commonly recognized by consumers as being intended for that age child; and
 - *Age Determination Guidelines* – September 2002.



CFR Requirements

- ▶ **Small Parts Requirements** 16 C.F.R. Part 1501.
- ▶ **Sharp Points/
Edge Requirements** 16 C.F.R. § § 1500.48/49.
- ▶ **CSPA Labeling Requirements** 16 C.F.R. § 1500.19 and
16 C.F.R. § 1500.121.
- ▶ **Art Material Requirements** 16 C.F.R. § 1500.14(b)(8).
- ▶ **Lead-in-Paint** 16 C.F.R. Part 1303.
- ▶ **Electrically Operated Toys/
Children's Products** 16 C.F.R. Part 1505.

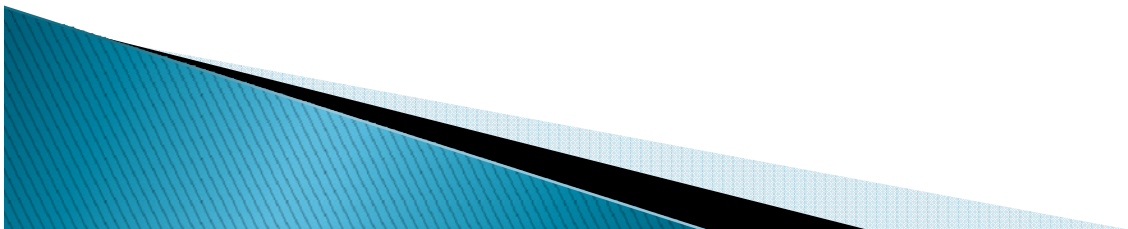


The “Small Parts” Ban

- ▶ Items for children under 36 months of age are banned if they have small parts “as received” or after “use and abuse” testing
- ▶ Small parts are those that fit in the small part cylinder
- ▶ The regulations list many items for children under 36 months
- ▶ Exceptions include balloons, books, clay, crayons, children’s clothing and accessories

CPSIA Requirements

- ▶ **Section 101** Children's Products Containing Lead; Lead Paint Rule
- ▶ **Section 102** Mandatory Third Party Testing for Certain Children's Products
- ▶ **Section 103** Tracking Labels for Children's Products
- ▶ **Section 105** Labeling Requirement for Advertising Toys and Games
- ▶ **Section 106** Mandatory Toy Safety Standards (ASTM F963-2008, including toy chests)
- ▶ **Section 108** Phthalate Requirements



CPSIA 101: Lead Paint Rule

- ▶ 90 ppm limit
- ▶ Applies to the same items as previously under 16 C.F.R. part 1303, namely
 - (1) paint sold to consumers as such
 - (2) toys, other articles intended for children
 - (3) household furniture bearing paint
- ▶ Does *not* include *metal or plastic fasteners* such as buttons, screws, grommets or zippers used in apparel or elsewhere
 - ▶ Periodic review of test methods no less than every 5 years

CPSIA 102: Certification

- ▶ Most consumer products that are subject to mandatory standards or bans must be ***certified*** as in compliance with each applicable requirement
 - Products made in the USA: ***manufacturer*** must certify
 - Products made elsewhere: ***importer*** must certify
- ▶ ***Children's products*** must be certified based on testing by a ***recognized third-party*** test lab

Certification

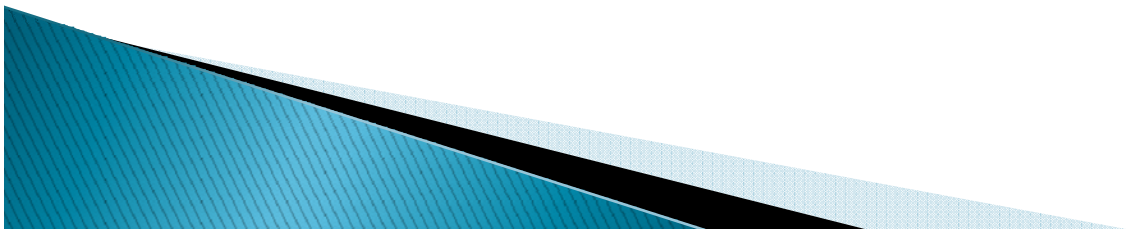
- ▶ Section 14(g) of the Consumer Product Safety Act, 16 C.F.R. part 1110, 15 U.S.C. § 2063(g)
- ▶ Must be in English
- ▶ Issued by domestic manufacturer or importer
- ▶ Specific information required
- ▶ Must “accompany” each shipment
- ▶ Certificate is required to be furnished to
- ▶ Distributors and retailers
- ▶ <http://www.cpsc.gov/about/cpsia/faq/elecfaq.pdf>

Finding a “Recognized” Lab

- ▶ To issue a valid certificate, you must be sure that testing is performed by a *recognized* third party test lab; not all accredited labs are recognized
- ▶ All recognized labs are *listed on CPSC’s website* with their *approved scope*; a lab may be approved by CPSC for one standard but not another
- ▶ You can also search for recognized labs nearest your location

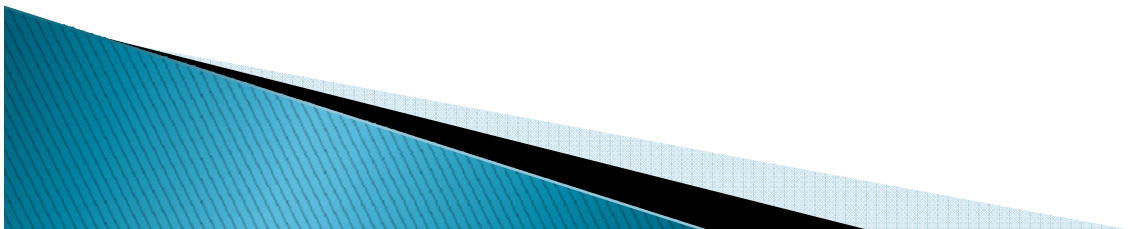
CPSIA 103: Tracking Labels

- ▶ Children's products manufactured on or after 8/14/2009 must have permanent distinguishing marks on the *product and packaging* "to the extent practicable"
- ▶ *Manufacturers and importers* are responsible
- ▶ Marks must allow consumers to *ascertain*:
 - The manufacturer or private labeler
 - The date and place of production
 - Cohort information



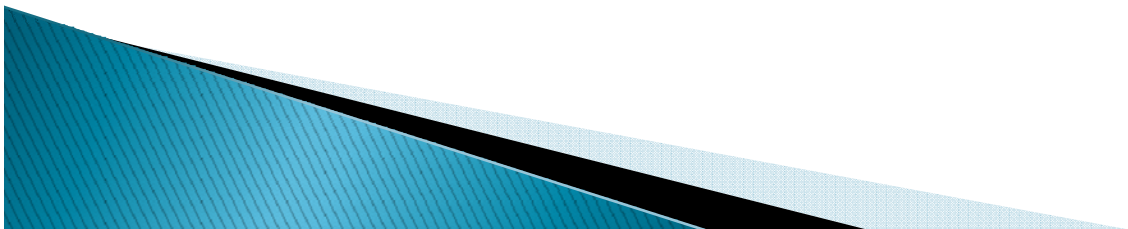
CPSIA 105: Labeling for Toys and Games

- ▶ Toys and games that are intended for children ages three to six must have a choking hazard warning on their packaging if they contain small parts
- ▶ Similar cautionary labeling is required for balloons, small balls and marbles, as well as toys that contain these, if they are intended for children ages 3 to 8



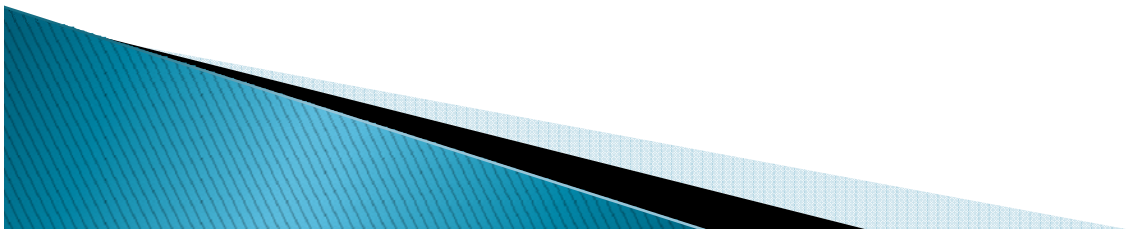
CPSIA 106: Mandatory Toy Standards

- ▶ Most provisions of ASTM F-963-07 became mandatory for toys made after February 10, 2009.
- ▶ Most provisions of ASTM F-963-08 became mandatory for toys made after August 17, 2009 (except deletion of toy box provision).



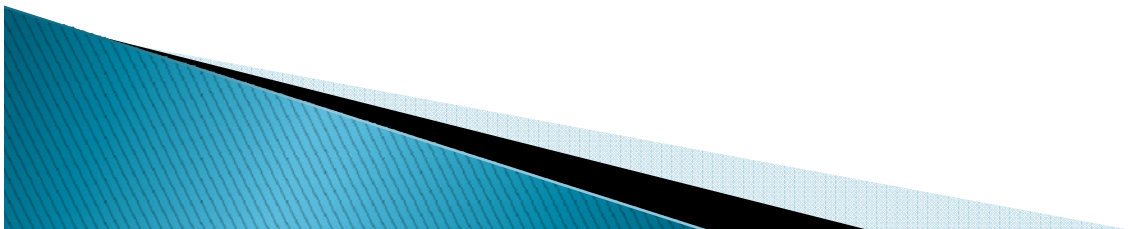
Partial List of Requirements in ASTM F963-08

- ▶ Sound-Producing Toys
- ▶ Battery-Operated Toys
- ▶ Small Objects
- ▶ Stuffed and Beanbag-type Toys
- ▶ Projections
- ▶ Marbles and Balls
- ▶ Folding Mechanisms and Hinges
- ▶ Hemispheric-Shaped Objects
- ▶ Cords and Elastics in Toys
- ▶ Yo-Yo Elastic Tether Toys
- ▶ Wheels, Tires, and Axles
- ▶ Magnets
- ▶ Pacifiers
- ▶ Balloons
- ▶ Projectile Toys
- ▶ Certain Toys with Spherical Ends
- ▶ Rattles
- ▶ Teethers and Teething Toys
- ▶ Squeeze Toys



CPSIA 108: Phthalates

- ▶ Revised test method focuses on concentration in each *plasticized component* rather than the entire product
- ▶ Commission enforcement focus remains on items of greatest risk: squeezable bath toys



Toys and Phthalates

- ▶ Children's toys are also subject to 1000 ppm limit on three banned phthalates
- ▶ Toys that can be mouthed are subject to 1000 ppm limit on three additional phthalates

Child Care Articles, Phthalates

- ▶ Includes items designed or intended for children *age 3 and younger* to facilitate sleep or feeding or to help such children with sucking or teething
- ▶ Limit is 1000 parts per million for six specific phthalates

FHSA

- ▶ In addition to lead paint and lead content limits, children's jewelry is subject to regulation under the Federal Hazardous Substances Act (FHSA)
- ▶ The FHSA bans any toy or other article intended for use by children that is a "hazardous substance" or bears or contains a hazardous substance that is accessible to children
- ▶ Hazardous substance is broadly defined to include substances that are toxic, corrosive or flammable

Summary

- ▶ Understand the law and regulations
 - Lead content requirements apply to paint and to other materials
 - All toys and other children's products; all component parts of a product
 - Exclusions for certain products, component parts of products, and certain materials
 - Exclusion examples: inaccessible component parts; certain electronic devices
 - Testing, tracking label, and certification requirements

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