

Don't Take Chances with Toy Safety--- Know U.S. Requirements!

A Fictional Case Study on Exporting A Safe Children's Board Game to the U.S.

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This presentation was prepared by CPSC staff. It has not been reviewed or approved by the Commission and may not reflect its views.

The slides in this presentation are intended to be used in a training event with verbal elaboration by a knowledgeable presenter. The slides highlight key U.S. product safety requirements for this discussion. The text is not a comprehensive statement of legal requirements or policy and should not be relied upon for that purpose. You should consult official versions of U.S. statutes and regulations, as well as published CPSC guidance when making decisions that could affect the safety and compliance of products entering U.S. commerce. Note that references are provided at the end of the presentation and a handout on phthalates prohibitions in children's toys and child-care articles is also available.

Today's Presentation

Fictional Case Study Illustrating:

- Key Challenges
- Safety Requirements
- Information Resources

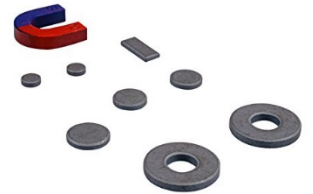
Case Study-- Board Game: Hoo Hey How 魚蝦蟹 “Junior Edition”



Marketing Focus Group Says...



私無公大
真不骰翹



What Could Possibly Go Wrong Exporting My Great Product to USA?



Manufacturer Doesn't Demonstrate Its
Product Meets Mandatory or Industry
Consensus Standards for Safety...

Common Violations Found During Port Inspections and Recalls

- Lack of proper tracking mark or information
- High levels of lead content and lead paint
- Small parts; lack of cautionary warning labels for small parts, marbles, balloons
- Children toys and child-care articles containing concentration of more than 0.1% of certain phthalates in accessible plasticized components
- Mechanical hazards (ASTM-F963-17 provisions)
- Incomplete/inadequate certification testing by an accredited, CPSC-accepted laboratory.

Possible Results:

- Seizure and Destruction
- Product Recall
- Brand Damage
- Financial Losses
- Most importantly, potential injuries or deaths

Summary of 2017 Inspections

Of the toy shipments from China and Hong Kong inspected in 2017 at U.S. ports by CPSC and Customs and Border Control:

CPSC detected more than **825** safety violations

Samples valued at more than **\$1 million** dollars
(import value)

Recalls in 2017

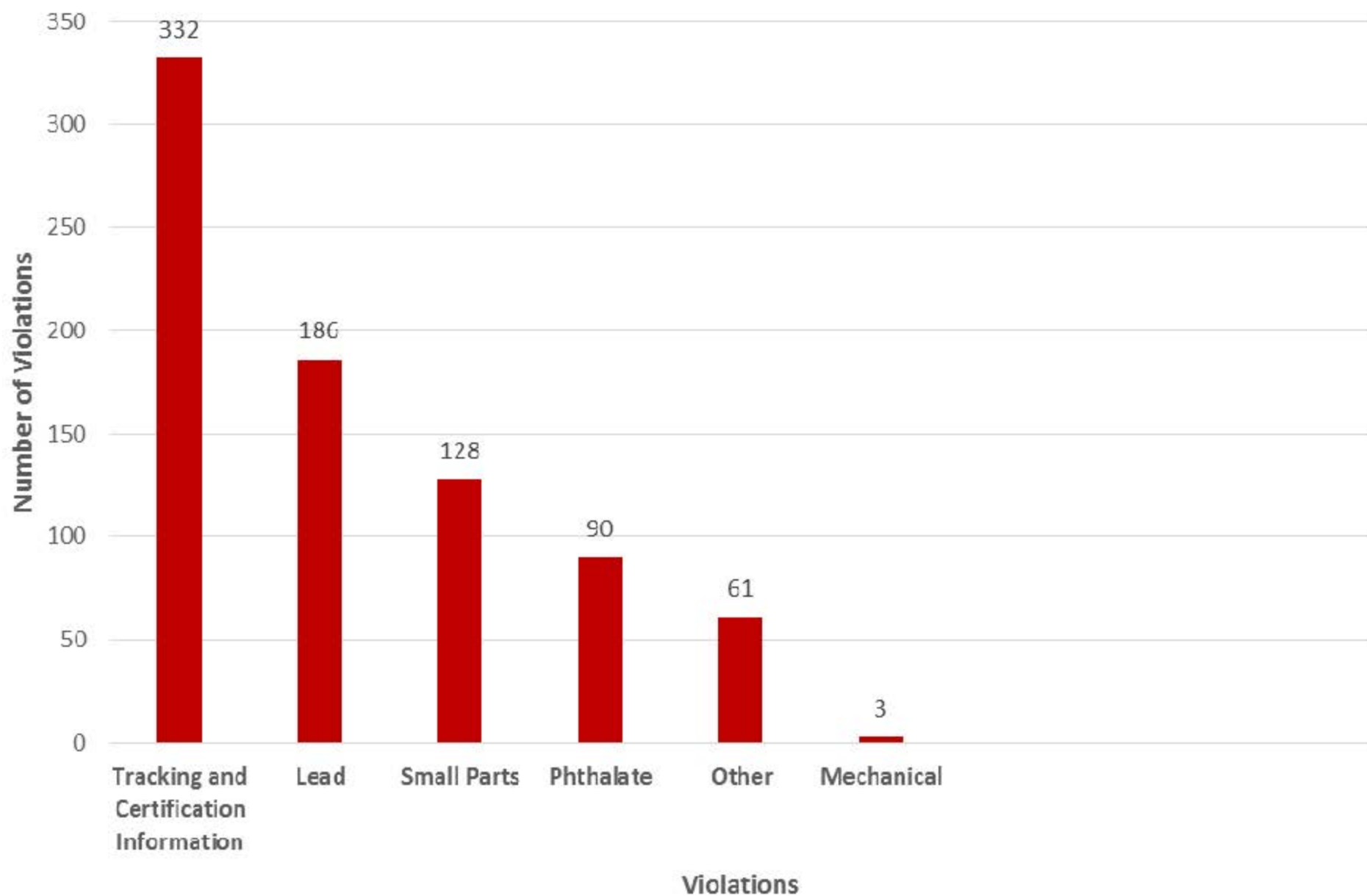
12 recalls of toys made in China and Hong Kong

Almost **750,000** units.

2017 Recall Examples from China



Violations in Samples- Toys Imported from China and Hong Kong 2017




*Note: Number of samples in 2017 was 826.

“瞎猫碰到死耗子”

“Blind cat finding dead rat.”

Don't rely on chance and luck--- Learn the requirements, what to ask, and the resources available to help you comply.


Use CPSC's Regulatory Robot to Help Identify the Requirements for Your Product!



The screenshot shows a web browser window with the URL <https://www.cpsc.gov/business-manufacturing/regulatory-robot/safer-products-start-here/>. The browser's address bar also shows "Pages - Portal Home" and "Safer Product". The page content includes a breadcrumb trail: "Home » Business & Manufacturing » Safer Products Start Here". Below this is a light blue header with the text "Safer Products Start Here!". The main visual is a graphic featuring a green robot with a target on its chest, standing next to a laptop displaying a target. To the right of the robot and laptop is a blue box with the text "Regulatory ROBOT" in yellow and "Safer Products Start Here!" in white. Below the graphic is the heading "Welcome to CPSC's Regulatory Robot!". The text below the heading reads: "Are you a small business starting out and manufacturing a product for children or other consumers? You may be wondering which federal product safety requirements, like CPSIA, apply to your product. We're here to help steer you in the right direction. We've designed our Regulatory Robot to guide you through our requirements to identify important product safety requirements that you should review before manufacturing or importing your consumer product. As most products are unique, each product may need to comply with different requirements so you'll need to run the Robot one time for each product. The Regulatory Robot asks you a series of simple questions to provide you with the basic guidance you need to move forward with your design and manufacturing process. Product safety and compliance are serious stuff, and we hope that the Regulatory Robot is the beginning of your journey to manufacture products that are safe and compliant for American consumers." At the bottom of the page is a button with the word "ENTER" in a blue box and a target icon to its right.

Home » Business & Manufacturing » Safer Products Start Here

Safer Products Start Here!




Regulatory ROBOT
Safer Products Start Here!

Welcome to CPSC's Regulatory Robot!

Are you a small business starting out and manufacturing a product for children or other consumers? You may be wondering which federal product safety requirements, like CPSIA, apply to your product. We're here to help steer you in the right direction.

We've designed our Regulatory Robot to guide you through our requirements to identify important product safety requirements that you should review before manufacturing or importing your consumer product. As most products are unique, each product may need to comply with different requirements so you'll need to run the Robot one time for each product. The Regulatory Robot asks you a series of simple questions to provide you with the basic guidance you need to move forward with your design and manufacturing process. Product safety and compliance are serious stuff, and we hope that the Regulatory Robot is the beginning of your journey to manufacture products that are safe and compliant for American consumers.

ENTER 

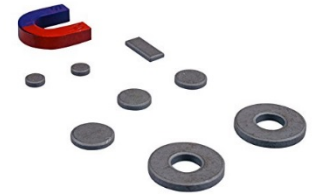
Know the U.S. Requirements

After consulting with RegRobot about my product, intended use, materials, I have a better understanding of what requirements may apply to my product...

Some Possible Concerns...



Lead, heavy
metals?



Magnet
strength/flux?
Small objects?
Sufficiently
attached?



Small Parts?



Phthalates?



Lead in surface
paint?

Know the U.S. Requirements

Requirement	Regulation
Labeling	16 C.F.R. Part 1500.19 (product labeling) 16 C.F.R. Part 1500.20 (advertising labeling) 16 C.F.R. Part 1500.121 (labeling requirements)
Certification	Initial, Component Part, Material Change, and Periodic Testing and Children's Product Certificate requirements: 16 C.F.R. Part 1107.20; 16 C.F.R. Part 1110; 15 USC §2063
Lead Content (100ppm limit) Lead in Paint and Similar Surface Coatings (90ppm limit)	12 U.S.C. §1278a 16 C.F.R. Part 1303
Small Parts Testing	16 C.F.R. Part 1501
Phthalates	15 U.S.C. §2057c, CPSIA Section 108. New rule takes effect April 25, 2018. CPSIA permanent prohibition continues. Rule makes some changes to interim prohibition and restricts four additional phthalates.
US Toy Standard, ASTM F963-16 (became ASTM F963-17 effective February 28, 2018) : Magnets Heavy Elements Use and Abuse	Sections 4.38 and 8.25.4 Section 4.3.5 Sections 8.4 and 8.5

Tracking Information

Children's Products are required to have tracking information:

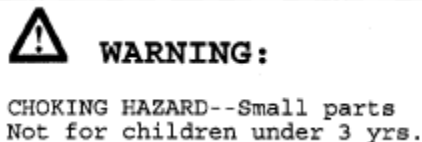
- A permanent mark must be affixed to the product and its packaging, if practicable.⁽¹⁾
- Requirements:
 - Name of the U.S. manufacturer or private labeler
 - Specific location and date of manufacture of the product
 - Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics
 - Other information to facilitate identifying the source
- No mandated format

www.cpsc.gov/trackinglabel

Labeling Requirements--Warnings

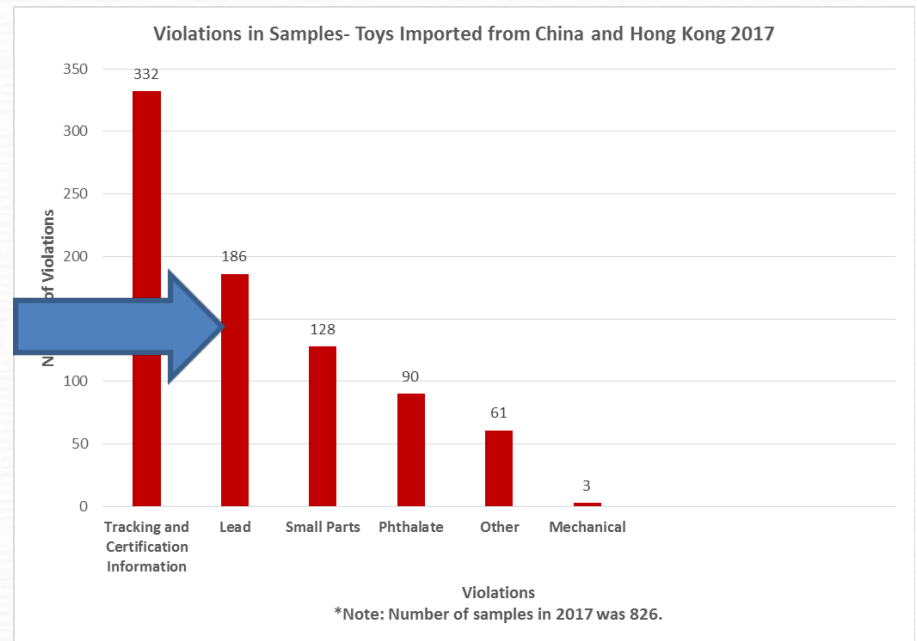
Toys and games for children 3 years of age and less than six years of age are required to have a cautionary statement regarding small parts to warn purchasers who may have younger children in the home.

A product may need to have more than one warning statement to address all hazards associated with the product. Other warnings may be required (such as for small balls, marbles, or balloons).



Lead

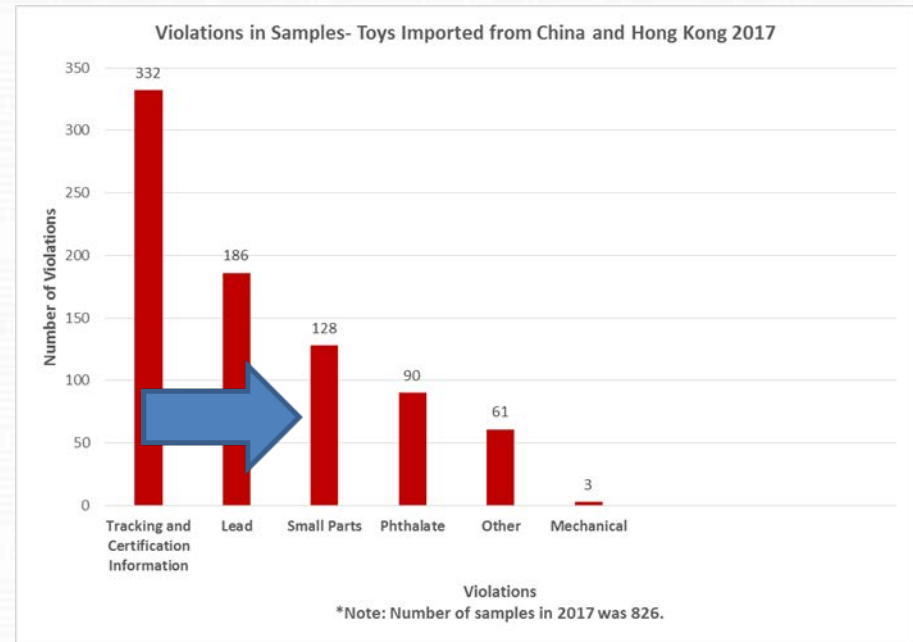
- CPSIA bans lead beyond a trace amount in products intended for children 12 years of age and under: (2,3)
 - 100 ppm for lead substrate
 - 90 ppm for surface paint
- CPSC has determined some materials would not contain lead, and therefore, do not require lead content testing.



Small Parts

- Small parts present choking, aspiration, and ingestion hazards.

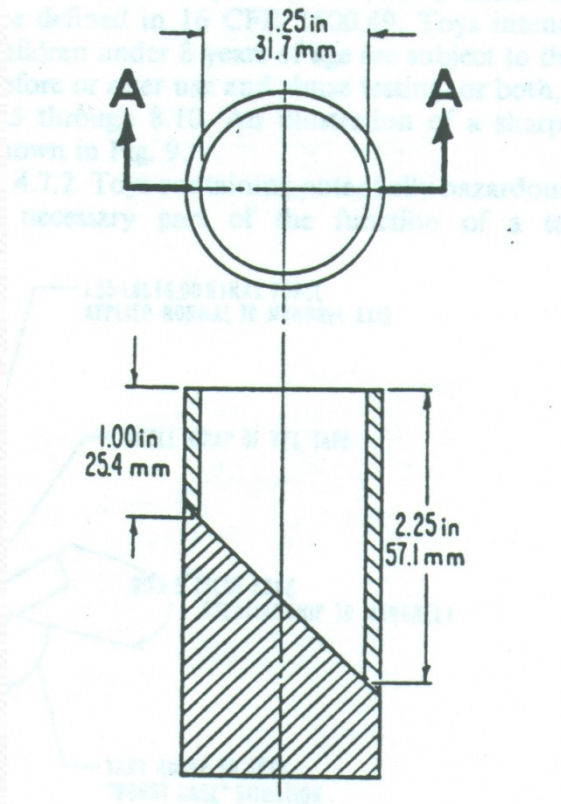
- A small part is one that can fit into a small parts cylinder specified in the regulation. (4)



- Toys intended for children from 3 - 5 years with small parts must have Consumer Product Safety Improvement Act LABELING

Small Parts Test Cylinder

Cylinder



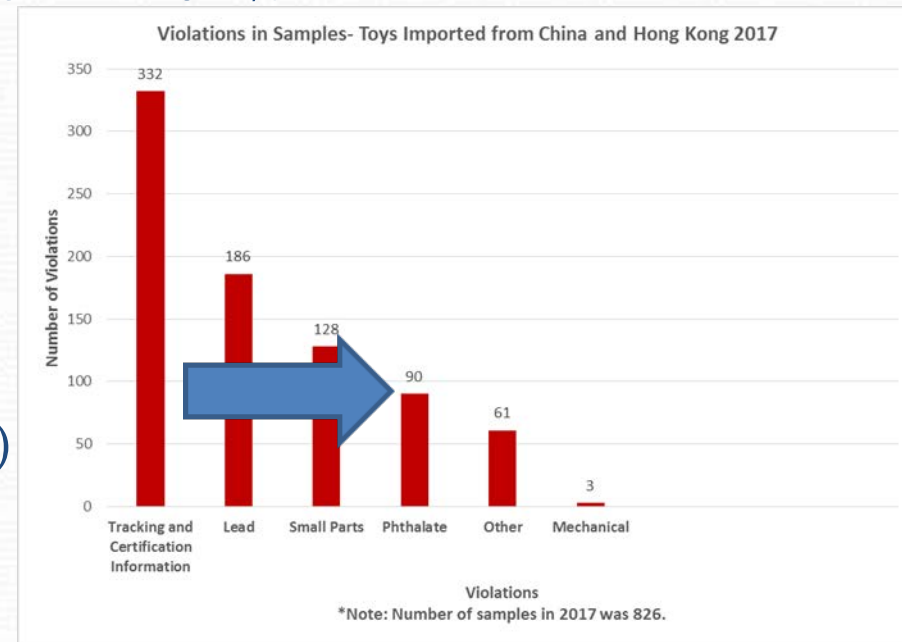
Failed sample



Phthalates (Plasticizers)

New: CPSIA is in effective until April 25, 2018. Effective April 25, 2018, for children's toys and child care articles, the following phthalates may not be present in concentrations greater than 0.1%. ⁽⁵⁾

- diisononyl phthalate (DINP)
- di-n-pentyl phthalate (DPENP)
- di-n-hexyl phthalate (DHEXP)
- dicyclohexyl phthalate (DCHP)
- diisobutyl phthalate (DIBP)
- di-(2-ethylhexyl) phthalate (DEHP)
- dibutyl phthalate (DBP)
- benzyl butyl phthalate (BBP)
- See handout for more details on current rule and rule effective April 25, 2018.

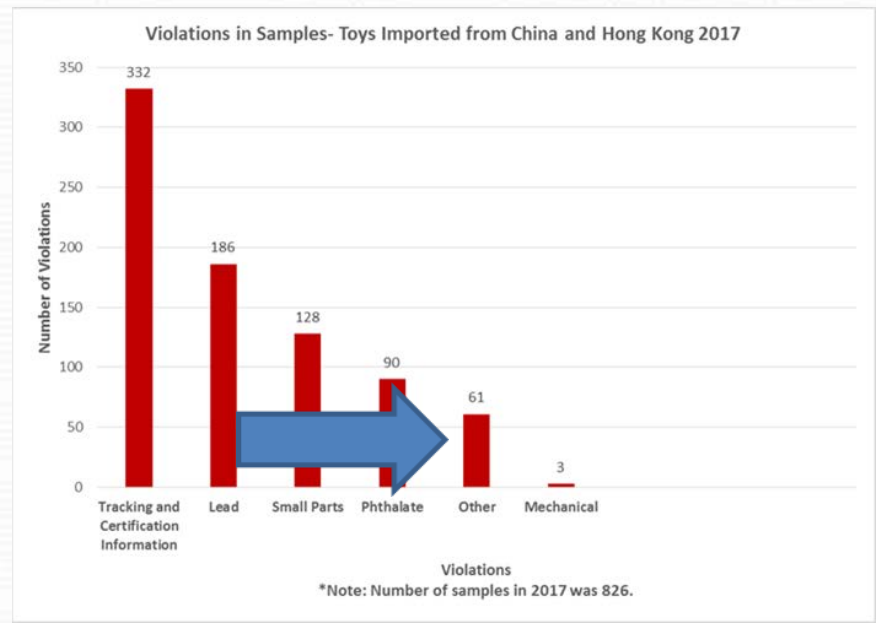


Phthalates (Plasticizers)

- Effective September 29, 2017, seven types of plastic do not require third party testing for compliance with phthalate requirements:
 - polypropylene (PP),
 - polyethylene (PE),
 - high-impact polystyrene (HIPS),
 - acrylonitrile butadiene styrene (ABS),
 - general-purpose polystyrene (GPPS),
 - medium-impact polystyrene (MIPS), and
 - super-high-impact polystyrene (SHIPS).

Magnets

- Magnet cyclic soaking test, strength, flux index, labeling
- ASTM F963-16, Section 4.38 and Section 8.25.4; ASTM-F963-17
- **In our example,**
cyclic test to see if
wood can swell
and magnets may
fall out





Testing Requirements

Required testing of children's products for lead and for compliance with a wide range of safety standards: (6,7,8)

- Identify one or more CPSC-accepted laboratory(ies) to conduct testing for identified regulatory requirements
- Ensure proper certification in a Children's Product Certificate (CPC) based on passing test results
- Importers should provide CPC to retailers and distributors and, upon request, to CPSC or U.S. Customs and Border Protection

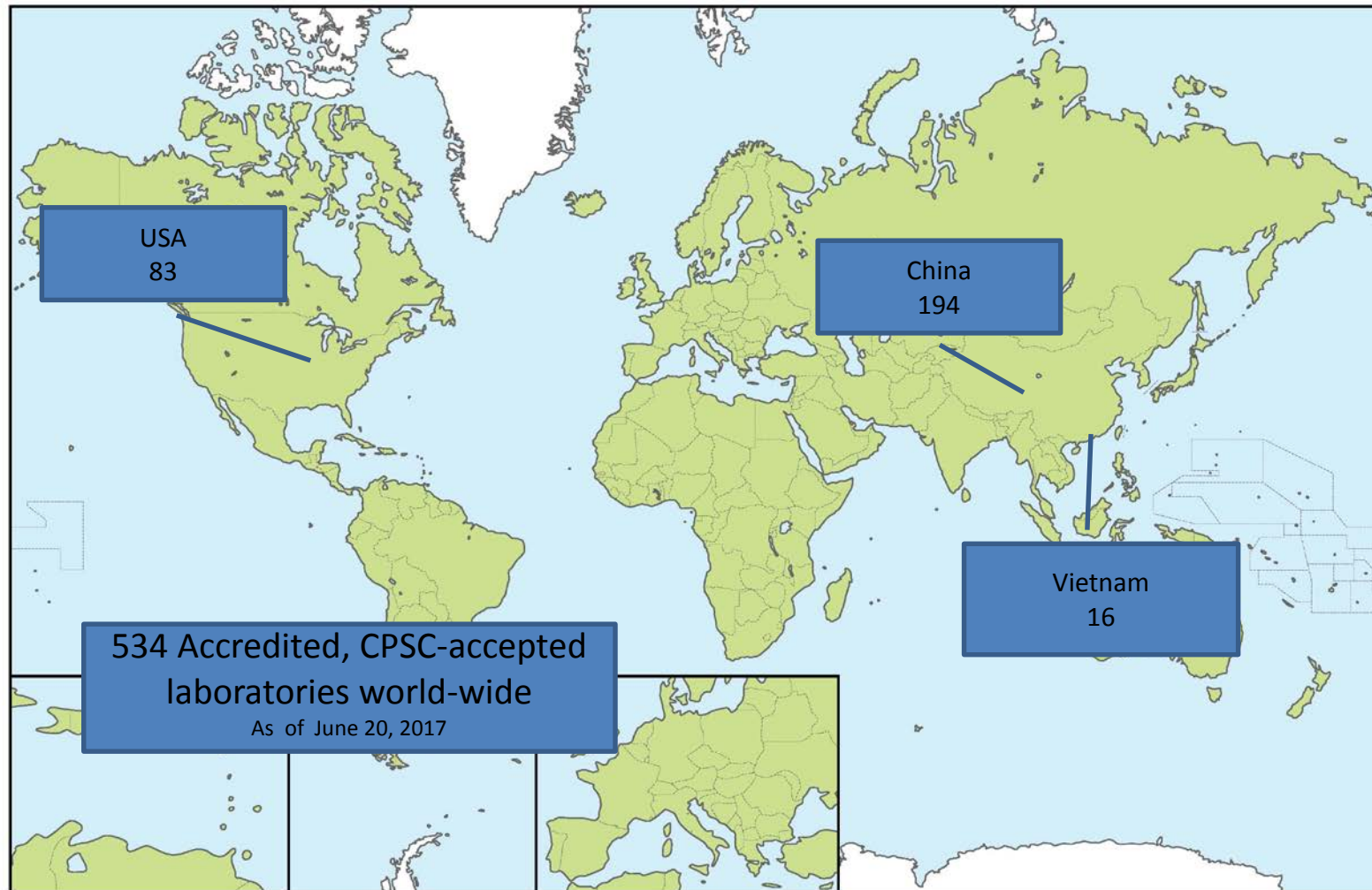
Testing Requirements

All toys and child care products
MUST be third-party tested by an
accredited, CPSC-accepted
laboratory.

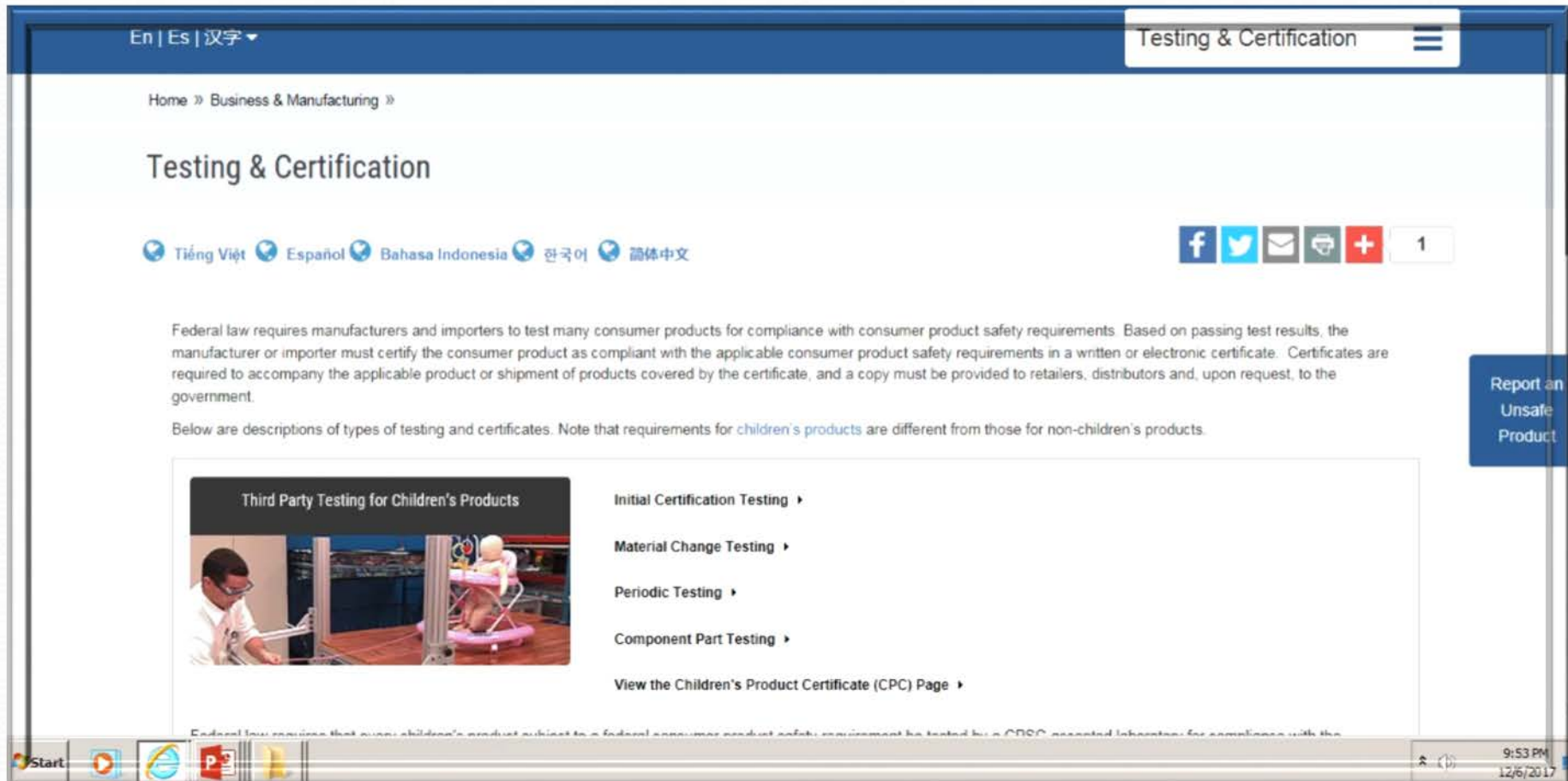
Use CPSC's web site to identify
easily accredited, CPSC-accepted
labs!

cpsc.gov/lab

Accredited, CPSC-Accepted Laboratories









Finding an Accredited, CPSC-Accepted Laboratory in China



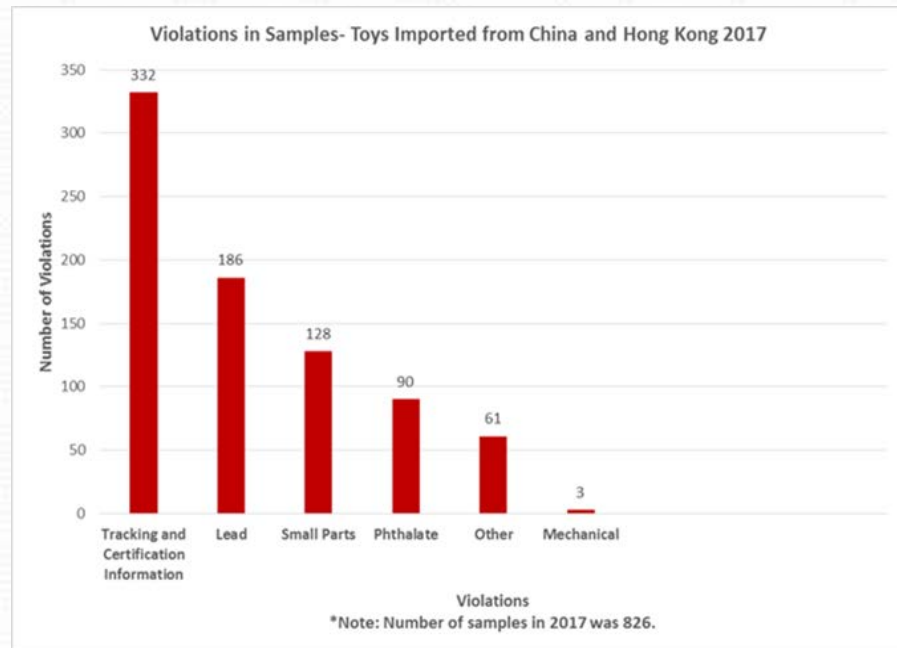
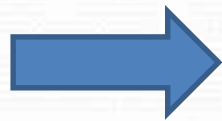
The Results Are in---How Did We Do?

Game Piece	Potential Issue	Sample Test Value
Sequin	Lead content in surface paint	5ppm
	Phthalates	<0.1% of certain phthalates
Paint on wood board	Lead surface content	110
Magnetic toys	Strength/Flux/Detachment	No detachment
Dice	Phthalate	<0.1% of certain phthalates
Teddy Bear	Small Parts (e.g., eyes)	35 mm

Requirements	Pass or Fail?
<100 ppm	
Permanent ban on children's toys and child care articles containing any of certain phthalates >0.1%	
<90ppm	
Cyclic test-no detachment	
Permanent ban on children's toys and child care articles containing any of certain phthalates >0.1%	
Must not be <31.7mm	

Are You Ready to Export?

- Ensure that you have proper tracking and certification papers to demonstrate that your product meets safety requirements.



ASTM Toy Standard

- This fictional case study focused on some illustrative hazards, requirements and violations.
- There are many other standards, such as the ASTM toy standard.
- The ASTM toy standard is a mandatory standard under the Consumer Product Safety Improvement Act.

ASTM Toy Standard

New Issues and Emerging Hazards

- Lithium batteries (fire prevention)
- Projectile toys (Kinetic energy, improvised projectiles)
- Push-pull toys

ASTM F963 – 17

- CPSC issued a direct final rule to establish ASTM F963-17 as the mandatory Standard Consumer Safety Specification for Toy Safety on December 4, 2017 (except for sound levels for push pull toys, which is still ASTM F963-16) ⁽⁹⁾
- Applies to all toys manufactured or imported on or after February 28, 2018.
- [CPSC Accepts Laboratories for ASTM F963-17 if the Laboratories Are Accredited, CPSC-Accepted to ASTM F963-16]
- Federal Register notice:
https://www.federalregister.gov/documents/2017/12/04/2017-26009/safety-standard-mandating-astm-f963-for-toys?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email

Website Resources in Chinese

<https://www.cpsc.gov/zh-CN/Business--Manufacturing/Business-Education>

企业教育

English Tiếng Việt Español

作为一个制造、进口和批发消费品的企业，您需要遵守一系列《消费品安全改进法》和消费品安全委员会的其它规定。以下这些步骤将协助引导您熟悉遵守联邦政府安全法规的程序。

第一 您制造儿童使用的产品吗？



该法律界定，“儿童产品”就是为12岁或者12岁以下儿童设计或者作为主要使用者的消费品。

第二 什么法规适用于我的产品？



要找到关于您的产品的信息，请查询下面的法规产品名单。如果您的产品没有出现在下面的名单中，它可能就是一种不受法规监管的产品。如果您还没有弄清楚，请确认您的产品属于消费品安全委员会管辖范围。

第三 我如何检测和认证我的产品？



儿童产品第三方检测
非儿童产品检测
消费品安全委员会认可的实验室



Envíe su Pregunta:

Email: [Formato de Contacto](#)

Contacte:

[Defensor de Las Pequeñas Empresas](#)

(Esta es la mejor forma de recibir una Respuesta rápida de la agencia.)

Reglamentos que Requieren un Certificado

[Reglamentos que Requieren Prueba de Terceros y Certificado para Productos para Niños](#)

[Reglamentos que Requieren un Certificado General De Conformidad](#)

企业/产品指导

[美术材料](#)

[石棉](#)

[全地形车](#)

U.S. References

- (1) Product certification and Labeling-- 15 U.S.C. 2063
- (2) Lead Paint-16 CFR part 1303
- (3) Lead Content-16 CFR part 1500
- (4) Small Parts--16 CFR part 1501
- (5) Phthalates (effective April 25, 2018)- 16 CFR part 1307
- (6) Certificates of Compliance--16 CFR part 1110
- (7) Testing and Certification--16 CFR part 1107
- (8) Third Party Testing Laboratories--16 CFR part 1112

U.S. References (continued)

(9) US Toy Standard, [ASTM F963-16 (became ASTM F963-17 effective February 28, 2018). See:

- Magnets
- Heavy Elements
- Use and Abuse
- Sections 4.38 and 8.25.4
- Section 4.3.5
- Sections 8.4 and 8.5
- Note: The Commission allowed ASTM F963-17 to become the new CPSC toy standard, with the exception of the text in section 8.20.1.5(5) which ASTM added. The Commission explained that it interprets this additional text to exempt push/pull toys from a limit on the continuous sound emitted from such toys.

Any Questions?

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