

# U.S. CONSUMER PRODUCT SAFETY COMMISSION



## Office of Compliance Small Parts Regulations<sup>1</sup>

### Toys and Products Intended for Use By Children Under 3 Years Old

#### 16 C.F.R. Part 1501 and 1500.50-53

#### *Where can I get a copy of the small parts regulation?*

These requirements are published in the Code of Federal Regulations in Title 16, Parts 1501 and 1500.50, 51, 52 and 16 C.F.R. 1500.18(a)(9). Copies are available on the Internet at: <http://www.cpsc.gov>. For more information on the small parts requirements, contact the Consumer Product Safety Commission, Office of Compliance, Washington, D.C. 20207, telephone: (301) 504-7913, e-mail: [sect15@cpsc.gov](mailto:sect15@cpsc.gov).

#### *What is the purpose of a small parts regulation?*

This regulation prevents deaths and injuries to children under three from choking on, inhaling, or swallowing small objects they may “mouth”. It bans toys and other articles that are intended for use by children under three and that are or have small parts, or that produce small parts when broken.

#### *Which products must meet this regulation?*

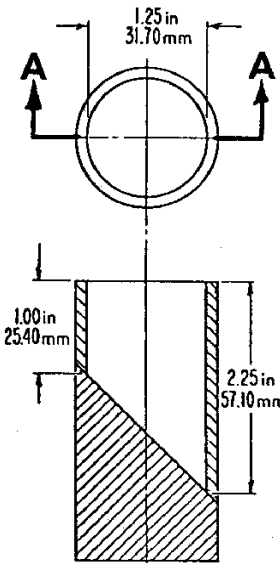
The regulation covers products that are intended for use by children under three. These products include a wide range of articles such as toys, dolls, and puzzles, nursery equipment, infant furniture and equipment such as playpens, strollers, and baby bouncers and exercisers. See **16 C.F.R. Part 1501.2** for a more detailed list.

#### *What is a small part?*

A small part is any object that fits completely into a specially designed test cylinder 2.25 inches long by 1.25 inches wide that approximates the size of the fully expanded throat of a child under three years old. (See figure). See **16 C.F.R. 1501.4** A small part can be:

- (1) A whole toy or article.
- (2) A separate part of a toy, game, or other article.
- (3) A piece of a toy or article that breaks off during testing that simulates use or abuse by children.

If a small part fits completely into the cylinder, and the toy or product from which it came is intended for use by children under three, the toy or product is banned because the small part presents a choking hazard.



Small Parts Test Fixture

#### *How can manufacturers determine what toys and other products are “intended for” use by children under 3 years?*

- (1) The rule lists general examples of the types of products that are intended for use by children under 3 years old. **16 C.F.R. 1501.2(a)**
- (2) The rule uses three factors to determine whether a toy is intended for use by children under three: the manufacturer’s stated intent, such as the age stated on a label; the advertising, promotion, and marketing of the product as being intended for use by children of a certain age; and whether the product or toy is commonly recognized as being intended for use by children under 3 years old. See **16 C.F.R. 1501.2(b)**

<sup>1</sup> This document is a simple description of the small parts requirements and does not replace or supersede any requirements published in 16 C.F.R. 1501, 1500.18(a)(9), and 1500.50, 51, 52.

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***How does a manufacturer decide whether a toy or other product is commonly recognized as being intended for use by children under 3?***

- (1) The CPSC publication "Manufacturers' Abbreviated Guide for Age-Labeling Toys: Matching Toy Characteristics to Children's Ages." can help you to match a product's characteristics to the age of the children for whose use it is commonly recognized. To obtain a copy, call 301-504-0800 or visit <http://www.cpsc.gov>.
- (2) Request an age determination of the product by a lab that tests for compliance with this regulation or by another person or firm with expertise in this area.

***Are any toys and products exempt from the small parts regulations?***

- (1) Yes. Balloons, books and other articles made of paper, phonograph records, writing materials such as crayons, chalk, pencils and pens, modeling clay and similar products, and finger paints, watercolors and other paint sets are exempt because they cannot be manufactured in a way that would prevent them from breaking into small parts when subjected to use and abuse testing. Children's clothing and accessories such as shoe lace holders and buttons, and grooming, feeding and hygiene products such as diaper pins and clips, barrettes, toothbrushes, drinking glasses, dishes and eating utensils are also exempt because they need to be small to perform their intended purpose. See 16 C.F.R. Part 1501.3&4(b).
- (2) Rattles and pacifiers are subject to their own small parts requirements. See 16 C.F.R. 1510.3 and 1511.4(d).
- (3) A product intended for use by children under three must meet the requirements of the small parts regulation unless the product is one of those items that is specifically exempt from the regulation.

***What testing requirements for small parts must toys and products for children under three meet?***

These toys and products must not release pieces that fit completely into the small parts cylinder after impact, flexure, torque, tension and compression testing. These tests simulate the forces that toys and products can experience during normal use and abuse by children under 3. If these forces cause parts to break off that fit in the cylinder, those parts present a risk of choking, aspiration or ingestion to children under 3.

**16 C.F.R. 1500.51** contains test procedures and forces that simulate use and abuse by children 0-18 months of age. **16 C.F.R. 1500.52** contains test procedures and

forces that simulate use and abuse by children 18-36 months of age.

***Are there any other requirements intended to protect children under 3 from choking on small parts?***

Yes. Toys and games that are or contain small parts as manufactured and that are intended for use by children from 3 to 6 years old must be labeled to warn purchasers not to buy them for children under 3 years old because those children could choke on the small parts. Marbles, small balls, and balloons also require similar warnings. See **16 C.F.R. 1500.19**

***Does CPSC have any other guidelines or regulations that all products for children under three must meet?***

Yes. Toys and children's products must not have hazardous sharp points (**16 C.F.R. 1500.48**) or edges (**16 C.F.R. 1500.49**), have paint or any other similar surface coating that contains more than .06% lead (**16 C.F.R. Part 1303**), contain other hazardous chemicals (**16 C.F.R.1500.3(a)(15)**), or exceed flammability limits (**16 C.F.R. 1500.44**).

***Which products and toys for children under three must meet additional regulations?***

**Pacifiers** - 16 C.F.R. 1511

**Rattles** - 16 C.F.R. 1510

**Cribs** - 16 C.F.R. 1508, 1509

**Infant Pillows, Cushions** - 16 C.F.R. 1500.18(a)(16)

**Baby Walkers, Bouncers, Jumpers** - 16 C.F.R. 1500.18(a)(6)

**Electrically Operated Toys** - 16 C.F.R. 1505

**Dolls, Stuffed Toys** and Other Products that may cause lacerations or punctures. 16 C.F.R. 1500.18(a)(1), (2), (3)

**Small Balls** 16 C.F.R. 1500.18(a)(17)

***Do any other standards apply to products intended for use by children under three years of age?***

The American Society for Testing and Materials (ASTM) is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards. To obtain a copy of the Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children's products, contact the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, telephone: (610) 832-9585, Fax (610) 832-9555, or visit <http://www.astm.org>.