

CPSIA and PHTHALATES

Scope of Section 108



These comments are those of the CPSC staff, have not been reviewed or approved by, and may not necessarily reflect the views of, the Commission



Children's Toys

SEC. 108(e)(1)(B)

- Consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays
- Factors to consider when determining intended age:
 - Manufacturer's statement, i.e., label, if reasonable
 - Packaging, display, promotion, or advertising
 - Commonly recognized for children 12 years and younger
 - Age Determination Guidelines



Play

- Dictionary definitions of “play”:
 - To occupy oneself in amusement, sport, or other recreation: children playing with toys
 - Recreational activity; *especially*: the spontaneous activity of children
 - Exercise or activity for amusement or recreation



Children's Toy

- ASTM F963
 - Definition of toy: “any object designed, manufactured, or marketed as a plaything for children under 14 years of age”
 - Exclusions
 - Bicycles (ASTM F2043) and tricycles
 - Sling shots and sharp-pointed darts
 - Playground equipment (ASTM F1148, F1487, & F2373)
 - Non-powder guns (ASTM F589)
 - Kites
 - Art Materials, model kits, & hobby items (e.g., ASTM D4236)
 - Sporting goods, camping goods, athletic equipment (F08 Committee), , musical instruments, & furniture (ASTM F2057)
 - Powered models of aircrafts, rockets, boats, and land vehicles (e.g., ASTM F2641, F2642, F2264)



Should These Toys Be Covered by the CPSIA Phthalates Ban?

- Novelty books that involve interaction more than simply reading
- Bath toys
- Pool toys
- Wading pools
- Dolls
- Action figures
- Costumes
- Masks
- Balloons



Toys In A Child's Mouth

SEC. 108(e)(2)(B)

- A toy can be placed in a child's mouth if any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed.
- If the children's product can only be licked, it is not regarded as able to be placed in the mouth.
- If a toy or part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth.



Child Care Article

SEC. 108(e)(1)(C)

- Consumer products designed or intended by the manufacturer to facilitate sleep or the feeding of children aged 3 or younger; or to help such children with sucking or teething.
- Webster's dictionary definition of facilitate:
“to make easier”



Facilitate Whom?

- Does the product “facilitate” the child or the parent during the feeding/sleeping/sucking/teething process?
 - Primary: products used directly in the mouth by the child.
 - Secondary: products used by the parent, but that have no contact with the child.



Close Proximity

- Products that are not necessarily in direct physical contact with the child, but are in close proximity:
 - Cribs
 - Crib mattresses
 - Toddler mattresses
 - Mattress covers
 - Mattress pads



Multiple Functions

- Products that have multiple functions including facilitating feeding, sleeping, sucking or teething:
 - Stroller
 - Swing
 - Bouncer



Request for Comment

- Does the staff's approach to determining which products are subject to the requirements of CPSIA Section 108 provide clear guidance?
- The ASTM F963 exclusions may not be reasonable to follow in some cases, is there a better way?
- Are there other classes of products or specific products that should be excluded?



Classification?

- Should the following products be classified as toys, child care articles or other?
 - Pacifier
 - Bib
 - Pajamas
 - Crib or toddler mattress
 - Mattress cover
 - Crib sheet
 - Infant sleep positioner
 - Play sand
 - Baby swing
 - Decorated swimming goggles
 - Water wings
 - Shampoo bottle with animal or cartoon character shapes
 - Costumes and masks
 - Baby walker
 - Wading pool

