

# 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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March 13 and 15, 2018



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  
莫不骰翹



# 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

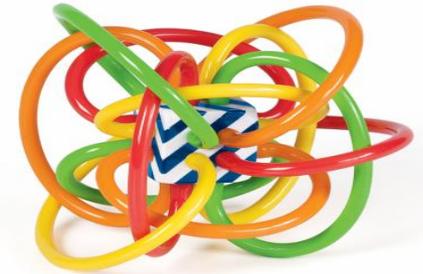
Samples valued at more than **\$1 million** dollars  
(import value)

# Recalls in 2017

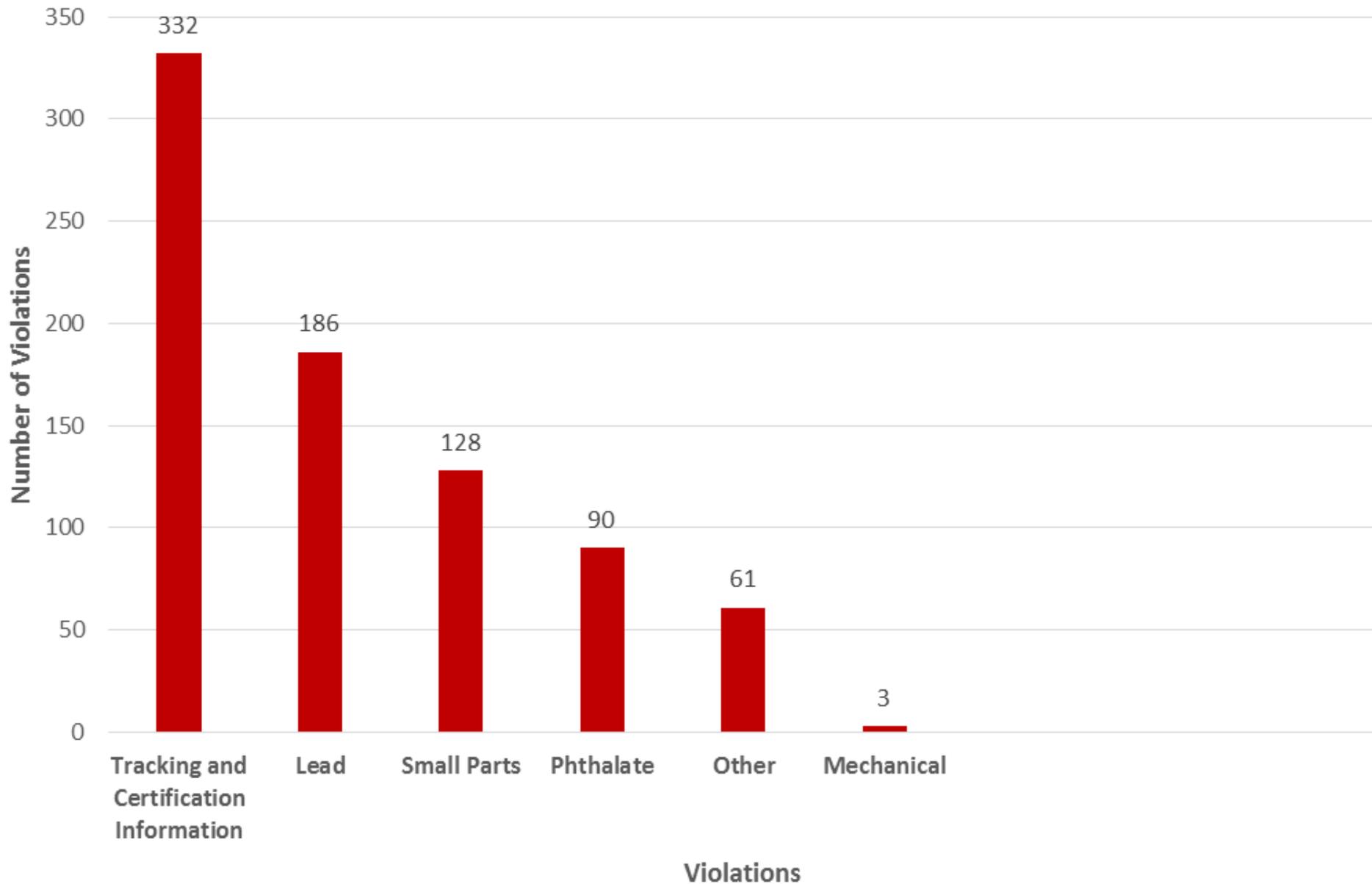
**12** recalls of toys made in China and Hong Kong

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 image is a screenshot of a web browser displaying the CPSC Regulatory Robot website. The browser's address bar shows the URL: <https://www.cpsc.gov/business--manufacturing/regulatory-robot/safer-products-start-here/>. The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The page content includes a breadcrumb trail: "Home » Business & Manufacturing » Safer Products Start Here". Below this is a large heading: "Safer Products Start Here!". The main visual is a cartoon robot with a green body and white head, standing next to a laptop. The robot is pointing at a target icon on the laptop screen. To the right of the robot and laptop is a blue banner with the text "Regulatory ROBOT" in yellow and "Safer Products Start Here!" in white. Below this is a section titled "Welcome to CPSC's Regulatory Robot!". The text in this section 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!



### 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
<b>Labeling</b>	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)
<b>Certification</b>	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
<b>Lead Content (100ppm limit)</b> <b>Lead in Paint and Similar Surface Coatings (90ppm limit)</b>	12 U.S.C. §1278a 16 C.F.R. Part 1303
<b>Small Parts Testing</b>	16 C.F.R. Part 1501
<b>Phthalates</b>	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.
<b>US Toy Standard, ASTM F963-16 (became ASTM F963-17 effective February 28, 2018) :</b> <b>Magnets</b> <b>Heavy Elements</b> <b>Use and Abuse</b>	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.<sup>(1)</sup>
- 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](http://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).



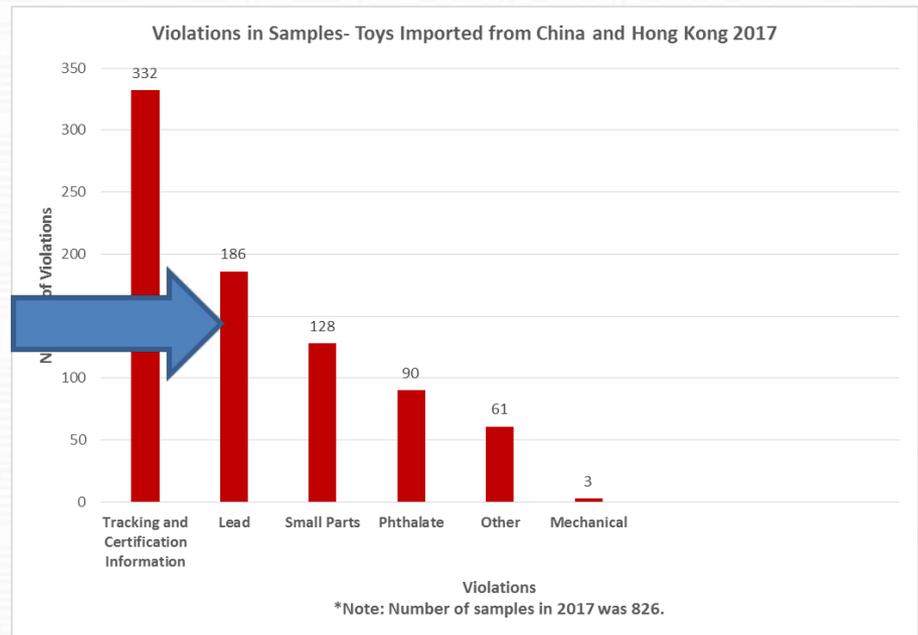
**WARNING:**

CHOKING HAZARD--Small parts  
Not for children under 3 yrs.



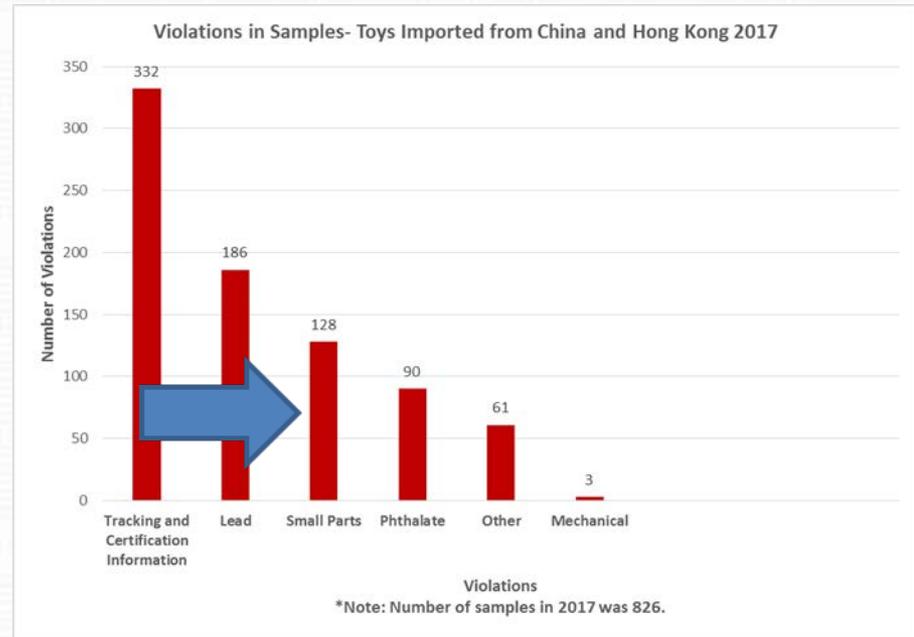
# Lead

- 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

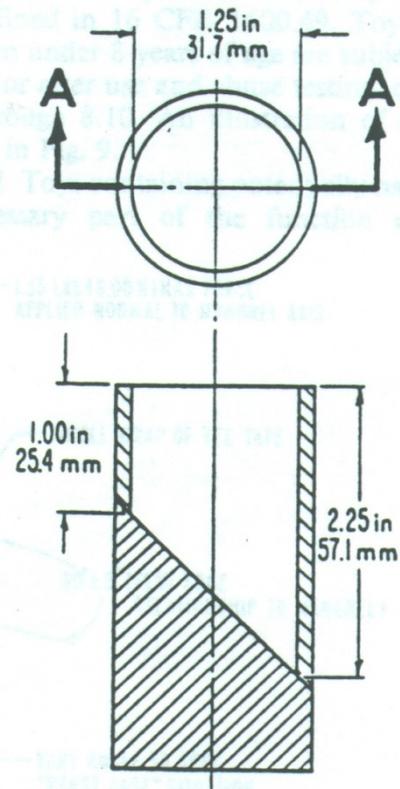
- Small parts present choking, aspiration, and ingestion hazards.
- A small part is one that can fit into a small parts cylinder specified in the regulation. (4)



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

# Small Parts Test Cylinder

Cylinder



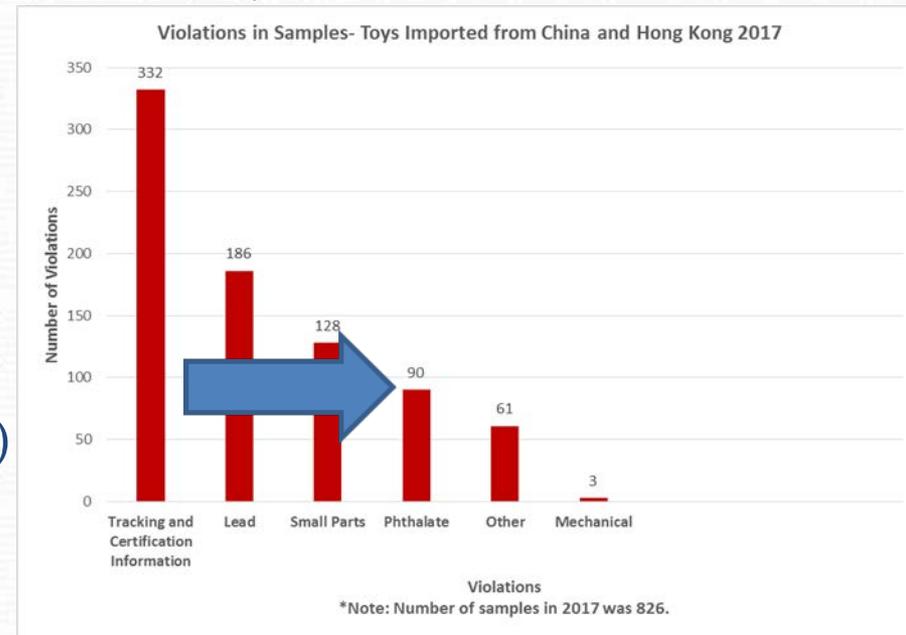
Failed sample



# 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.

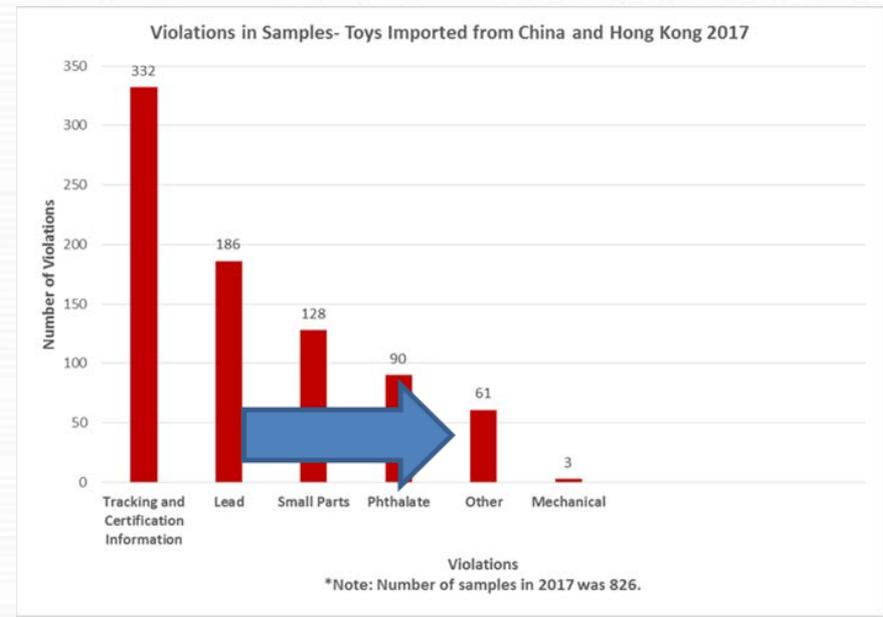


# Phthalates (Plasticizers)

- 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

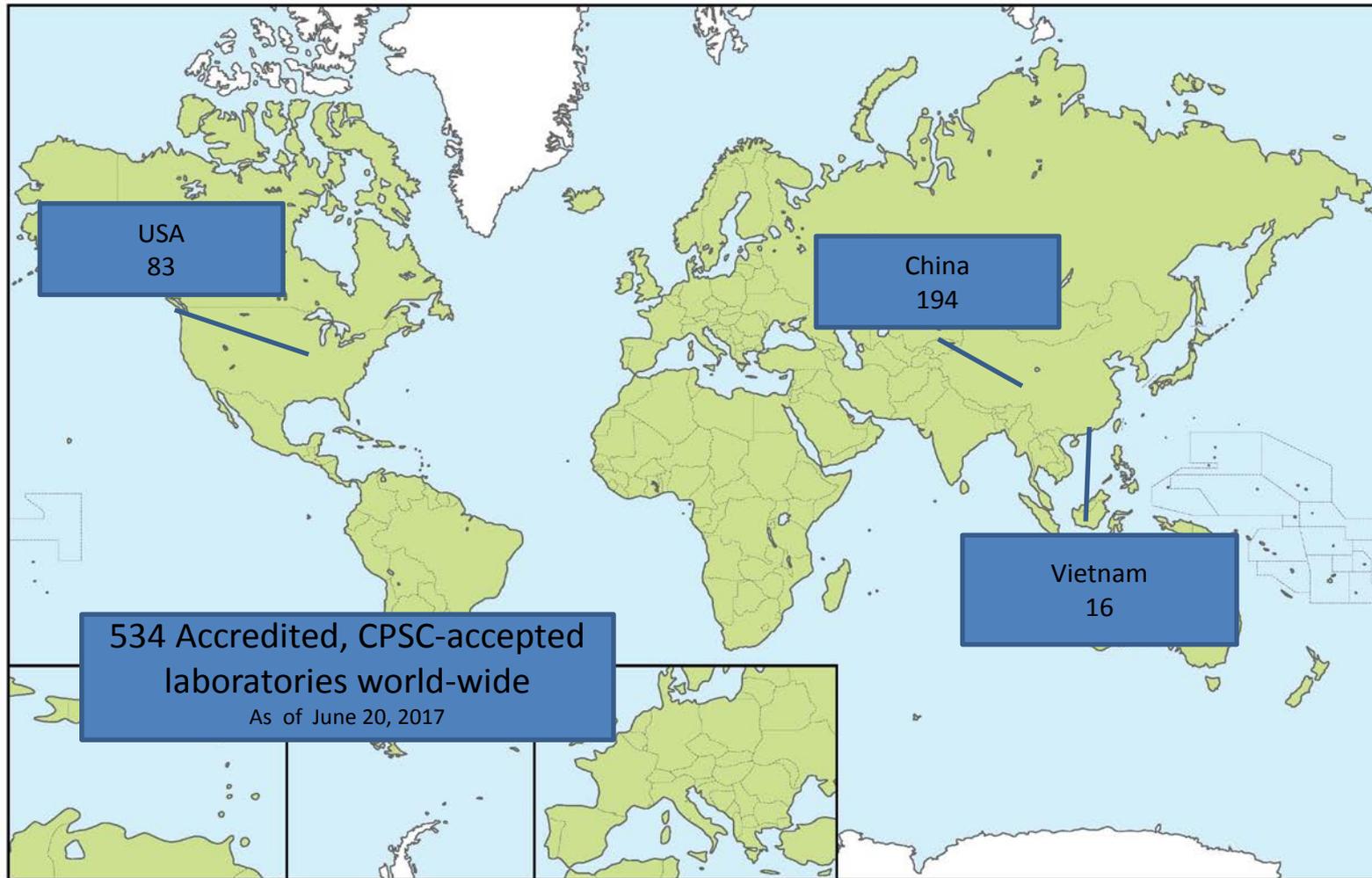
# Testing Requirements

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](http://cpsc.gov/lab)**

# Accredited, CPSC-Accepted Laboratories



# Finding an Accredited, CPSC-Accepted Laboratory in China

The screenshot shows the CPSC website's 'Testing & Certification' page. At the top, there is a navigation bar with 'En | Es | 汉字' on the left and 'Testing & Certification' on the right. Below the navigation bar, the breadcrumb 'Home » Business & Manufacturing »' is visible. The main heading is 'Testing & Certification'. There are language selection options for 'Tiếng Việt', 'Español', 'Bahasa Indonesia', '한국어', and '简体中文'. Social media icons for Facebook, Twitter, Email, RSS, and a plus sign are present, along with a notification bubble showing '1'. The main text explains that federal law requires manufacturers and importers to test many consumer products for compliance with consumer product safety requirements. It states that based on passing test results, the manufacturer or importer must certify the consumer product as compliant with the applicable consumer product safety requirements in a written or electronic certificate. Certificates are required to accompany the applicable product or shipment of products covered by the certificate, and a copy must be provided to retailers, distributors and, upon request, to the government. Below this text, it notes that requirements for children's products are different from those for non-children's products. A list of testing and certification options is provided: 'Initial Certification Testing', 'Material Change Testing', 'Periodic Testing', 'Component Part Testing', and 'View the Children's Product Certificate (CPC) Page'. A video thumbnail titled 'Third Party Testing for Children's Products' shows a man in a white shirt operating a testing machine on a baby walker. A blue button on the right side of the page says 'Report an Unsafe Product'. The Windows taskbar at the bottom shows the Start button, several application icons, and the system tray with the time '9:53 PM' and date '12/6/2017'.

En | Es | 汉字

Testing & Certification

Home » Business & Manufacturing »

## Testing & Certification

Tiếng Việt Español Bahasa Indonesia 한국어 简体中文

f t e r + 1

Federal law requires manufacturers and importers to test many consumer products for compliance with consumer product safety requirements. Based on passing test results, the manufacturer or importer must certify the consumer product as compliant with the applicable consumer product safety requirements in a written or electronic certificate. Certificates are required to accompany the applicable product or shipment of products covered by the certificate, and a copy must be provided to retailers, distributors and, upon request, to the government.

Below are descriptions of types of testing and certificates. Note that requirements for [children's products](#) are different from those for non-children's products.

- Initial Certification Testing ▶
- Material Change Testing ▶
- Periodic Testing ▶
- Component Part Testing ▶
- View the Children's Product Certificate (CPC) Page ▶

Third Party Testing for Children's Products

Report an Unsafe Product

Start [Icons] 9:53 PM 12/6/2017

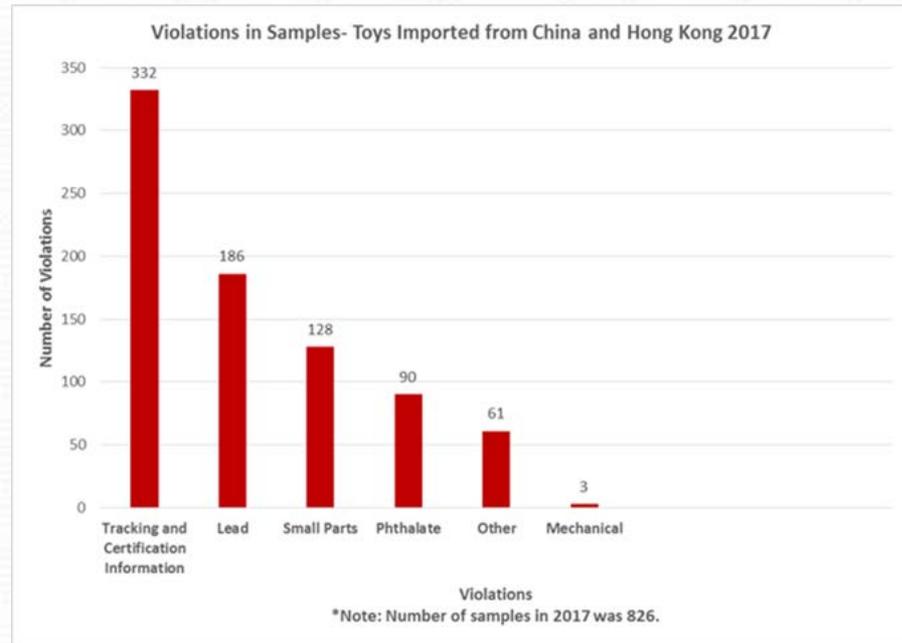
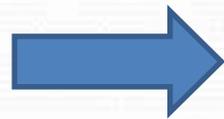
# The Results Are in---How Did We Do?

Game Piece	Potential Issue	Sample Test Value
Sequin	Lead content in surface paint  Phthalates	5ppm  <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 ecertain 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) <sup>(9)</sup>
- 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](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



1

### Envíe su Pregunta:

Email: [Formato de Contacto](#)

Contacto:

[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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