

# PROPOSED CPSC GUIDELINES FOR DETERMINING AGE APPROPRIATENESS OF TOYS



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ASTM / ICPHSO Roundtable on Products & the Appeal to Children:  
Applications & Consequences

\*This presentation has been prepared by CPSC staff and has not been reviewed or approved by the Commission.

# Agenda

- Age grading and toy safety
- Project goal
- Timeline for revisions
- Proposed revisions

# Timeline for Revisions

- Age Determination Guidelines published in 2002
- Interagency agreement with NICHD\* established in 2014
- NICHD completed updates to Proposed Guidelines in 12/2017
- CPSC staff reviewed and cleared documents 1/2018-3/2018
- CPSC staff published Federal Register Notice requesting comments on 3/21/2018 (83 FR 13121)
- Open for comments until 6/11/2018

\*<https://science.nichd.nih.gov/confluence/display/cfr/Home>

# CPSC Staff Seeks Public Comment on:

- Proposed Revisions of CPSC Guidelines for Determining Age Appropriateness of Toys
- Proposed CPSC Toy Guidelines: Research Document

<https://www.regulations.gov/docket?D=CPSC-2018-0006>

\* Reviewer Tool provided: Summary Spreadsheet for Updating the Age Determination Guidelines for Toys

# Proposed Revisions to Guidelines

- Changes to Introduction
- Changes to Children's Basic Abilities and Preferences
- Toys added to the Proposed Guidelines
- Age group changes to existing toys
- Qualitative statements added to existing toys

# Changes to Introduction

Section 3(a)(2) of the CPSA, as amended by CPSIA in 2008, provides criteria for age grading and product classification purposes:

- 1) children's products vs. general use
- 2) children's products additionally may be toys or child care articles

# Statutory Factors Considered:

1. Stated intent of the manufacturer if not unreasonable
2. Marketing, advertising, and promotion
3. Common recognition of appropriate age group by consumers
4. The Age Determination Guidelines (2002, or any successor document)

# CPSC Human Factors Age Grading Process

- Assigns recommended age or age group
- Classifies products as one of the following:
  - Children's product
  - Children's toy
  - Child care article
  - General use product



# Children's Product

- A consumer product designed or intended primarily for children 12 years of age or younger - CPSCA §3(a)(2)

# Children's Toy

- A 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. - CPSIA 108(b)(3)(e)(1)(B)
- *toy*—any object designed, manufactured, or marketed as a plaything for children under 14 years of age. - ASTM F963 Toy Safety Standard §3.1.91 (mandatory under §106 of CPSIA)

# Child Care Article

- A consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.
  - CPSIA §108(b)(3)(e)(1)(C)

# What is a “General Use Product”?

- General use products are consumer products that are *not* designed or intended primarily for use by children 12 years of age or younger.
- Some products may be designed or intended for use by consumers of all ages, including children 12 years old or younger. Such products would be considered "general use products."

# Children's Basic Abilities and Preferences Category

- Summary of child development and typical play behaviors
- Identifies appropriate and appealing product characteristics that are consistent across subcategories
- Removed certain toy references to sharpen focus on children's development
- May be applicable beyond toys to children's product evaluations

# Toys Added to Proposed Guidelines

Category	12-18 months	19-35 months	36-71 months	72-107 months
Exploratory & Practice Play	Wooden Flower Wheel, Wooden Bead Maze Cube, Spherical Crayons, Bubble Wand and Receptacle	Gear Toy	Chunky Animal & Clear Bubble Blasters (2), Foam Clay, Wooden Flap Toy, Liquid Clock	
Building Play	Wooden Train with Stackable Pieces, Wooden Blocks with Internal Magnet Connectors		Dowel and Rod Building Set, Suction Cup Building Pieces	Robotic Magnetic Building Cubes
Pretend & Role Play	Play Touchscreen Phone, Light Up Star Wand, Car with Rattle Controller, Sliding Cell Phone with Buttons, Remote Controlled Monster Truck	Doll Stroller, Doll with Accessories, Dancing Figurine, Diecast Car Track	Talking Dinosaur, Play Food, Animatronic Interactive Animal	Puppet Theatre and Puppets, Foldable Figurine, 18-Inch Doll with Wheelchair Accessories, Launching Vehicle Track
Game & Activity Play	Egg puzzle	Peg Shape Sorter, Noisemaking Shape Puzzle	Magnetic puzzle, Handheld Water Game	Matching Game, Light and Sound Pattern Pad

# Toys Added to Proposed Guidelines - Cont.

Category	12-18 months	19-35 months	36-71 months	72-107 months
Sports, Recreational, & Outdoor Play	Basketball and Soccer Combination Sport Center, Bowling Set, Large Basketball Hoop	Spiked Light Up Balls	Hook and Loop Ball and Mitt Set, Squishy Porcupine Yoyo, Bean Bag Toss, Floor Launcher, Table Hockey	
Media Play	Animal Marker, Gel Art Board, Spherical Crayons, Xylophone, Plastic Electronic Guitar, Sticker Pad, Light Up Gel Pad with Stylus, Chunky Plastic Whistle		Plastic Trumpet, Band Set, Clay with Molds, Battery Powered Drum Pad, Symbol Book and Accompanying Piano, Rubber Loom, Magnetic Art Board, Wooden Ukulele	Coloring Book and Crayons, Floor Piano, Yarn Loom, Mini Accordion
Educational & Academic Play	Vocabulary Board Book	Animal and Letter Spinning Sphere	Alphabet Magnets, Abacus, Toy Camera with Viewfinder Function, Science Kit Experiment	Educational Mats with Wipe Off Crayons
Technology Play			Karaoke Machine	

# What is new?

## Potential Testing Implications

- 15 toys added to the Proposed Guidelines (approx. 20%) have a recommended age group that differs from the manufacturer's age label; use and abuse testing and small part requirements may also differ
  - 13 of the toys have a recommended age group *younger* than the manufacturer's age label
  - 2 of the toys have a recommended age group *older* than the manufacturer's age label



# Proposed Changes to Age Group Recommendations for Existing Toys

Age Group Change	Exploratory & Practice Play	Pretend & Role Play	Sports, Recreational, & Outdoor Play	Educational & Academic Play	Building Play	Game & Activity Play	Media Play
Increase	Nesting Cups to 19-35 mos	Play Vacuum to 19-35 mos, Baby Bottles with Faux Liquid to 36-71 mos	Crawl-Through Tunnel to 36-71 mos	Nesting Cups to 19-35 mos, Microscope to 72-107 mos			
Decrease					Interlocking Bricks with Figurines to 36-71 mos	3D Maze Ball to 72-107 mos	Finger Paint to 12-18 mos

# Proposed Qualitative Statements Added to Existing Toys

Play Category	Toys
Exploratory & Practice Play:	Bead and Elastic Squeeze Toy, Push Toy, Nesting Cups
Building Play:	Large Foam Blocks, Colorful Wooden Blocks, Blocks with Vehicle Attachments, Small Interlocking Bricks with Figurines
Pretend & Role Play:	Tea Set, Firetruck, Moving and Talking Dump Truck, Baby Bottles with Faux Liquid, Remote Controlled Sedan
Game & Activity Play:	Puzzle with Chunky Knob Handles, Nesting Cups
Sports, Recreational, & Outdoor Play:	Small Indoor Slide, Crawl-Through Tunnel
Media Play:	Finger Paint
Educational & Academic Play:	Story Board Book, Nesting Cups

# Conclusions

- CPSC staff welcomes feedback from the toy industry, test labs, consumer safety advocates, and researchers on the Proposed Guidelines and Proposed Research Document through 6/11/2018\*
- Anticipate public release of Updated Guidelines by early 2019

Questions? Contact Khalisa Phillips, Ph.D. at  
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\*Notice of availability posted at: <https://www.regulations.gov/document?D=CPSC-2018-0006-0001>