



Selling Compliant Toys in The United States

U.S. Consumer Product Safety Commission

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The Consumer Product Safety Improvement Act of 2008 (CPSIA)

Congress passed the CPSIA in 2008 to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Many high-profile product recalls in 2007 and 2008, particularly those involving:

- Lead paint in children's toys
- Dangerous cribs



Major Provisions of the CPSIA

- Bans lead beyond a minute amount in products intended for children 12 years of age and under.
 - 100 ppm for lead content in children's products and toys
 - 90 ppm for surface paint on children's products and toys.
- Permanent ban of three phthalates in toys and child care articles; interim ban of three other phthalates
 - No more than .1 percent of DEHP, DBP, or BBP—permanently banned
 - No more than .1 percent of DINP, DIDP, or DnOP—temporarily banned pending adoption of final rule based on CHAP recommendation.
- Requires tracking labels on children's products
- Deems ASTM toy standard a mandatory standard under CPSA
- Mandates that the CPSC issue mandatory federal safety standards for durable infant or toddler products
- Mandates premarket testing by certified laboratories of children's products for lead and for compliance with a wide range of safety standards.



CPSA Mandated Third-Party Testing of Children's Products

Testing is required to provide a "high degree of assurance" that product is compliant.

- Initial Certification Testing
- Component Part Testing (voluntary)
- Material Change Testing
- Periodic Testing for Continued Production
- Implement a rigorous recordkeeping system to document all relevant aspects of design and manufacturing to assure that all changes can be easily tracked



Initial Certification Testing

- Identify one (or more) CPSC-accepted laboratory to conduct testing for identified regulatory requirements
- Certify in a Children's Product Certificate (CPC) based on passing test results
- Provide CPC to retailers and distribution and, upon request, to CPSC or U.S. Customs and Border Protection.

15 USC §2063; 16 CRF §1107.20; 16 CFR 1110.



Component Part Testing

- If a finished product manufacturer or importer purchases a component from a supplier who voluntarily tests its product (for example, a paint supplier), that manufacturer must “exercise due care” to rely on the component part certificate or component part test results in drafting its own Children’s Product Certificate.
- The concept of “due care” will vary depending upon the circumstances and the nature of the industry.

16 CFR Part 1109



Component Part Testing

- For example, depending on the industry and the circumstances, the exercise of due care may include:
 - Being familiar with testing and sampling procedures,
 - Requesting written test procedures
 - Ensuring the supplier's third-party laboratory is CPSC accepted
 - Spot checking a supplier's test results
 - Visiting a supplier's factory or third-party laboratory, or
 - Agreeing contractually on testing and recordkeeping.

Document your "exercise of due care" and maintain records.



Material Change Testing

- A material change means any change in the product's design, manufacturing process, or sourcing of component parts that a manufacturer or importer exercising due care knows, or should know, could affect the product's ability to comply with applicable federal consumer product safety laws and regulations.

16 CFR Part 1107



Material Change Testing

- If the manufacturer or importer makes a material change to the children's product after initial certification, you must:
 - Retest the affected component part or the product to the rules potentially affected by the material change; and
 - Issue a new Children's Product Certification

16 CFR Part 1107



Periodic Testing

- Periodic testing helps provide a manufacturer with a “high degree of assurance” that its children’s product continues to be compliant with the applicable children’s product safety rules while production of that product continues—and not just at the moment of initial testing and certification.
- www.cpsc.gov/periodic-testing

16 CFR Part 1107



Periodic Testing

- If you—the manufacturer or importer—have continued production of your children's product, you must periodically retest your product using a CPSC-accepted laboratory.
- Periodic testing only applies if you have a continued production.

Mandatory, 16 CFR Part 1107



Record Keeping by Manufacturer

- For 5 years, a manufacturer must maintain records of
 - All Children's Products Certificates,
 - All third party certification test results from initial certification and material change testing, and
 - All descriptions of material changes in a product's design, manufacturing process, and sourcing of component parts during the continued production of a product.



Record Keeping for Testing Party and Certifier for Component Parts

- For 5 years, each testing party and certifier must provide the following records, either in hard copy or electronically, to a certifier relying on the records as a basis for issuing a certificate:
 - Test reports, including the test values, if any;
 - Identification of the party that conducted each test;
 - Identification of the:
 - Component part or the finished product
 - Lot or batch tested
 - The applicable rules tested
 - Testing methods and sampling protocols used
 - Date or date range when the component part or finished product was tested



ASTM F963 – Partial List of Requirements

- Sound-Producing Toys
- Battery-Operated Toys
- Small Objects
- Stuffed and Beanbag-type Toys
- Projections
- Marbles and Balls
- Folding Mechanisms and Hinges
- Hemispheric-Shaped Objects
- Cords and Elastics in Toys
- Yo-Yo Elastic Tether Toys
- Bath Toy Projections
- Wheels, Tires, and Axles
- Magnets
- Pacifiers
- Balloons
- Projectile Toys
- Certain Toys with Spherical Ends
- Rattles
- Teethers and Teething Toys
- Squeeze Toys
- Toxicology: Heavy Elements in Paint and Substrate



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ASTM F963: New Issues and Emerging Hazards

- Batteries in toys (Lithium batteries, fire prevention)
- Magnets in toys (Magnet strength, flux index, labeling)
- Projectile toys (Kinetic energy, improvised projectiles)
- Impaction hazards (Nail-shaped hazards)
- Emerging hazards (Projection hazards)
- Toy Chests

Thank you

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