

Phthalates:

Section 108 of the Consumer Product Safety Act of 2008

December 17, 2009



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.

Permanent Ban

- Beginning February 10, 2009, a permanent ban on the manufacture for sale, offer for sale, distribution in commerce, or importation of any children's toy or child care article that contains concentrations of more than 0.1 % of the following phthalates:
 - DEHP: di-(2-ethylhexyl) phthalate,
 - DBP: dibutyl phthalate, or
 - BBP: benzyl butyl phthalate
- Congress' use of the term "or" in the CPSIA suggests that this 0.1 % limit applies to each individual phthalate, not the total amount of phthalates in the product.

Interim Ban

- Beginning February 10, 2009, an interim ban on the manufacture for sale, offer for sale, distribution in commerce, or importation of any children's toy *that can be place in a child's mouth* or child care article that contains concentrations of more than 0.1 % of the following phthalates individually:
 - DINP: diisononyl phthalate
 - DIDP: diisodecyl phthalate
 - DnOP: di-n-octyl phthalate
- Effective until CHAP completes its study of the interim banned phthalates and Commission promulgates a final rule

Definitions for the Permanent and Interim Bans

- Children's Toy – 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*
- Child Care Article – 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

Definitions for the Interim Ban: DINP, DIDP, and DnOP

- In addition to the definitions of children's toy and child care article discussed previously:
- “. . . any children's toy that can be placed in a child's mouth or child care article . . .”
- “For purposes of this section a toy can be placed in a child's mouth if any part of the toy can be brought to the mouth and kept in the mouth by a child so that it can be sucked or 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 a part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth.”