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CPSC Announces New Method to Test Phthalate Content in Children's Products



On 1 April 2010, the Consumer Product Safety Commission (CPSC) announced a detailed procedure for the measurement of phthalates content in children's products and childcare articles. Known as Test Method CPSC-CH-C1001-09.3 (Standard Operating Procedure for Determination of Phthalates)^{1,2}, the procedure could affect manufacturers and retailers who are dealing with children's products in the US market.

COMPONENT-BASED MEASUREMENT

The key change in the latest procedure is the method in which a product's phthalate content is determined. Previously, the phthalate content in a product was determined by arriving at an average value calculated over the whole product. With the new method,

however, the phthalate content will be determined on per component basis. In this context, a "component" is defined as an individual sub-unit within a product.

IMPACT ON SOFTLINES CUSTOMERS

- Due to the shift in approach from product-based phthalate measurement to individual component-based measurement, it has become more stringent for products to comply with the phthalates limits established in section 108 of Consumer Product Safety Improvement Act (CPSIA). Section 108 of the CPSIA permanently prohibits the sale of any "children's toy or child care article" containing concentrations of more than 0.1 percent of the six specified phthalates. These prohibitions have been effective since 10 February 2009. Failure to comply with section 108 of the CPSIA can result in civil and criminal penalties.
- The new test method¹ provides detailed information on each step of the test procedure, from sample preparation and extraction to analysis and calculation of results.
- Compliance with the new test method may lead to increase cost of testing, but it will also result in greater consistency of test results across all labs, higher consumer confidence and greater protection to children from phthalate exposure.

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More information

¹ Test Method: CPSC-CH-C1001-09.3, Standard Operating Procedure for Determination of Phthalates available at: <http://www.cpsc.gov/about/cpsia/CPSC-CH-C1001-09.3.pdf>

² Statement of Policy: Testing of component parts with respect to Section 108 of the CPSIA: <http://www.cpsc.gov/ABOUT/Cpsia/componenttestingpolicy.pdf>

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BACKGROUND

In March 2009, the CPSC sought comments on the method for testing phthalate content as a percentage of the entire toy or child care article. Based on the comments received, the CPSC concluded that such a measurement method could lead to dilution of the phthalate concentrations compared to that in one or more of its components. Thus, the decision was taken to limit phthalate testing to those components in products that could contain phthalates.

HIDDEN DANGER OF PHTHALATES

Phthalates, an industrial chemical, are added to plastic products to make them soft and pliable. They are widely used in children's products, such as rubber ducks, teething rings and soft bath books. Phthalates, however, can cause serious long-term health problems, such as adversely affecting the endocrine and reproductive systems.

HOW CAN TÜV SÜD SUPPORT SOFTLINES CUSTOMERS?

TÜV SÜD has the necessary equipment and procedures in place to test for phthalate concentration according to the latest test method announced by the CPSC. TÜV SÜD experts can analyze the likely impact on your products and advise on changes, if any, to your products and internal test procedures. With proven expertise, TÜV SÜD can help you smoothly navigate the latest changes in CPSC regulations so that you can continue to enjoy high consumer confidence in the US market. ■

Further Updates from the Consumer Product Safety Commission (CPSC)

PROPOSED DRAFT RULES DATED 1 APRIL 2010

- **What it is about:** The CPSC issued a notice of proposed rulemaking that suggests that a party certifying a product under section 14 of the Consumer Product Safety Act (CPSA) may rely on tests of component parts of the product, including materials used to produce it, as all or part of the basis for a valid certificate that the product complies with all applicable requirements enforced by the Commission. The proposed rule would also include the conditions under which such tests of component parts can be conducted by persons other than the manufacturer, such as the manufacturer or supplier of the component parts.
- **Date of Effect:** Details of the proposed rules will be discussed at an Open Commission meeting on April 8, 2010 and a decision meeting is set for April 21, 2010.
- **Affected businesses:** Once the draft rule is passed, manufacturers can expect the amount of product testing to be reduced as long as there are no significant changes to the manufacturing process and raw materials. However, it would shift the burden on to the certifying labs to ensure that the component testing is done by the accredited labs. In addition, the changes will also enhance the traceability of the components to its manufacturers without any ambiguity.
- **What it is about:** The CPSC issued a notice of a proposed rule that would establish requirements for:
 1. Reasonable testing program for non children's products; and
 2. Reasonable testing program along with compliance and continued testing for children's products.
- **Date of Effect:** Details of the proposed rules will be discussed at an Open Commission meeting on April 8, 2010 and a decision meeting is set for April 21, 2010.
- **Affected businesses:** With the 'reasonable' testing program in place, manufacturers, importers and retailers can effectively match their products to the stipulated guidelines and requirements. Instead of carrying out unnecessary testing on all batches and components of the same product, the program can eventually bring about a consistent approach that enhances product certification and labelling.

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