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## CONTENTS

- ▶ CPSC Proposes Mandatory Safety Standards for Full-Size and Non-Full-Size Cribs 1
- ▶ CPSC Reopens Comment Period for Safety Standard of Bassinets and Cradles 2
- ▶ Updates from Australia's Competition and Consumer Commission (ACCC) 3
- ▶ California EPA-OEHHA Proposes to Include the Qualifier "(Oral)" into Cadmium MADL Regulations 4

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## CPSC Proposes Mandatory Safety Standards for Full-Size and Non-Full-Size Cribs



On 14 July 2010, the U.S. Consumer Product Safety Commission (CPSC) unanimously agreed to approve a Notice of Proposed Rulemaking<sup>1</sup> (NPR) that could result in new mandatory safety standards for full-size and non-full-size cribs. The NPR is open to public comment until 6 October 2010.

The proposed standards address safety hazards such as drop-side hardware or entrapment, mattress support and loose or fragile components. It also specifies performance tests to address the risk of crib slat disengagement. The new design requirements may ultimately result in a total ban on conventional drop-side cribs, although cribs that use hinged, fold-down sides may still be allowed.

### THE CPSC'S SAFE SLEEP TEAM

The proposed standards were developed by the CPSC's Safe Sleep Team in cooperation with consumer groups, the industry, and juvenile product experts. According to the CPSC, the Safe Sleep Team reviewed incident and injury data related to cribs to

verify patterns of specific failures<sup>2</sup>. The risks were primarily found in the hardware and component parts of drop-side cribs, mattress supports, and the loosening of wood screws and other fasteners.

On 24 June 2010, the Safe Sleep Team worked with seven manufacturers to recall more than two million cribs to address drop-side and other hazards. This was followed by a second joint recall of drop-side cribs with Pottery Barns Kids on 14 July 2010.

### STRICTER SAFETY STANDARDS

The CPSC's proposed standards are based on the ASTM standards F 1169-10 (for full-size cribs) and F 406 10 (for non-full-size cribs), with additional modifications and requirements designed to make the CPSC's standards stricter and, hopefully, safer. In drafting the new safety standards, the CPSC also drew upon elements from the Health Canada standard SOR/86-962 and European standard EN 716.

The standards for full-size cribs are in line with the ASTM F 1169-10 standard, with

<sup>1</sup> View the complete draft at <http://www.cpsc.gov/library/foia/foia10/brief/104cribsRev.pdf>

<sup>2</sup> Read the CPSC's statement in full at <http://www.cpsc.gov/pr/tenenbaum07142010.pdf>

(continued from page 1)

one exception: cribs shall be tested without allowing for the retightening of screws between tests. This additional requirement ensures that the tests more closely resemble the true use of a crib over its lifetime.

The CPSC's standard for full-size cribs also includes specifications for crib dimensions, rail height, spacing between components, prohibitions on hazardous hardware, fasteners or small parts, and finishings such as lead-containing paint and other surface coatings. In addition, the standard places restrictions on movable sides and toe-holds.

As for non-full-size cribs, the CPSC's proposed standards are more or less the same as the

ASTM F 406 10 voluntary standard, with some additional requirements that will make the CPSC's version more stringent. These modifications cover mattress support performance, side-impact tests and the order in which performance tests are conducted. The CPSC's standard also requires mandatory tests on movable side latches on non full-size cribs.

#### HOW TÜV SÜD CAN HELP

Under the proposed ruling, no crib that is not in compliance with the mandatory standard may be manufactured, distributed in commerce, resold, leased, sublet, offered, or provided for use to the public. This means that the new standards will not only impact businesses which sell cribs (such as manufacturers,

resellers and thrift stores), but also service industries that use or offer the use of cribs on their premises. This includes child care facilities, hotels, hospitals, dormitories and other places of public accommodation. Small business entities will not be exempted from the new rule.

TÜV SÜD has closely followed the development of safety standards for cribs in the U.S. and other parts of the world in anticipation of them becoming mandatory standards. Our experts can help manufacturers establish testing procedures that will demonstrate their products' compliance to the new standards, thus assuring business continuity. ■

## CPSC Reopens Comment Period for Safety Standard of Bassinets and Cradles

The U.S. Consumer Product Safety Commission (CPSC) has reopened the comment period for the proposed Safety Standard for Bassinets and Cradles.

The original Notice of Proposed Rulemaking (NPR) was first published in the Federal Register on 28 April 2010 and was simultaneously made available for public review and comment on the CPSC's website<sup>1</sup>. The NPR provided a 75-day public comment period which ended on July 12, 2010.

However, the NPR was not posted on the official portal for Federal rulemaking ([www.regulations.gov](http://www.regulations.gov)) until 23 June 2010. Furthermore, Commission staff have met with various parties concerning the test methods described in the NPR since it was published in late April, and summaries of those meetings are being prepared and made available to the public.

To ensure that all interested parties have adequate notice of this NPR and access to the meeting summaries as well as the ability to comment on them, the Commission is reopening the docket<sup>2</sup> to continue to receive public comments until 10 September 2010.

<sup>1</sup> Download the full NPR from [www.cpsc.gov/library/foia/foia10/brief/bassinetsNPRext.pdf](http://www.cpsc.gov/library/foia/foia10/brief/bassinetsNPRext.pdf)

<sup>2</sup> Download the complete notice from <http://www.cpsc.gov/businfo/frnotices/fr10/bassinetsNPRextFR.pdf>



#### HOW WILL THIS AFFECT BUSINESSES?

The extended comment period will likely delay the date that the CPSC's more stringent safety standard will come into effect. Businesses that are not yet compliant to the ASTM F 2194-07 voluntary standard therefore have a little more time to review the NPR on the CPSC's website and ensure their production processes are aligned to its objectives.

By providing customers with first-hand updates on regulatory developments and an experienced client-support team, TÜV SÜD experts have helped many manufacturers comply with both voluntary and mandatory safety standards. Our highly-trained technical consultants can assist you in ensuring that your products meet the CPSC's strict safety requirements. ■

# Updates from Australia's Competition and Consumer Commission (ACCC)

<p><b>Interim Ban on Inflatable Toys, Novelties and Furniture Containing Beads.</b></p>	<p><b>In brief:</b> Australia has declared an 18-month ban on inflatable toys, novelties and furniture containing beads.</p> <p><b>In detail:</b> Children who inhale or swallow polystyrene beads or other types of pellets could suffocate or suffer illness and respiratory infections that may lead to death. The ban covers all inflatable toys and novelties made of soft plastic or similar material and which also contain loose pellets or small particles, generally made from polystyrene or a similar synthetic material. Examples of such products include inflatable toy hammers, balls, children's chairs, plastic lounges and footstools.</p> <p><b>Date of Effect:</b> 1 July 2010 (duration: 18 months).</p> <p><b>Effects on business:</b> Businesses involved in the supply of these goods including manufacturers, importers, distributors, retailers and hirers must immediately cease selling these products and remove all stock from their shelves. Failure to comply with the ban may result in a hefty fine under Australia's Trade Practices Act.</p> <p><b>More information:</b> View the ACCC notice in full at <a href="http://www.productsafety.gov.au/content/index.phtml/itemId/981255">http://www.productsafety.gov.au/content/index.phtml/itemId/981255</a></p>
<p><b>Interim Ban on Undeclared Knives or Cutters in Children's Stationery Sets.</b></p>	<p><b>In brief:</b> The ACCC has temporarily banned the sale of packaged children's art, craft and stationery sets that contain knives or cutters but do not follow proper declaration labeling requirements.</p> <p><b>In detail:</b> Children lack the dexterity and judgement to use knives responsibly. As a result, children using toy or novelty knives can suffer accidental injuries such as lacerations or punctures. Children's art, craft and stationery sets that include a knife or cutter should therefore declare the presence of the knife or cutter on the packaging of the product. In order to comply with the Commissions requirements, the declaration must be legible, prominently displayed on the product's packaging and in lettering that is at least 3 mm in height.</p> <p><b>Date of Effect:</b> 1 July 2010 (duration: 18 months).</p> <p><b>Effects on business:</b> Businesses that sell or package children's stationery sets with knives or cutters are advised to consult a TÜV SÜD expert immediately to ensure that their products meet the labeling requirements prescribed by the Commission.</p> <p><b>More information:</b> View the ACCC notice in full at <a href="http://www.productsafety.gov.au/content/index.phtml/itemId/981261">http://www.productsafety.gov.au/content/index.phtml/itemId/981261</a></p>
<p><b>Interim Ban on Yo-Yo Water Balls.</b></p>	<p><b>In brief:</b> Goods known as "yo-yo water balls" and similar products have been temporarily banned from sale in Australia for a period of 18-months.</p> <p><b>In detail:</b> Yo-yo water balls pose a serious strangulation risk to young children. In addition, the oily, liquid filled centre (which is frequently hydrocarbon-based) may also cause illness and skin reactions if the outer casing is accidentally punctured. However, the ACCC's notice specifically excludes certain outdoor and sporting goods from the ban such as a practice tennis ball retained on an elastic tension cord intended to be anchored, a bat with a ball attached by an elastic cord and goods known as the "Yo-Be Sling Disc".</p> <p><b>Date of Effect:</b> 1 July 2010 (duration: 18 months).</p> <p><b>Effects on business:</b> Manufacturers, importers, distributors and retailers of these goods must stop selling these products with immediate effect and remove all stock from their inventory. Under Australia's Trade Practices Act, any business found trading in banned products may be subject to large a fine.</p> <p><b>More information:</b> View the ACCC notice in full at <a href="http://www.productsafety.gov.au/content/index.phtml/itemId/981256">http://www.productsafety.gov.au/content/index.phtml/itemId/981256</a></p>

# California EPA-OEHHA Proposes to Include the Qualifier “(Oral)” into Cadmium MADL Regulations

The Office of Environment Health Hazard Assessment (OEHA) at the California Environmental Protection Agency (EPA) has proposed<sup>1</sup> to amend Title 27 of the California Code of Regulations (Section 25805) to include the qualifying term “(oral)” (with parentheses) within the already adopted maximum allowable dose level (MADL) regulations.

The current cadmium MADL of 4.1 micrograms per day was derived based on a risk assessment document entitled, “Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Cadmium (Oral Route) (May 2001)”<sup>2</sup>. In August 2002, the level was inadvertently adopted into the Code without the qualifier “(oral)”. The OEHA is thus proposing to add the qualifying term, “(oral)” to clarify that the adopted MADL of 4.1 micrograms per day for cadmium was and continues to be specific for the oral route of exposure (e.g. food and beverages). A public hearing to present comments on the proposal will be scheduled only if one is requested. Such requests must be submitted to the OEHA in writing no later than 9 August 2010.

## PROPOSITION 65 WARNINGS FOR CADMIUM CONSUMED ORALLY

The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly referred to as Proposition 65) prohibits a business from knowingly exposing any individual to a known toxic chemical without first giving clear and reasonable warning to that individual<sup>3</sup>.

A business may only be exempted from this warning requirement if it can demonstrate

<sup>1</sup> Download the full NPR from [http://www.oehha.org/prop65/law/pdf\\_zip/Cadmium070910.pdf](http://www.oehha.org/prop65/law/pdf_zip/Cadmium070910.pdf)

<sup>2</sup> Download the full report from [http://oehha.ca.gov/prop65/law/pdf\\_zip/cadmium%20MADL.pdf](http://oehha.ca.gov/prop65/law/pdf_zip/cadmium%20MADL.pdf)

<sup>3</sup> View the entire California Health and Safety Code at <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=hsc&codebody=&hits=20>



that exposure to the chemical will have no observable reproductive effect even at 1,000 times the permitted level. Businesses that discharge toxic chemicals into sources of drinking water may also be exempted if the amount discharged does not constitute a “significant amount” as defined in the Act. The maximum dose level at which a chemical has no observable reproductive effect is referred to as the no observable effect level (NOEL).

## HOW TÜV SÜD CAN HELP

Regulations previously adopted by OEHA provide businesses three ways by which they can determine whether an exposure to or a discharge of cadmium and other toxic chemicals meets the statutory exemption:

1. By conducting a risk assessment in accordance with the principles described in Section 25803 of the Code to derive a NOEL, and dividing the NOEL by 1,000.
2. By application of the specific regulatory level adopted for the chemical in question (e.g., 4.1 micrograms per day for cadmium).
3. In the absence of a specific regulatory level, by using a risk assessment conducted by a state or federal agency provided that such assessment substantially complies with Section 25803(a) of the Code. The specific regulatory levels in Section 25805 represent one one-thousandth of the NOEL.

TÜV SÜD can help manufacturers conduct these assessments to find out their business's discharge levels for cadmium and other chemicals known to cause cancer or reproductive toxicity.

Our experts can also help determine whether the business meets the standards required to be exempted from the Proposition 65 “reasonable warning” requirement. ■

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