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Consumer Products & Retail | Regulatory updates essential to your operations

Toys & children's products

US Maryland Announces Ban on Crib Bumper Pads

Maryland Department of Health and Mental Hygiene (DHMH) has announced its [ban on the sale of baby bumper pads in the state of Maryland](#)¹. Starting June 21, 2013, baby bumper pads will be considered a hazardous material and may not be shipped or sold to any purchaser in Maryland. Sale of baby bumper pads may be permitted if a future ASTM voluntary standard for baby bumper pads is accepted by the Secretary and the baby bumper pads meet such standard, or if the Consumer Product Safety Commission finds that the benefits of certain baby bumper pads exceed their risks. More information on this regulation can be found in [DHMH's website](#)².

In this regulation, "baby bumper pads" means "a pad or pads of non-mesh material resting directly above the mattress in a crib, running the circumference of the crib or along any of the interior sides of the crib, and intended to be used until the age that an infant pulls to stand" and does not include vertical bumpers that wrap tightly around each individual crib rail or mesh crib liners.

Maryland is the second to ban crib bumper pads in the US. The city of Chicago, Illinois, has also banned the sale of crib bumper pads in the city since earlier this year (see our previous update in [TÜV SÜD Consumer Products E-ssentials Vol. 35](#)³).

¹ <http://www.dhmh.maryland.gov/pdf/crib%20bumper%20reg%20111612.pdf>

² <http://www.dhmh.maryland.gov/SitePages/crib-bumper.aspx>

³ https://apps.tuv-sud.in/APMKT/pdf/retail/E-ssentials_v35_10-2011.pdf



Hardlines

US Suffolk County of New York Passed Ban on BPA-Containing Receipt Thermal Paper

On Dec 4, 2012, Suffolk County of the New York State [approved its local law](#)¹ banning the use of thermal paper containing BPA as receipt of purchase for any sale made in the county. As written in the [bill text](#)², this law will take effect one year after its filing in the Office of the Secretary

of State. Any violations will be subject to civil penalty of USD \$500 (approximately € 377) for an initial violation and USD \$1000 (approximately € 755) for each subsequent violation.

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Suffolk County was the first in the United States to regulate BPA in baby bottles and cups for children, and is now the second to regulate BPA in thermal paper receipts. Connecticut, the first state to regulate BPA-containing thermal receipt paper, will ban the manufacture, sale and distribution of such paper starting Oct 1, 2013³. If the US EPA does not identify a safe alternative to the use of BPA in thermal receipt paper before Jun 30, 2013, the ban in Connecticut will be automatically postponed to Jul 1, 2015.

Illinois and New York State have also proposed to ban the use of BPA-containing receipt paper in their 2012 legislative sessions. Yet as the 2013 session has just started, these proposed bills will have to be resubmitted into House and Senate.

¹ http://legis.suffolkcountyny.gov/press/do16/2012/do16pr_120512_salesslip.pdf

² <http://legis.suffolkcountyny.gov/resos2012/r2062-12.pdf>

³ <http://www.cga.ct.gov/2011/ACT/PA/2011PA-00222-R00SB-00210-PA.htm>

Electrical & electronics, Hardlines, Softlines, Toys & children's products

California Proposition 65 Recent Updates

California Proposition 65 (CA Prop 65) requires products that contain hazardous chemical(s) to have proper warning label. However, manufacturers of products containing hazardous chemicals often fail to provide this warning label and are, therefore, sued by professional Prop 65 litigants or various NGOs. Once settlements are reached in these lawsuits, manufacturers are required to reformulate their products to meet certain limits and/or to provide warning label for their products.

Products involved in CA Prop 65 court cases thus far include handbags, purses, footwear, belts, apparel, fashion accessories, jewelry, kitchenware, brass products, sport products, hand tools, furniture and more. A recent settlement addressed reformulation requirements for Arsenic, Cadmium, Formaldehyde, Lead and Phthalates in a variety of Halloween products. Table A listed recent CA Prop 65 settlements since June 2012.



Table A: CA Prop 65 Settlements since June 2012

Court Case #	Product	Requirement
Marin CIV1105656	Vinyl covered seats (e.g. keyboard bench)	≤ 1000ppm of DEHP in each accessible component
Alameda HG12633575	Halloween costumes; Halloween costume accessories (e.g. wigs, masks, gloves, footwear, belts, bags, hats, costume props, hosiery, weapons and jewelry) (makeup not included); Halloween indoor and outdoor home décor and games (e.g. candy bowls, lawn, wall, door and table ornaments and lights, decorative spiders/webs, lighting)	Arsenic: ≤ 25ppm Cadmium: ≤ 75ppm (soluble); ≤ 300ppm (total) and no intentionally added cadmium for children's products (age 12 and under) that can be placed in a child's mouth BBP, DBP and DEHP: ≤ 1000ppm of each Formaldehyde: ≤ 20ppm for products for children under 3; ≤ 75ppm for products for children 3 and up, and/or for adults Lead: ≤ 90ppm for all surface coatings; ≤ 100ppm for substrate of children's products (age 12 and under); ≤ 300ppm for substrate of non-children's products

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Court Case #	Product	Requirement
Los Angeles BC46718	Radios, Headphones/Earbuds, and Flashlights/Lanterns	≤ 100ppm of Lead and 0.1% DEHP in any accessible component.
Marin CIV-1201089	Aprons	≤ 1000ppm of DEHP (EPA 3580A and 8270C)
Alameda RG 09-459448	Footwear	≤ 90ppm of Lead in paint or Surface Coating on accessible components ≤ 200ppm of Lead in PVC accessible components ≤ 300ppm of Lead in all other components
Marin CIV-1106114	Plastic Pouches (including map holders)	≤ 1000ppm of DEHP (EPA 3580A and 8270C)
Contra Costa C10-03253	LED Flashlight	≤ 100ppm of Lead (EPA 3050B and 6010B) AND ≤ 1.0ug of Lead (NIOSH 9100) in any accessible component
Alameda RG11575589	Folding Chairs	≤ 100ppm of Lead (EPA 3050B and 6010B), otherwise warning.
Marin CIV-1102079	Vinyl, oilcloth or imitation leather fabric	≤ 300ppm of Lead (EPA 3050 or 3050B followed by ICP/MS test method 6020 as described in SW846)
Alameda RG11598315	CD/DVD cases; Watches (plastic watches); Calculators, flashlights and clocks/radios	≤ 1000ppm of each of DEHP and DBP (EPA 3580A and 8270C or other common methods used by federal or state agencies); otherwise warning.
Marin CIV1106341	Art Kits with Handles	≤ 1000ppm of DEHP (EPA 3580A and 8270C)
San Francisco CGC-11-514769	Plastic bag for children's product	≤ 1000ppm of DEHP in any accessible component; otherwise warning
Marin CIV-1104615	Hand tools with grips (e.g. wrench)	≤ 300ppm of Lead (EPA 3050B and 6010B); ≤ 1000ppm of each of DEHP, BBP and DBP (EPA 3580A and 8270C), otherwise warning.
San Francisco CGC-11-510604	Laptop Bags	≤ 100ppm of Lead (EPA 3050B and/or 6010B) and ≤ 1.0ug of Lead (NIOSH 9100)
Alameda RG11597933	Stools	≤ 1000ppm of DEHP (EPA 3580A and 8270C)
San Francisco CGC-11-511371	Belts	≤ 1.0ug of Lead (NIOSH 9100) AND ≤ 100ppm of Lead (EPA 3050B and 6010B) in any accessible parts.
Marin CV 1104722	Photo Albums	≤ 100ppm of Lead (EPA 3050B or equivalent) in any accessible components
Marin CIV-1102577	Reusable Shopping Bags	≤ 90ppm of Lead in paint or Surface Coating ≤ 200ppm of Lead in PVC ≤ 300ppm of Lead in all other components (CPSC-CH-E1002-08.1)
Los Angeles BC465245	Roadside Emergency Kit	≤ 100ppm of Lead

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