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Toys & children's products

US CPSC Publishes Safety Standards for Infant Swings and Revises Standards for Infant Bath Seats and Full-Size Cribs

The Consumer Product Safety Commission (CPSC) has published its new Safety Standard for Infant Swings¹. This new standard, which will be listed in 16 CFR Part 1223, requires infant swings to comply with ASTM F2088-12a - Standard Consumer Safety Specification for Infant Swings² with some modifications.

The standard addresses infant swings including "cradle swings" and "travel swings" with the following definitions:

- Infant swing – "a stationary unit with a frame and powered mechanism that enables an infant to swing in a seated position. An

infant swing is intended for use with infants from birth until a child is able to sit up unassisted."

- Cradle swing – "an infant swing which is intended for use by a child lying flat."
- Travel swing – "a low profile, compact swing having a distance of 6 in. or less between the underside of the seat bottom and the support surface (floor) at any point in the seat's range of motion."

This rule will take effect on May 7, 2013 and applies to products manufactured on or after that date. Table A listed details of the modifications made by the CPSC.

Table A: CPSC's Modification in Safety Standard for Infant Swings

Replaces section 8.3.1 of ASTM F2088-12a with the following:

- 8.3.1 The warning statements shall address the following at a minimum:
 - » 8.3.1.1 Products having an adjustable seat recline with a maximum seatback angle greater than 50 degrees from horizontal measured in accordance with 7.13 shall address the following:

Keep swing seat fully reclined until child is at least 4 months old AND can hold up head without help. Young infants have limited head and neck control. If seat is too upright, infant's head can drop forward, compress the airway, resulting in DEATH.
 - » 8.3.1.2 To prevent serious injury or death from infants falling or being strangled in straps:
 - (A) Always secure infant in the restraint system provided.
 - (B) Never leave infant unattended in swing.
 - (C) Discontinue use of swing when infant attempts to climb out.
 - (D) Travel swings (see 3.1.11) shall address the following: Always place swing on floor. Never use on any elevated surface.

Replacing section 7.12.2 of ASTM F2088-12a with the following:

- 7.12.2 Place the back of the swing in the most upright position. Remove positioning accessories, including pillows. Position the segments of the restraint system to limit interaction with the Hinged Weight Gage—Infant (see Fig. 10) when placed in the seat. Place the Hinged Weight Gage—Infant with the hinge located at the junction of the swing back and seat bottom (see Fig. 8). Determine if the lowest point of the toy positioned over the occupant is within 25.25 inches (641.5 mm) of the top surface of the Lower Plate (see Fig. 10) — throughout the swing seat's range of motion. Proceed to section 7.12.3 if the distance is 25.25 inches (641.5 mm) or less. The toy is considered out of reach and not tested to 7.12.3 if the distance is greater than 25.25 inches (641.5 mm).

The CPSC also published a Direct Final Rule³ to revise the safety standards for infant bath seats in 16 CFR 1215 and for full-size cribs in 16 CFR 1219. The revision is to replace the current requirements with more recent versions of the applicable ASTM standards, which were revised to incorporate modifications made by the CPSC. Since both

revised standards, ASTM F1967-11a⁴ and ASTM F1169-11⁵, are essentially the same as the current requirements in 16 CFR 1215 and 16 CFR 1219, no changes to the products is required.

The revision becomes effective on Nov 12, 2012.

¹ Safety Standard for Infant Swings, Final Rule: <http://www.gpo.gov/fdsys/pkg/FR-2012-11-07/pdf/2012-27027.pdf>

² ASTM F2088-12a – Standard Consumer Safety Specification for Infant Swings: <http://www.astm.org/Standards/F2088.htm>

³ Revision to Safety Standard for Durable Infant or Toddler Products: Infant Bath Seats and Full-Size Cribs, Final Rule: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-31/pdf/2012-18483.pdf>

⁴ ASTM F1967-11a – Standard Consumer Safety Specification for Infant Bath Seats: <http://www.astm.org/Standards/F1967.htm>

⁵ ASTM F1169-11 – Standard Consumer Safety Specification for Full-Size Baby Cribs: <http://www.astm.org/Standards/F1169.htm>

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US CPSC's children's products certification requirement soon to take effect

In our [previous issue in Dec 2011](#)¹, we updated you about the US Consumer Product Safety Commission (CPSC)'s release of certification requirements for children's product. These requirements, as listed in [16 CFR 1107 – Testing and Labeling Pertaining to Product Certification](#)², will take effect on 8 Feb 2013 and apply to products manufactured after that date. Here is a glance of what 16 CFR 1107 requires:

Certification of Children's Products:

- **HDoA** (High Degree of Assurance) – Submit sufficient number of samples for testing to ensure high degree of assurance
- **Component Part Testing** – May utilize component part testing according to 16 CFR 1109 (effective 8 Dec 2011) to support certification testing requirement
- **Investigation on Failing Sample** – When a product sample fails its certification testing, even though other samples have passed the same certification test, manufacturers must investigate the reasons for the failure before certifying the product.
- **Periodic testing** – All manufacturers of children's products must conduct periodic testing by a third party conformity assessment body within a certain time interval:
 - At least once a year for manufacturers with periodic testing plan; or
 - At least once every two years for manufacturers with production testing plan; or
 - At least once every three years for manufacturers that test their products for compliance after certification by an ISO/IEC 17025:2005(E) accredited testing laboratory. This testing laboratory, whether a third party testing lab, must be accredited by an ISO/IEC 17011:2004(E) accreditation body.
- **Material change** – Manufacturers must submit samples for third party testing if there is any material change in product design or manufacturing process and can only issue a new certificate for the product when it meets all applicable requirements. If the material change is limited to a component part and does not affect the rest of the product, manufacturer may test the component part to its applicable requirements and certify the product based on earlier third party test results and on test results of the changed component parts.
- **Undue influence** – Manufacturers must establish procedures to prevent any undue influence by a manufacturer on a third party testing laboratory.
- **Record keeping** – Manufacturers must maintain the following records for at least 5 years:
 - Copy of children's product certificate for each product;
 - Records of each third party certification test;



- Records of periodic test results and its periodic testing plan, production testing plan, or ISO/IEC 17025:2005(E) laboratory testing results;
- Records of descriptions of all material changes in product design, manufacturing process, and sourcing of component parts, and the certification tests run and the test values;
- Records of the undue influence procedures, including training records.

16 CFR 1107 also listed a voluntary labeling program for manufacturers and private labelers of consumer product that is certified in compliance with all applicable CPSC product safety rules/bans, standards, or regulations, which allows their products to be labeled "**Meets CPSC Safety Requirements**." Manufacturers and private labelers may also include any additional labels on the product as long as they do not imply that the CPSC has tested, approved, or endorsed the product.

¹ TÜV SÜD Consumer Products E-ssentials Vol. 39: <http://www.tuv-sud.com/uploads/images/1357178552555031850179/retail-e-ssentials-v39-12-2011.pdf>

² Read about the requirements here: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-08/pdf/2011-27678.pdf>

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Draft amendment of PAHs restrictions under REACH Annex XVII is now available

On 31 October 2012, the European Commission (EC) submitted to the World Trade Organisation¹ (WTO) its draft regulation on amending the restriction of polycyclic aromatic hydrocarbons (PAHs), entry 50. The amendment² is expected to be published by the 2nd half of 2013 and will apply from mid-2015. This extends the current PAHs restriction to include rubber and plastic materials in consumer products such as toys, household utensils, tools for domestic use, sports equipment, footwear and clothing. If those articles fail to meet the PAHs requirements, they cannot be placed on the EU market.

Germany³ proposed the amendment to the EC in 2010 with the same list of PAHs as the ones currently restricted under REACH (see Table A). This is the first time a restriction is proposed using the fast track procedure under REACH⁴ Article 68.2, which allows substances that could be used by consumers and meeting the classification as carcinogenic, mutagenic or toxic to reproduction, category 1A or 1B, to be placed under restriction faster than the standard procedure.

PAHs are found in oil, coal and tar deposits and in extender oils used for the production of tyres and in some plastic or rubber product components such as the handles of tools. They are not added to the products intentionally but are present as impurities. The scope of the proposed amendment is limited to rubber and plastic components which come into direct and prolonged contact with the human skin or the oral cavity. The proposal aims at safeguarding consumers' health by addressing the risks that may be posed by those articles through dermal adsorption and ingestion.

For a comparison of the current and the proposed restriction, please refer to Table B for details.

Table A: PAHs under REACH Annex XVII, entry 50

| Restricted substances | CAS No. |
|--------------------------------|----------|
| Benzo[a]pyrene (BaP) | 50-32-8 |
| Benzo[e]pyrene (BeP) | 192-97-2 |
| Benzo[a]anthracene (BaA) | 56-55-3 |
| Chrysen (CHR) | 218-01-9 |
| Benzo[b]fluoranthene (BbFA) | 205-99-2 |
| Benzo[j]fluoranthene (BjFA) | 205-82-3 |
| Benzo[k]fluoranthene (BkFA) | 207-08-9 |
| Dibenzo[a,h]anthracene (DBAhA) | 53-70-3 |

Table B: Comparison of current and proposed PAHs restriction scope and limit under REACH Annex XVII, entry 50

| REACH Annex XVII, entry 50 | Scope | Limit |
|----------------------------|---|---|
| Current | Extender oils and tyres for vehicles | ≤ 1 mg/kg (BaP) or ≤ 10 mg/kg (sum of all listed PAHs) |
| Proposed amendment | Extended to include rubber or plastic components that may come into direct and prolonged contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use | ≤ 1 mg/kg by weight of the component for any of the listed PAHs |

¹ The WTO notification for the amendment (G/TBT/N/EU/73): http://ec.europa.eu/enterprise/tbt/tbt_repository/EU73_EN_0000.doc

² The draft amendment of entry 50: http://ec.europa.eu/enterprise/tbt/tbt_repository/EU73_EN_1_1.pdf

³ German's proposal of Annex XV PAHs restriction report: http://www.bfr.bund.de/cm/349/pak_annex_XV_restriction_report_proposal_for_a_restriction.pdf

⁴ Consolidated version of REACH legal text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1907:20120601:EN:PDF>

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