

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONICS

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## CPSIA UPDATE 27 CPSC ISSUES STATEMENT OF POLICY AND SOP ON PHTHALATES TESTING

The General Counsel of the US Consumer Product Safety Commission (CPSC) recently issued a Statement of Policy concerning testing for phthalates for compliance with section 108 of CPSIA. The CPSC staff interprets the prohibition on specified phthalates to apply to "each individual plasticised component." In concert with this policy the Commission staff released a new SOP for determination of phthalate concentration in each plasticised material.

Under section 108 of the CPSIA on phthalates, the sale of children's toys and childcare articles containing more than 0.1 % of certain phthalates is prohibited. The Standard Operating Procedure (SOP), published by the CPSC in March 2009, indicates that the prohibition applies to the entire toy or childcare article and not to the product's individual components or materials<sup>1</sup>. However, in the Statement of Policy dated 31 July 2009<sup>2</sup>, CPSC General Counsel interprets this requirement to apply to phthalate content in each component of the material.

The General Counsel thus recommends that "*the sale of children's toys and childcare articles containing more than 0.1 % of the specified phthalates in each individual plasticised component part is prohibited.*" The above finding by the Commission staff is significant in terms of how a product subject to Section 108 would be tested for phthalates — only those components that are made of plasticized material would need to be tested and phthalates content (% concentration) would be calculated on the weight basis of the tested part.



Noting the typical use of phthalates as plasticizer in plastics and adhesives, CPSC staff provides examples of specific materials that may contain phthalates. The staff also cites examples of products that do not normally contain phthalates. Examples of both types of materials are listed on the following page.

<sup>1</sup>. [Standard Operating Procedure for Determination of Phthalates, Test Method CPSC-CH-C1001-09.1, US Consumer Product Safety Commission, 3 March 2009](#)

<sup>2</sup>. [Statement of Policy: Testing of Component Parts with Respect to Section 108 of the Consumer Product Safety Improvement Act, Ballot Vote due 6 August 2009, US Consumer Product Safety Commission, 31 July 2009](#)

| Materials that may contain phthalates  | Materials that do not normally contain phthalates and might not require testing   |
|--|---|
| Polyvinyl chloride (PVC) and related polymers, such as polyvinylidene chloride (PVDC) and polyvinyl acetate (PVA). These materials should always be tested | Unfinished metal.   |
| Soft or flexible plastics and rubber, except polyolefins, silicone rubber and natural latex  | Natural wood, except for coatings and adhesives added to wood.  |
| Foam rubber or foam plastic, such as polyurethane (PU)   | Textiles made from natural fibers, such as cotton or wool, except for printed decorations, waterproof coatings or other surface treatments, back coatings, and elastic materials (especially sleepwear).  |
| Surface coatings, non-clip coatings, finishes, decals, and printed designs   | Textiles made from common synthetic fibers, such as polyester, acrylic, and nylon, except for printed decorations, water-proof coatings or other surface treatments, and elastic materials. Textiles containing PVC or related polymers must be tested. |
| Elastic materials on apparel, such as sleepwear  | Polyethylene and polypropylene (polyolefins).   |
| Adhesives and sealants   | Silicone rubber and natural latex.  |
| Electrical insulation  | Mineral products such as play sand, glass, and crystal  |

The Commission’s recommendation would make the phthalates requirement consistent with that of the European Union and the State of California. The staff further anticipates its new interpretation to 1) make section 108 on phthalates more stringent and more health-protective, 2) simplify the testing process, and 3) reduce cost of testing by elimination of unnecessary testing.

The test method CPSC-CH-E100-09.2 ‘Standard Operating Procedure for Determination of Phthalates’<sup>3</sup> in toys and childcare articles describes the sample preparation process that must be used prior to extraction and analysis each plasticized component part. Each plasticised component part should be cut into small pieces, or ground into a representative powder. When applicable batteries, other power sources, or compressed gas canisters are removed from the sample and will not be tested or considered as part of the product. The CPSC SOP lists a number of alternative methods and analyses are acceptable for phthalate content testing summarised in Table 1.

<sup>3</sup> [Test Method: CPSC-CH-C1001-09.2, Standard Operating Procedure for Determination of Phthalates, US Consumer Product Safety Commission \(CPSC\), July 27, 2009](#)



| Sample preparation                                 | Extraction Method                        | Analysis Method                                    |
|--|--|--|
| CPSC-CH-C1001-09.2                                 | CPSC-CH-C1001-09.1                       | CPSC-CH-C1001-09.1                                 |
|  | Health Canada Method C-34                |  |
|  | EN 14372:2004                            | Health Canada Method C-34                          |
|  | EPA 3540C (soxhlet Extraction)           |  |
|  | EPA 3541 (Automated Soxhlet Extraction)  | EN 14372:2004                                      |
|  | EPA 3545A (Pressurised Fluid Extraction) |  |
|  | EPA 3546 (Microwave Extraction)          | EPA 8270D  |
|  | EPA 3550C (Ultrasonic Extraction)        | California Dept of Toxic Substances Control Method |
|  | ASTM D 2124-99 (2004)                    |  |
| California Dept of Toxic Substances Control Method |  |  |

Table 1

SGS will inform interested parties as developments in CPSIA and other legislation occur.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for lead, phthalates and other restricted substances in a comprehensive range of children’s products and other consumer products for the US and worldwide markets. Please do not hesitate to contact us for further information. You can also check our list of [CPSIA accredited laboratories](#) and visit our [CPSIA webpage](#).



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