

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

TOYS & JUVENILE PRODUCTS, SOFTLINES

NO. 193/12 DEC 2012

CANADA PROPOSES TO BAN TCEP IN CERTAIN TOYS AND CHILDCARE ARTICLES

Canada has recently announced a proposed regulation to prohibit the use of the flame retardant TCEP in products containing polyurethane foam for children under the age of three. The proposed effective date is 6 months after publication in the Canada Gazette, Part II.

On 9 November 2012, the Canada Minister of Health introduced a proposal to prohibit from manufacture, advertisement, importation into and sale in Canada, products intended for children under the age of three years if such products are manufactured, in part or in whole, from polyurethane foam (PUF) containing tris-(2-chloroethyl) phosphate (TCEP)¹. The proposed regulation would amend the Canada Consumer Product Safety Act (CCPSA). The prohibition would include products which a child uses and products that an adult uses to care for a child. Examples of such products include toys, sleep positioners and nursing pillows. The regulation will take effect 6 months after publication in the Canada Gazette, Part II.

The proposed regulation provides for a 75 day period after the notice publication on 1 November 2012 for "interested persons" to submit comments. Allowing for this and the anticipated ensuing processing time prior to publication in the Canada Gazette, Part II, it is likely that the prohibition will become effective around September 2013. Additional information will be made available as soon as a firm date is known.

Highlights of the Canada proposal and a comparison with the proposal under the EU Toy Safety Directive 2009/48EC as well as the regulatory requirements for New York State are summarised in Table 1².



¹ [Harper Government Introduces Proposed Regulations to Protect Children from Harmful Chemical, Press Release, 9 November 2012, Health Canada](#)
[Regulations Amending Schedule 2 to the Canada Consumer Product Safety Act \(TCEP\), Vol 146, No. 45, 10 November 2012, Part I, Notices and Proposed Regulations, Canada Gazette](#)

² [SGS-Safeguard 159/12, 157/11](#)

TABLE 1.

JURISDICTION	SUBSTANCE	SCOPE	REQUIREMENT	EFFECTIVE DATE
Canada	TCEP	Products containing polyurethane foam (PUF) for children under three.	Prohibited	6 months after publication in the Canada Gazette, Part II
EU	TCEP	Toys	≤ 5 mg/kg	Not specified in proposal
New York State (US)	TCEP	Products for children under the age of 3	Prohibited	1 Dec 2013 (Chapter 259, A 6095A, 2011)

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for TCEP and other restricted substances in consumer products for compliance with worldwide requirements. Please do not hesitate to contact us for further information.



FOR ENQUIRIES:

Global Competence Support Centre: gcsc@sgs.com

HK– Hingwo Tsang Tel: +852 2774 7420 or Hingwo.Tsang@sgs.com

US–Sanjeev Gandhi Tel: +973-461-7924 or Sanjeev.Gandhi@sgs.com

Asia – Hong Kong. Tel: +852 2334 4481 Fax: +852 2144 7001 mktg.hk@sgs.com

Australasia – Perth. Tel: +61 (0) 3 9790 3418 Fax: +61 (0) 3 9701 0988 au.cts@sgs.com

Europe – London – UK. Tel: +44(0) 203 008 7860 Fax: +44 (0) 203 00 7870 gb.cts.sales@sgs.com

Africa & Middle East – Turkey. Tel: +90 212 368 40 00 Fax: +90 212 296 47 82 sgs.turkey@sgs.com

Americas – USA. Tel: +1 973 575 5252 Fax: +1 973 575 7175 uscts.inquiries@sgs.com

www.sgs.com/cts Global Competence Support Centre: gcsc@sgs.com

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