

# SAFEGUARDS

## CONSUMER GOODS AND RETAIL

TOYS & JUVENILE PRODUCTS, SOFTLINES

NO. 003/15 JANUARY 2015

## NOTICE OF PROPOSED RULEMAKING PUBLISHED FOR US FEDERAL PHTHALATES REGULATIONS IN TOYS AND CHILDCARE ARTICLES

In August 2008, the US signed the landmark legislation, the 'Consumer Product Safety Improvement Act of 2008' (CPSIA) into law. Under Section 108 of CPSIA, the three phthalates BBP, DBP and DEHP are permanently banned in toys and childcare articles and the three phthalates DINP, DNOP and DIDP are banned on an interim basis in toys that can be placed in a child's mouth and in childcare articles.

Under the CPSIA,

- A toy is designed and intended for a child up to the age of 12
- A child care article is designed and intended to facilitate sleep or the feeding of children up to the age of 3 or to help such children with sucking or teething

On 17 July 2014, the Chronic Hazard Advisory Panel (CHAP) released the Panel's report to the Consumer Product Safety Commission (CPSC). The CPSC has 180 days to evaluate the findings and promulgate a final rule based on the report<sup>1</sup>.

On 30 December 2014, the CPSC published a Notice of Proposed Rulemaking (NPR) for the rule '**Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates**' based on the CHAP report and CPSC staff comments.<sup>2</sup> A notice of Proposed Rulemaking (NPR) is the first step in the regulatory process. The CPSC will accept public comments about this rule until 16 March 2015. The CPSC will take time to consider and address the comments before a final rule is published, which may differ from this proposed rule. The Commission is proposing an effective date of 180 days after publication of the final rule in the Federal Register.

The NPR is consistent with the majority of the CHAP recommendations, including:

- BBP, DBP, DEHP, DIBP, DPENP, DHEXP (DnHP) and DCHP to be permanently restricted



<sup>1</sup> [SGS-SafeGuardS 164/14](#)

<sup>2</sup> [Notice of Proposed Rulemaking, Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates, CPSC](#)

- DINP, restricted on an interim basis, to be permanently restricted
- DIDP and DNOP, restricted on an interim basis, to no longer be restricted

Highlights of the NPR and a comparison with the existing requirements under CPSIA are summarised in Table 1.

The CHAP report also recommended restricting DIOP on an interim basis. This recommendation is not included in the NPR. According to the NPR, the CPSIA does not have a provision for an interim prohibition / restriction for the Commission’s rule under section 108.

**TABLE 1.**

CPSIA SECTION 108 PROHIBITION ON SALE OF CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES					
ITEM	PHTHALATE	NOTICE OF PROPOSED RULEMAKING (NPR)		CPSIA	
		SCOPE	REQUIREMENT	SCOPE	REQUIREMENT
1	BBP	Permanently restricted in  • Toys and childcare articles	≤ 0.1%	Permanently restricted in  • Toys and childcare articles	≤ 0.1%
2	DBP		≤ 0.1%		≤ 0.1%
3	DEHP		≤ 0.1%		≤ 0.1%
4	DIBP		≤ 0.1%		---
5	DPENP		≤ 0.1%		---
6	DHEXP (DnHP)		≤ 0.1%		---
7	DCHP		≤ 0.1%		---
8	DINP		≤ 0.1%		Interim restricted in  • Toys that can be placed in a child’s mouth  • Childcare articles
9	DNOP	---	≤ 0.1%		
10	DIDP	---	≤ 0.1%		
Effective Date		180 days after publication of Final Rule in Federal Register		In force	



## DEFINITIONS

ITE	ACRONYM	CAS	NAME	ITEM	ACRONYM	CAS	NAME
1	BBP	85-68-7	Butylbenzyl phthalate	7	DIBP	84-69-5	Diisobuytl phthalate
2	DBP	84-74-2	Di-n-butyl phthalate	8	DCHP	84-61-7	Dicyclohexyl phthalate
3	DEHP	117-81-7	Di(2-ethylhexyl) phthalate	9	DHEXP (DnHP)	84-75-3	Di-n-hexyl phthalate
4	DINP	28553-12-0 & 68515-48-0	Diisononyl phthalate	10	DPENP	131-18-0	Di-n-pentyl phthalate
5	DNOP	117-84-0	Di-n-octyl phthalate	11	DIOP	27554-26-3	Diisooctyl phthalate
6	DIDP	26761-40-0 & 68515-49-1	Diisodecyl phthalate				

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