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Toys & Children's Products

CPSC grants exception to 100 ppm lead content limit for ride-on toys



In late 2011, a child's ride-on pedal tractor manufacturer filed a petition to the Consumer Product Safety Commission (CPSC) requesting exception from CPSIA's 100 ppm lead content limit. The petitioner stated that although the aluminum alloy component parts used in the manufacture of its die-cast, ride-on pedal tractors are able to meet the lead content requirement of 300 ppm, they are unable to consistently meet the 100 ppm limit that came into force on 14 August 2011. The petitioner therefore requested for an exception from the 100 ppm lead limit to continue its manufacture with components not exceeding 300 ppm in lead content.

On 5 April 2012, the CPSC published its notice granting this exception for the petitioner's specified aluminum alloy component parts in its children's ride-on tractors and cars. The CPSC has also expanded the scope of this exception to similar children's products, e.g. other children's ride-on toys. This is the first exception to the rule since the CPSIA's 100 ppm lead content limit came into force last year.

The details of the exception¹ are as follows:

- Scope:** Children's ride-on tractors, children's ride-on cars, and other ride-on toys intended for children ages 3 years and older that contain aluminum alloy component parts, including body castings (right and left sides), rear wheel hubs, wide front axle yokes, wide front-end adaptor brackets, and other component parts that are similar to these parts and are not likely be placed in the mouth or ingested or extensively contacted by children because of their function and location on the product.
- Requirement:** The specified aluminum alloy component parts are only required to meet a lead content limit of 300 ppm instead of 100 ppm.
- Effective Date:** 5 April 2012

¹ Download the full notice from <http://www.gpo.gov/fdsys/pkg/FR-2012-04-05/pdf/2012-8187.pdf>

Toys & Children's Products

New consumer registration requirements for durable infant or toddler products

By the order of the Consumer Product Safety Improvement Act (CPSIA), the Consumer Product Safety Commission (CPSC) issued a rule requiring manufacturers of durable infant or toddler products to provide a registration form that complies with 16 CFR 1130¹ with each product. This requirement has been in force for all durable infant or toddler products covered in the rule since 29 December 2010.

The CPSC published a *final rule*² on 17 February 2012 amending this consumer registration requirement to correct some format and text requirements and record keeping requirements. This final rule will take effect on 18 February 2013. After that date, manufacturers shall provide consumer registration forms in the format shown in Figure 1 and Figure 2 and provide records of registrants within 24 hours upon the CPSC's request.

Table A lists the durable infant or toddler products covered in this rule. ■

¹ View the current 16 CFR 1130 at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title16-vol2/pdf/CFR-2011-title16-vol2-part1130.pdf>
² Download the final rule from <http://www.gpo.gov/fdsys/pkg/FR-2012-02-17/pdf/2012-3712.pdf>

Table A: Durable infant or toddler products covered in the consumer registration rule

Full-size cribs and non-full-size cribs	Walkers
Toddler beds	Swings
High chairs, booster seats, and hook-on chairs	Bassinets and cradles
Bath seats	Children's folding chairs
Gates and other enclosures for confining a child	Changing tables
Play yards	Infant bouncers
Stationary activity centers	Infant bathtubs
Infant carriers	Bed rails
Strollers	Infant slings

Figure 1: Front of registration form

Figure 2: Back of registration form

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Australia opens consultation for review of mandatory standard for baby walkers

The Australian Competition and Consumer Commission (ACCC) is currently reviewing the *mandatory standard for baby walkers* introduced by the *Trade Practices (Consumer Product Safety Standard) (Baby Walkers) Regulation 2002*¹. This regulation declares mandatory requirements from certain sections of *ASTM F977-00 Standard Consumer Safety Specification for Infant Walkers*, which details requirements for folding mechanisms and seating, stability requirements and braking mechanisms among others.

¹ See the explanatory statement at <http://www.comlaw.gov.au/Details/F2002B00220/Explanatory%20Statement/Text>

On 10 April 2012, a *draft regulation*² and a *consultation paper*³ were published for public comment. It is now proposed to amend the mandatory standard for baby walkers with the latest ASTM F977-11b version.

The following sections of ASTM F977-11b are the specified requirements suggested for baby walkers:

² Download the draft regulation from <http://www.productsafety.gov.au/content/item.phtml?itemId=993402&nodeId=ee057ea9cbe0d3080cdc65ae95c7a5e3&fn=Baby%20walkers%20-%20Draft%20mandatory%20safety%20standard.pdf>

³ Download the consultation paper from <http://www.productsafety.gov.au/content/item.phtml?itemId=993402&nodeId=cf9862dfde5790322654e7dabeb17329&fn=Baby%20walkers%20-%20Consultation%20paper.pdf>

1. Section 6.1 Stability
2. Section 6.3 Prevention of Falls Down Step(s)
3. Section 7.3 Stability Test
4. Section 7.6 Step(s) Tests
5. Section 8.2 Labelling

In order to ease the compliance burden and to provide greater confidence to consumers, suppliers are suggested to comply with the revised mandatory standard within approximately 21 months. Stakeholders are invited to make written submissions on the proposed regulation by 4 May 2012. ■

Toys & Children's Products

CPSC third party testing exemption for small batch manufacturers

When H.R. 2715 – The CPSIA Amendment¹ – was signed into law, it required the Consumer Product Safety Commission (CPSC) to either set up alternative third party testing requirements for Small Batch Manufacturers or exempt them from certain third party testing requirements. The CPSC recently posted on its webpage information about the qualification of a Small Batch Manufacturer and the third party testing requirements for them to fulfill.

Small Batch Manufacturers² planning on registering with the CPSC must first satisfy the following requirements:

1. Have a total gross revenue of USD \$1 million (approximately € 762,000) or less from the prior calendar year from the sale of ALL consumer products it manufactured; and
2. Manufacture no more than 7,500 units of the covered product.

Once registered on the CPSC's Small Batch Manufacturers Registry (<http://www.saferproducts.gov/SmallBatchManufacturers/>), a Small Batch Manufacturer will only be required to third party test their product for compliance with children's products safety rules listed in Group A and will NOT be required to third party test their products for safety rules in Group B. The Small Batch Manufacturer Registration will be required every year³. The safety rules in Group A and Group B are described in Table B. ■

¹ See the text of the amendment at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr2715enr/pdf/BILLS-112hr2715enr.pdf>

² Visit the CPSC's webpage on Small Batch Manufacturers at <https://www.cpsc.gov/info/toysafety/smallbatch.html>

³ See an FAQ on Small Batch Manufacturers and Third Party Testing at <https://www.cpsc.gov/info/toysafety/smallbatchfaq.html>

Table B: Children's product safety rules under CPSC

Small batch manufacturers must always third party test for the following children's product safety rules (Group A):	Qualifying small batch manufacturers registered with the Commission are NOT required to third party test for the following children's product safety rules (Group B):
<ul style="list-style-type: none"> ■ Lead-in-paint and other surface coatings, 16 CFR §1303; ■ Full-size cribs and non-full-size cribs, 16 CFR §§1219 and §1220; ■ Pacifiers, 16 CFR §1511; ■ Small parts for children under 3 years of age, 16 CFR §1501; ■ Children's metal jewelry, Sec. 101(b) of the CPSIA, as amended by P.L. 112-28; 15 USC 1278a(b)(7); ■ Baby bouncers, walkers, and jumpers, 16 CFR §1500.18(a)(6) and 16 CFR §1500.86(a); ■ Infant Bath Seats, 16 CFR §1215; ■ Infant Walkers, 16 CFR §1216; ■ Toddler Beds, 16 CFR §1217; ■ Other durable infant or toddler products, as additional children's product safety rules are enacted, 15 U.S.C. 2056a(f), Sec. 104 of the CPSIA. 	<ul style="list-style-type: none"> ■ ASTM F963-08 Toy Safety Standard; ■ Total Lead Content in Children's Products, Sec. 101 of the CPSIA; ■ Ban on certain phthalates in children's toys and certain child care articles, Sec. 108 of the CPSIA; ■ Bicycle helmets, 16 CFR §1203; ■ Bunk beds, 16 CFR §1213 and 1513; ■ Rattles, 16 CFR §1510; ■ Dive sticks, 16 CFR §1500.86; ■ Bicycles, 16 CFR §1512; ■ Carpets and rugs, 16 CFR §1630 and §1631; ■ Vinyl plastic film, 16 CFR §1611; ■ Wearing apparel, 16 CFR §1610; ■ Clacker balls, 16 CFR §1500.86; ■ Children's sleepwear, 16 CFR §1615 and §1616; ■ Electronically operated toys, 16 CFR §1505; ■ ATVs, 16 CFR §1420; and ■ Mattresses, 16 CFR §1632.
<p>Although third party testing is not required for Group B safety rules, qualifying Small Batch Manufacturers should always ensure their products comply with these safety rules and should issue GCC for them accordingly.</p>	

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