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## CPSC Extends Stay of Enforcement for Lead Content in Testing



The U.S.-based Consumer Product Safety Commission (CPSC) has extended its stay of enforcement<sup>1</sup> for testing and certification provisions pertaining to total lead content in children's products and in Youth Motorised Recreational Vehicles and Bicycles and Related Products to 31 December 2011. However, this extension does not affect the CPSC's testing requirements for lead content in children's metal jewellery.

The stay of enforcement for lead in metal and non-metal children's products was originally scheduled to expire on 10 February 2011, while the stays for Youth Motorised Recreational Vehicles<sup>2</sup> and Bicycles and Related Products<sup>3</sup> were to be lifted in May and July 2011. After receiving several requests from industry stakeholders and taking into consideration other factors, CPSC staff recommended that the Commission extend the stay of enforcement<sup>4</sup>. The main reasons for their recommendation were:

- **Existing uncertainty surrounding the technological feasibility of the proposed 100 ppm limit:** The CPSC prefers to give stakeholders more certainty with regard to the proposed 100 ppm lead content limit before requiring them to test and certify their products.
- **Existing uncertainty surrounding the feasibility of lower lead limits in Youth ATVs and Bicycles and Related Products:** It is also not determined whether the proposed lower lead limits for metals used in Youth ATVs and Bicycles and Related Products are in fact feasible. The CPSC believes that lifting the stay of enforcement prior to that determination seems unfair given this uncertainty, and the CPSC would like to avoid the possibility of duplicative testing pending such determination.
- **No final testing rules for component parts:** The CPSC has not yet finalized the conditions and requirements for component part testing. Extending the stay of enforcement would allow the CPSC more time to complete the rule-making process.

<sup>1</sup> Read the full notice at <http://www.cpsc.gov/businfo/frnotices/fr11/stayleadrev.pdf>

<sup>2</sup> Read the full stay at <http://www.cpsc.gov/businfo/frnotices/fr09/youthatvstay.pdf>

<sup>3</sup> Read the full stay at <http://www.cpsc.gov/BUSINFO/frnotices/fr09/bicycles.pdf>

<sup>4</sup> Read the CPSC staff's full recommendation at <http://www.cpsc.gov/library/foia/foia11/brief/staylead.pdf>

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- **Uncertainty over testing and labeling requirements:** Several industry groups have said that the industry needs more time to understand how the testing and labeling requirements apply to their products. They would also like more time for their supply chains to incorporate the new rules before the stay of enforcement is lifted.

The extension applies to third party testing and certification requirements for lead content in metal and non-metal children's products as well as Youth Motorised Recreational Vehicles and Bicycles and Related Products designed or intended primarily for children 12 years of age or younger. This means that although manufacturers and importers of these products will not be required to perform third-party

testing and to issue certification based on their results until the end of 2011, they are required to comply with current lead regulations.

#### STAYS AND TESTING REQUIREMENTS NOT AFFECTED

When making the announcement, the CPSC made it clear that the extension does not apply to testing requirements for lead content in children's metal jewelry, which have been in force since March 2009.

The extension also does not apply to other stays of enforcement which are currently in effect and for which a notice of requirements for accreditation of third party conformity assessment bodies has not yet been published. These include the requirements for testing

children's toys and child care articles for banned phthalates as well as the requirements for testing for compliance with the ASTM F-963 mandatory toy safety standard.

While waiting for the CPSC to publish the accreditation requirements for third party conformity assessment bodies for these stays of enforcement, manufacturers of motorised recreational vehicles and bicycles and related children's products are encouraged to speak to TÜV SÜD to explore ways in which the total lead content in their products may be reduced to the thresholds recommended by the CPSC. With our CPSC-accredited laboratories and highly-trained experts, we can help determine whether or not the CPSC's proposed limits are feasible for your product line. ■

## China Tightens the GB 18401 "National General Safety Technical Code for Textile Products" Standard



The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China will soon revise the state's GB 18401-2003 safety standard for textile products, effectively tightening the code's safety specifications while clarifying some clauses related to testing.

The main changes to the standard will be as follows:

- The definitive age of infants has been increased to 36 months (from 24 months previously), while children are now deemed to be less than 100 cm in height (instead of 80 cm previously).
- The substance 4-Aminoazobenzene (CAS No. 60-09-3) has been added to the list of banned decomposable carcinogenic arylamines in Appendix C, bringing the total number of substances in the list to 24. The content limit for these substances has also been modified to 20 mg/kg.
- The revised standard now includes a reference manual as an appendix, which describes how to take samples for various testing procedures. Undyed or bleached products no longer require colourfastness testing, although infant products are required to be tested for colourfastness to saliva according to the GB/T 18886 standard.
- The pH limit for textile products with direct contact to skin (category B) has been increased to 4.0 ~ 8.5 (from 4.0 ~ 7.5 previously).

This is the second revision to the standard, which was first published in 2001 and was last

updated in 2003. Although not yet formally announced, the revised standard is scheduled to go into effect on 1 August 2011.

The updated GB 18401-2010 standard will also apply to the upcoming Industrial Standard for Knitted Accessories, which was reviewed and approved by the Knitwear Branch of the National Technical Committee on Textiles in late December 2010.

#### HOW TÜV SÜD CAN HELP

The new specifications within the revised GB 18401-2010 standard are not expected to have a severe impact on the textile industry. Nonetheless, manufacturers will require considerable technical expertise to meet the revised pH specifications for Category B products (textile products with direct contact to skin) as well as the content limits for the carcinogenic arylamines listed in Appendix C.

TÜV SÜD shall keep track of developments in China and will notify manufacturers and businesses as soon as the new standard is formally announced. Through our partnership with China's Inspection and Quarantine (CIQ) laboratories, we can quickly ensure that your products meet these and other AQSIQ textile standards, both within your facility and throughout your manufacturing supply chain. ■

# European Union Ban on Bisphenol A in Infant Feeding Bottles Comes Into Force

The ban on plastic infant<sup>1</sup> feeding bottles within the European Union enters into force on 1 March 2011, after which no manufacturer within the European Union may use BPA in the manufacture of polycarbonate feeding bottles. From 1 June 2011 onwards, the ban will extend to all bottles placed on the market including imported products.

Bisphenol A (BPA) is commonly used as monomer in the manufacture of polycarbonate plastics, which are widely used in the manufacture of infant feeding bottles. When heated under certain conditions, small amounts of BPA can potentially leach out from the bottles into beverages they contain and be ingested by babies. A study<sup>2</sup> conducted by the European Food Safety Authority (EFSA) found that the daily dietary exposure to BPA for an infant that is fed formula with normal polycarbonate bottle can be up to four times higher than that of an infant that is fed formula with a glass or non-polycarbonate bottle.

According to Directive 2006/141/EC, infant formula or breast milk is the only source of nutrition for infants up to the age of 4 months, and typically remains the major source of nutrition for some months thereafter. While acknowledging that it has as yet not been presented with conclusive evidence of the dangers of BPA to human health, the Commission believes that it is necessary to reduce infants' exposure to BPA as much as is reasonably achievable until further scientific data becomes available.

After consulting the EFSA and evaluating Europe's infant feeding bottle market, the Commission concluded that the economic

<sup>1</sup> According to Directive 2006/141/EC, an infant is defined as a child under 12 months of age. Download the full Directive from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:401:0001:0001:EN:PDF>

<sup>2</sup> Read the full report at <http://www.efsa.europa.eu/en/efsajournal/doc/428.pdf>



impact of the ban will be limited and proposed that all BPA-containing infant feeding bottles on the EU market be replaced by the middle of 2011. Member States were therefore required to adopt and publish the laws, regulations and administrative provisions necessary to comply with the 2011/8/EU Directive by 15 February 2011<sup>3</sup>.

## MOVE TOWARDS ALTERNATIVES

According to the EFSA, there are alternative materials to polycarbonate that do not contain BPA such as glass and other plastics. However, these alternative materials have to comply with the strict safety requirements set out for food contact materials. The EU has many regulations governing food contact

materials, including the Framework Regulation (EC) 1935/2004 which describes the general requirements for all food contact materials. The EU has also provided numerous directives regarding substances such as vinyl chloride monomer (VCM), various nitrosamines and bisphenol A diglycidyl ether (BADGE), bisphenol F diglycidyl ether (BFDGE) and novolac glycidyl ether (NOGE).

With our ISO 17025-accredited laboratories across Europe and Asia, TÜV SÜD's experts can test your products for the presence of BPA and other substances to ensure that they comply with the EU's new directive. Our intimate knowledge of other European regulations such as REACH and EN 71 can also assist you in complying with other regulatory requirements for softlines and toys. ■

<sup>3</sup> Download the full 2011/8/EU Directive from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:026:0011:0014:EN:PDF>

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