

LEGISLATIVE COUNCIL BRIEF

Toys and Children's Products Safety Ordinance (Chapter 424)

Toys and Children's Products Safety (Amendment) Bill 2013

INTRODUCTION

A At the meeting of the Executive Council on 9 July 2013, the Council ADVISED and the Chief Executive ORDERED that the Toys and Children's Products Safety (Amendment) Bill 2013 ("the Bill"), at Annex A, should be introduced into the Legislative Council.

JUSTIFICATIONS

Existing Regulatory Regime

2. The Toys and Children's Products Safety Ordinance, Cap. 424 ("the Ordinance"), currently regulates the safety of (i) "toys" (defined as products or materials that are designed or clearly intended for use in play by a child, and their packaging) and (ii) certain "children's products" (i.e. those products specified in column 1 of Schedule 2 to the Ordinance¹, and their packaging) ("Schedule 2 products"). The Ordinance requires toys and Schedule 2 products to meet the general safety requirement². If a toy or Schedule 2 product meets all the applicable requirements in any one set of the applicable safety standards (international standards or standards adopted by advanced economies) specified in the Ordinance, the toy or product is regarded as meeting the general safety requirement.

¹ At present, there are 12 classes of products. They are babies' dummies, baby walking frames, bottle teats, bunk beds for domestic use, carry cots and similar handled products and stands, child safety barriers for domestic use, children's cots for domestic use, children's high chairs and multi-purpose high chairs for domestic use, children's paints, children's safety harnesses, playpens for domestic use, and wheeled child conveyances.

² General safety requirement means a duty to ensure that a toy or children's product is reasonably safe having regard to all the circumstances.

The Ordinance also provides that the Secretary for Commerce and Economic Development (“SCED”) may by regulation establish additional safety standards for toys and Schedule 2 products. This regime ensures that the level of safety accorded to children is on par with the international norm, and enables the imposition of additional standards to enhance the protection of children’s safety.

Health Hazards to Children Posed by Phthalates

3. Phthalates are chemicals which are commonly added to materials such as hard plastics to improve their flexibility and durability. Called plasticizers when used this way, they are used in many consumer products, primarily in polyvinyl chloride products. Various quarters of the public have expressed concerns over the possible health hazards posed to children by phthalates that may be contained in plasticized materials in certain toys and children’s products.

4. The Department of Health has advised that human exposure to phthalates is mainly through the oral route. Phthalates have very low acute oral toxicity in humans. The main concern is over chronic exposure. Animal studies have shown that chronic exposure to phthalates might result in a number of adverse effects, including toxicity in the liver and kidney. Certain phthalates are found to cause reproductive and developmental toxicity in experimental animals. Phthalates in soft plastic products could leach out during periods of mouthing and migrate through saliva into the body to various extent. Prolonged mouthing may therefore cause a health risk. From the precautionary perspective, children’s exposure to sources of phthalates, especially from products which can be put into the mouth, should be avoided as far as possible.

5. Advanced economies such as the European Union, Australia, the United States, Canada and Singapore have imposed concentration limits of six types of phthalates, namely DEHP, DBP, BBP, DINP, DIDP and DNOP³, in certain toys and children’s products. Except Australia which has imposed control only on DEHP, all other jurisdictions have put into effect restrictions against the use of DEHP, DBP and BBP in certain toys and child care products used by toddlers⁴, and against the use of DINP,

³ DEHP means di(2-ethylhexyl) phthalate (also known as bis-(2-ethylhexyl) phthalate or diethylhexyl phthalate), DBP means dibutyl phthalate, BBP means benzyl butyl phthalate, DINP means diisononyl phthalate, DIDP means diisodecyl phthalate, and DNOP means di-n-octyl phthalate.

⁴ These are products intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under three or four years of age.

B DIDP and DNOP in certain toys and child care products that can be mouthed by toddlers. Details are tabulated at Annex B.

6. To ensure that our regime is on par with those in advanced economies in protecting children from exposure to phthalates and prevent Hong Kong from becoming the dumping ground for non-compliant products, we propose to impose similar controls on the maximum amount of the above-mentioned six types of phthalates in certain toys and children's products, as set out at Annex C.

C

Proposed Legislative Amendments

7. As mentioned in paragraph 2 above, the Ordinance currently only covers toys and Schedule 2 products. All other children's products are regulated as consumer products in another ordinance, the Consumer Goods Safety Ordinance (Cap. 456). In order to impose the proposed phthalates controls (paragraph 6 above) under the Ordinance, we intend to expand the application of the Ordinance to cover, in addition to toys and Schedule 2 products, other products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that contain any plasticized material. For this purpose, we propose –

- (a) to expand the existing definition of “children's product” in the Ordinance to cover not only Schedule 2 products but also certain other products that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that contain any plasticized material, and their packaging; and
- (b) to make other amendments to the Ordinance, in particular, to enable regulations to be made to implement the proposed phthalates controls.

8. Upon the Legislative Council's passage of the amendments to the Ordinance, SCED will make regulations on the proposed phthalates controls.

THE BILL

9. The main provisions of the Bill are –

- (a) clause 1, which provides for the short title and the commencement of the Bill when enacted;
- (b) clause 4, which seeks to expand the definition of “children’s product” to cover (i) Schedule 2 products and (ii) certain other products or materials that are intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that contain any plasticized material, and their packaging;
- (c) clauses 6 to 8, which propose technical amendments to sections 5 and 8 arising from the above new definitions;
- (d) clauses 9 to 12, which seek to amend sections 9, 11, 12 and 13 to extend the application of those sections to the expanded scope of “children’s product”; and
- (e) clause 16, which seeks to replace the existing section 35 by a new section 35 to empower SCED to make regulations, including imposing additional safety standards or requirements for the expanded scope of “children’s product”.

LEGISLATIVE TIMETABLE

10. The legislative timetable will be –

Publication in the Gazette	12 July 2013
First Reading and commencement of Second Reading debate	17 July 2013
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

11. Upon the Legislative Council’s passage of the Bill, SCED will make regulations on the proposed phthalates controls as mentioned in paragraph 8 above.

IMPLICATIONS OF THE PROPOSALS

12. The proposal is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the Ordinance. It has no economic, financial, productivity, environmental, competition or family implications. For sustainability implications, the proposal can protect children from the possible health hazards posed by phthalates in certain toys and children's products, and is conducive to sustainable development. Additional workload arising from the implementation of the proposal will be absorbed by the relevant departments with their existing resources.

PUBLIC CONSULTATION

13. We consulted 47 major trade associations and organizations advocating children's welfare on our proposal. We also posted the gist of our proposal on our website for public information and comments, and on the Public Affairs Forum (administered by the Home Affairs Bureau) for discussion. We received seven written submissions and eleven messages from the Public Affairs Forum. No in-principle objection was raised to the proposal.

14. We consulted the Panel on Economic Development of the Legislative Council on the proposal on 26 November 2012. Panel Members supported the proposal.

PUBLICITY

15. We will issue a press release. A spokesperson is available to handle media and public enquiries.

BACKGROUND

16. Ensuring product safety, in particular the safety of toys and children's products, is of paramount importance. The Ordinance was enacted in 1992 to prohibit the manufacture, import and supply of unsafe toys and Schedule 2 products. A toy or Schedule 2 product regulated under the Ordinance ("regulated product") is regarded as safe only if it complies with the general safety requirement and any additional safety standard established by regulations made under the Ordinance. A regulated product that complies with all the applicable requirements in any one set of the safety standards prescribed in the Ordinance is

regarded as complying with the general safety requirement. Any person who manufactures, imports or supplies an unsafe toy or Schedule 2 product is, on first conviction, liable to a fine at Level 6 (\$100,000 at present) and imprisonment for one year and, on subsequent conviction, to a fine of \$500,000 and imprisonment for two years.

17. The Customs and Excise Department enforces the Ordinance. In addition to initiating prosecutions against offenders, the Department is empowered under the Ordinance to issue enforcement notices (e.g. recall notices mandating the withdrawal of unsafe products from the market). The Department stays alert to safety advice issued in places outside Hong Kong and conducts regular test purchases on products available in the market.

ENQUIRIES

18. Any enquiries on this brief can be addressed to Ms. Manda Chan, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) (Special Duties) (telephone: 2810 2969, facsimile: 2869 4420).

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
10 July 2013

**Toys and Children's Products Safety (Amendment) Bill
2013**

Contents

Clause	Page
1. Short title and commencement	1
2. Toys and Children's Products Safety Ordinance amended.....	1
3. Section 2 amended (interpretation).....	1
4. Sections 2A and 2B added.....	3
2A. What is Schedule 2 product.....	3
2B. What is children's product.....	3
5. Part III heading amended (children's products).....	4
6. Section 5 amended (children's products must comply with children's product standards).....	4
7. Part IV heading amended (general safety requirement).....	5
8. Section 8 amended (the general safety requirement).....	5
9. Section 9 amended (laboratories)	6
10. Section 11 amended (prohibition notice).....	7
11. Section 12 amended (recall notice).....	8
12. Section 13 substituted.....	9
13. Other powers of Commissioner	10
13. Section 14 amended (appeal to Appeal Board).....	11

Clause	Page
14. Section 24 amended (destruction or release of seized goods).....	12
15. Section 27 amended (compensation for seizure and detention).....	12
16. Section 35 substituted.....	13
35. Regulations	13
17. Schedule 2 amended (children's product standards).....	14

A BILL

To

Amend the Toys and Children's Products Safety Ordinance to provide for safety standards for certain toys and children's products; and to make related and other minor amendments.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Toys and Children's Products Safety (Amendment) Ordinance 2013.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

2. Toys and Children's Products Safety Ordinance amended

The Toys and Children's Products Safety Ordinance (Cap. 424) is amended as set out in sections 3 to 17.

3. Section 2 amended (interpretation)

- (1) Section 2—
 - Repeal the definition of *children's product***
 - Substitute**
 - "*children's product* (兒童產品)—see section 2B;".
- (2) Section 2, definition of *Commissioner*—
 - Repeal**
 - "and any"

Substitute

"or any".

- (3) Section 2, English text, definition of *Commissioner*—

Repeal

"his powers"

Substitute

"the powers of the Commissioner of Customs and Excise".

- (4) Section 2—

- (a) definition of *children's product standard*;
- (b) definition of *regulation*—

Repeal the definitions.

- (5) Section 2—

Add in alphabetical order

"*additional safety standard* (附加安全標準)—

- (a) in relation to a toy—means an additional safety standard or requirement imposed by regulations made under section 35 and applicable to the toy; and
- (b) in relation to a children's product—means an additional safety standard or requirement imposed by regulations made under section 35 and applicable to the product;

Schedule 2 product (附表 2 產品)—see section 2A;

Schedule 2 product standard (附表 2 產品標準), in relation to a product or material falling within a class of products set out in column 1 of Schedule 2, or the packaging of the product or material, means a standard specified in column 2 of that Schedule opposite to that class of products;".

4. Sections 2A and 2B added

Part I, after section 2—

Add**“2A. What is Schedule 2 product**

- (1) A product or material is a Schedule 2 product if it falls within a class of products set out in column 1 of Schedule 2.
- (2) The packaging of a Schedule 2 product within the meaning of subsection (1) is also a Schedule 2 product.

2B. What is children's product

- (1) A product or material is a children's product if—
 - (a) it is a Schedule 2 product within the meaning of section 2A(1); or
 - (b) it—
 - (i) is neither a Schedule 2 product within the meaning of section 2A(1) nor a product or material described in paragraph (a) of the definition of *toy* in section 2; and
 - (ii) is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and contains any plasticized material.
- (2) Each of the following is also a children's product—
 - (a) a Schedule 2 product within the meaning of section 2A(2);
 - (b) the packaging of a children's product within the meaning of subsection (1)(b).”

5. Part III heading amended (children's products)

Part III, heading—

Repeal

“CHILDREN'S PRODUCTS”

Substitute

“SCHEDULE 2 PRODUCT SAFETY”.

6. Section 5 amended (children's products must comply with children's product standards)

(1) Section 5, heading—

Repeal

“Children's products must comply with children's product standards”

Substitute

“Schedule 2 products must comply with Schedule 2 product standards”.

(2) Section 5—

Repeal subsection (1)**Substitute**

“(1) If only one Schedule 2 product standard contains requirements that apply to a Schedule 2 product, a person must not manufacture, import or supply the product unless the product complies with all the applicable requirements contained in the standard.

(1A) If more than one Schedule 2 product standard contains requirements that apply to a Schedule 2 product, a person must not manufacture, import or supply the product unless the product complies with all the

applicable requirements contained in at least one of those standards.”.

- (3) Section 5(3)—

Repeal

“Subsection (1) does”

Substitute

“Subsections (1) and (1A) do”.

- (4) Section 5(4), after “subsection (1)”—

Add

“or (1A)”.

7. Part IV heading amended (general safety requirement)

Part IV, heading, after “REQUIREMENT”—

Add

“AND ADDITIONAL SAFETY STANDARD”.

8. Section 8 amended (the general safety requirement)

- (1) Section 8, heading, after “**requirement**”—

Add

“**and additional safety standard**”.

- (2) Section 8(1)—

Repeal

“any additional safety standard established by regulation”

Substitute

“each additional safety standard”.

- (3) Section 8(4)—

Repeal

everything after “section,”

Substitute

“a Schedule 2 product is regarded as complying with the general safety requirement if—

- (a) only one Schedule 2 product standard contains requirements that apply to the product, and the product complies with all the applicable requirements contained in the standard; or
- (b) more than one Schedule 2 product standard contains requirements that apply to the product, and the product complies with all the applicable requirements contained in at least one of those standards.”.

9. Section 9 amended (laboratories)

Section 9—

Repeal subsections (2) and (3)

Substitute

- “(2) A person may, at the person’s own expense, have tested by an approved laboratory—
- (a) a toy, to determine whether it complies with an applicable requirement contained in a toy standard, or with an additional safety standard;
 - (b) a Schedule 2 product, to determine whether it complies with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (c) any other children’s product, to determine whether it complies with an additional safety standard.

- (3) The Commissioner may have tested by the Government Chemist—
- (a) a toy that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with an applicable requirement contained in a toy standard, or with an additional safety standard;
 - (b) a Schedule 2 product that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (c) any other children's product that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with an additional safety standard.”.

10. Section 11 amended (prohibition notice)

- (1) Section 11(1)(a), English text—

Repeal

“that it—”

Substitute

“that—”.

- (2) Section 11(1)(a)—

Repeal subparagraph (i)

Substitute

- “(i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or”.

- (3) Section 11(1)(a)(ii), English text, before “may not”—

Add

“it”.

- (4) Section 11(1)—

Repeal paragraph (b)

Substitute

- “(b) for a Schedule 2 product, the Commissioner reasonably believes that—
- (i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8; or
- (c) for any other children's product, the Commissioner reasonably believes that—
- (i) it does not comply with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8.”.

11. Section 12 amended (recall notice)

- (1) Section 12(1)(a), English text—

Repeal

“and that it—”

Substitute

“to a person and that—”.

- (2) Section 12(1)(a)—

Repeal subparagraph (i)

Substitute

“(i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or”.

(3) Section 12(1)(a)(ii), English text, before “may not”—

Add

“it”.

(4) Section 12(1)—

Repeal paragraph (b)

Substitute

“(b) for a Schedule 2 product, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury to a person and that—

(i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or

(ii) it may not comply with the general safety requirement under section 8; or

(c) for any other children's product, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury to a person and that—

(i) it does not comply with an additional safety standard; or

(ii) it may not comply with the general safety requirement under section 8.”.

12. Section 13 substituted

Section 13—

Repeal the section

Substitute

“13. Other powers of Commissioner

(1) The Commissioner may require the manufacturer, importer or supplier of a toy or children's product to have it tested in the form and manner specified by the Commissioner, if—

(a) for a toy, the Commissioner reasonably believes that—

(i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or

(ii) it may not comply with the general safety requirement under section 8;

(b) for a Schedule 2 product, the Commissioner reasonably believes that—

(i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or

(ii) it may not comply with the general safety requirement under section 8; or

(c) for any other children's product, the Commissioner reasonably believes that—

(i) it does not comply with an additional safety standard; or

(ii) it may not comply with the general safety requirement under section 8.

(2) The Commissioner may—

(a) require the manufacturer, importer or supplier of a toy to modify the toy, or its labelling or advertising—

- (i) to comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or
- (ii) to comply with the general safety requirement under section 8;
- (b) require the manufacturer, importer or supplier of a Schedule 2 product to modify the product, or its labelling or advertising—
 - (i) to comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (ii) to comply with the general safety requirement under section 8; or
- (c) require the manufacturer, importer or supplier of any other children's product to modify the product, or its labelling or advertising—
 - (i) to comply with an additional safety standard; or
 - (ii) to comply with the general safety requirement under section 8.
- (3) The Commissioner may require a person who advertises a toy or children's product to include in the advertisement a warning notice specified by the Commissioner.
- (4) A person who fails or refuses to comply with a requirement imposed by the Commissioner under subsection (1), (2) or (3) commits an offence."

13. Section 14 amended (appeal to Appeal Board)

Section 14(4)—

Repeal

"of the Commissioner does not suspend the Commissioner's decision unless he"

Substitute

"or action of the Commissioner does not affect the Commissioner's decision or action, unless the Commissioner".

14. Section 24 amended (destruction or release of seized goods)

Section 24(1)(b)—

Repeal

"children's products"

Substitute

"Schedule 2 products".

15. Section 27 amended (compensation for seizure and detention)

(1) Section 27(1), English text—

Repeal

"him"

Substitute

"the owner".

(2) Section 27(1)(a), English text—

Repeal

"he"

Substitute

"the owner".

(3) Section 27(1)(c)—

Repeal

"did not comply with".

(4) Section 27(1)(c)—

Repeal subparagraph (i)

Substitute

“(i) did not comply with an applicable requirement contained in a toy standard or a Schedule 2 product standard, or with an additional safety standard; or”.

(5) Section 27(1)(c)(ii), before “the general”—

Add

“did not comply with”.

16. Section 35 substituted

Section 35—

Repeal the section

Substitute

“35. Regulations

(1) The Secretary may by regulation—

- (a) impose additional safety standards or requirements for toys, including more stringent standards or requirements in relation to a matter provided for in any one or more of the toy standards;
- (b) impose additional safety standards or requirements for Schedule 2 products, including more stringent standards or requirements in relation to a matter provided for in any one or more of the Schedule 2 product standards;
- (c) impose additional safety standards or requirements for other children's products;
- (d) prohibit the manufacture, importation or supply of toys or children's products; and

(e) provide for incidental, consequential and transitional provisions that are necessary or expedient in consequence of the regulation.

(2) Regulations under subsection (1) may—

- (a) make different provisions for different circumstances and provide for a particular case or class of cases; and
- (b) prescribe offences for contravention of the regulations, punishable by a fine, imprisonment or both.

(3) The maximum fine that may be prescribed for an offence is \$500,000 and the maximum imprisonment is 2 years.”.

17. Schedule 2 amended (children's product standards)

(1) Schedule 2, heading—

Repeal

“**Children's**”

Substitute

“**Schedule 2**”.

(2) Schedule 2, after “[ss. 2]”—

Add

“, 2A”.

(3) Schedule 2, column 1, heading—

Repeal

“**Children's products**”

Substitute

“Classes of products”.

Explanatory Memorandum

The main purpose of this Bill is to amend the Toys and Children's Products Safety Ordinance (Cap. 424) (*TCPSO*) to broaden the scope of application of the TCPSO so that after the enactment of the Bill, the TCPSO as amended also applies to any other product or material that is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and that contains any plasticized material (*new product*).

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 amends section 2 of the TCPSO to amend the definition of *Commissioner* and add a number of new definitions. In addition, the clause expands the definition of *children's product* by replacing the existing definition by a new one. The new definition of *children's product* refers to new section 2B of the amended TCPSO which is the substantive interpretative provision for a children's product. Clause 3 also repeals the definitions of *children's product standard* and *regulation*.
4. Clause 4 adds new sections 2A and 2B to the TCPSO. The 2 new sections are interpretative provisions. New section 2A defines *Schedule 2 product*. A product that is referred to in the TCPSO as a children's product is a Schedule 2 product under the Bill. As for new section 2B, the expanded definition of *children's product* in that section covers a Schedule 2 product and a new product.
5. Clauses 9, 10, 11, 12 and 14 respectively amend sections 9, 11, 12, 13 and 24 of the TCPSO to extend the application of those sections to a new product.
6. Clause 16 replaces the existing section 35 of the TCPSO by a new section 35. The main purpose is to empower the Secretary for Commerce and Economic Development to make regulations in

relation to new products, including imposing additional safety standards or requirements for new products.

7. The Bill also makes related and other minor amendments to the TCPSO.

Limits of Phthalates imposed in other Jurisdictions

Phthalates	EU	Australia	US	Canada	Singapore
DEHP	The combined weight of the three phthalates should not exceed 0.1% by mass of plasticized materials in toys and childcare products ¹	1% in toys, childcare products ² and eating vessels intended for use by children up to 3 years of age	Each of the three phthalates should not exceed 0.1% by mass in children's toys and childcare articles ³	Each of the three phthalates should not exceed 0.1% of the vinyl in toys and childcare articles ⁴	The combined weight of the three phthalates should not exceed 0.1% by mass of plasticized materials in toys and children's products ⁵
DBP					
BBP					
DINP	The combined weight of the three phthalates should not exceed 0.1% of plasticized materials in toys and childcare articles that can be placed in the mouth by children	No prescribed limit	Each of the three phthalates should not exceed 0.1% by mass in children's toys that can be placed in a child's mouth, and childcare articles	Each of the three phthalates should not exceed 0.1% of the vinyl in any part of a toy or childcare article that can, in a reasonably foreseeable manner, be placed in the mouth of a child under four years of age	The combined weight of the three phthalates should not exceed 0.1% of plasticized materials in toys and childcare articles that can be placed in the mouth by children
DIDP					
DNOP					

¹ Defined to mean "any product intended to facilitate sleep, relaxation, hygiene, the feeding or sucking on the part of children".

² Not defined, and only examples are given: "including, but not limited to, dummies, pacifiers, teething rings, teething rails, rattles, bibs, gum soothers, and comforting objects".

³ Defined to mean products to facilitate sleep or the feeding of children of age 3 and younger, or to help such children with sucking or teething.

⁴ Defined to mean products that are intended to facilitate the relaxation, sleep, hygiene, feeding, sucking or teething of children under four years of age.

⁵ Defined as in the EU.

Proposed Controls on Maximum Amount of Phthalates in Toys and Children's Products

Toys or children's products	Safety standards or requirements
<p>A toy (i.e. a product or material designed or clearly intended for use in play by a child) that contains any plasticized material</p>	<p>(a) The total weight of the chemicals di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP) and benzyl butyl phthalate (BBP) in the toy must not exceed 0.1% of the total weight of all the plasticized materials in the toy.</p> <p>(b) If the toy can, in a reasonably foreseeable manner, be entirely placed in the mouth of a child under 4 years of age, the total weight of the chemicals diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) in the toy must not exceed 0.1% of the total weight of all the plasticized materials in the toy.</p> <p>(c) If only a part or parts of the toy can, in a reasonably foreseeable manner, be placed in the mouth of a child under 4 years of age, the total weight of the chemicals diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) in such part or parts must not exceed 0.1% of the total weight of all the plasticized materials in such part or parts.</p>
<p>A children's product that is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking</p>	<p>(a) The total weight of the chemicals di(2-ethylhexul) phthalate (DEHP), dibutyl phthalate (DBP) and benzyl butyl phthalate (BBP) in the product must not exceed 0.1%</p>

Toys or children's products	Safety standards or requirements
<p>or teething of a child under 4 years of age and that contains any plasticized material</p>	<p>of the total weight of all plasticized materials of the product.</p> <p>(b) If the product can, in a reasonably foreseeable manner, be entirely placed in the mouth of a child under 4 years of age, the total weight of the chemicals diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) in the product must not exceed 0.1% of the total weight of all the plasticized materials in the product.</p> <p>(c) If only a part or parts of the product can, in a reasonably foreseeable manner, be placed in the mouth of a child under 4 years of age, the total weight of the chemicals diisononyl phthalate (DINP), diisodecyl phthalate (DIDP) and di-n-octyl phthalate (DNOP) in such part or parts must not exceed 0.1% of the total weight of all the plasticized materials in such part or parts.</p>