

Product Safety Compliance Update



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Introduction

We have been helping companies ensure the unique safety and compliance requirements of a broad range of consumer products since 2003.

Our veteran scientific and engineering staff

can provide technical guidance, quality assurance, specifications assessments, training and import export compliance evaluation.



Law & Regulations

EU AMENDS CADMIUM IN PAINTS

On 26 June 2015, the World Trade Organization (WTO) circulated notification [G/TBT/N/EU/294](#) from the EU to announce an amendment to the scope of cadmium under point 2 in entry 23 of ANNEX XVII of REACH.

US EXEMPS WOOD TESTING ITEM

The US consumer product safety commission (CPSC) has recently issued a [direct final rule](#). The rule will create a new Part 1251 for 'Toys: Determination Regarding Heavy Elements Limits for Certain Materials'.

NEW EU EN SAFETY RULES

The EU Commission has approved that EN 14682:2014 should be adopted as a harmonised standard and will be published with the list of standards which are harmonised under the General Product Safety Directive.

US RESTRICTS 6 CHEMICALS

The Executive of Suffolk County has approved Resolution No. 490-2015 "The Toxic Free Toys Act", protecting children from exposure to mercury, antimony, arsenic, cobalt, lead and cadmium in children's products.

Product Safety

EU Proposes To Amend Cadmium In Certain Paints Under Reach

On 26 June 2015, the World Trade Organization (WTO) circulated notification [G/TBT/N/EU/294](#) from the EU to announce an amendment to the scope of cadmium under point 2 in entry 23 of ANNEX XVII of REACH.

In Annex XVII, column 2 of entry 23 paragraph 2 is replaced by the following:

Cadmium and its compounds	<p>Shall not be used or placed on the market in paints with codes [3208] [3209] in a concentration (expressed as Cd metal) equal to or greater than 0,01 % by weight.</p> <p>For paints with codes [3208] [3209] with a zinc content exceeding 10 % by weight of the paint, the concentration of cadmium (expressed as Cd metal) shall not be equal to or greater than 0,1 % by weight.</p> <p>Painted articles shall not be placed on the market if the concentration of cadmium (expressed as Cd metal) is equal to or greater than 0,1 % by weight of the paint on the painted article.”</p>
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The amendment is proposed to be adopted in the last quarter of 2015. The restriction will apply from the date of entry into force; 20 days after publication in the Official Journal of the EU (OJEU).



Suffolk County/New York State/USA – Approves Restriction of Six Chemicals in Children’s Products

The Executive of Suffolk County has approved Resolution No. 490-2015 “The Toxic Free Toys Act”, protecting children from exposure to mercury, antimony, arsenic, cobalt, lead and cadmium in children’s products. Oregon Senate bill 478 passed both houses of legislature and will become law once signed by Governor Brown.

According to the act,

1. From 1 July 2016, retailers shall not knowingly distribute, sell or offer for sale any children’s products containing the following toxic chemicals:

Toxic chemical	Limit (ppm)
Antimony	≤ 40
Arsenic	≤ 40
Cadmium	≤ 75
Cobalt	≤ 40
Lead	≤ 100 (total content in accessible parts); ≤ 90 in paint or any similar surface coating
Mercury	≤ 40

2. The restrictions in point 1 shall not apply to:

Children’s products or apparel that are sold or distributed for free at second-hand stores, yard sales or donated to charities, nor those exclusively sold on the internet;

Protective sporting equipment, including but not limited to helmets, athletic supporters, knee pads or elbow pads;

Children’s products solely based on their containing enclosed batteries or enclosed electronic components.

3. Starting from 1 December 2016, the Department of Health will randomly inspect retailers, to spot any violation of the law by screening toxic content in children’s products on-site.

Note:

Children’s product: any product primarily intended for, made for, or marketed for use by children. Children’s product does not mean batteries, consumer electronics or electronic components, paper products, or a drug, biologic, medical device, food, or food additive regulated by the US Food and Drug Administration.

US CPSC To Exempt Wood From Testing For Heavy Metals

The US consumer product safety commission(CPSC) has recently issued a [direct final rule](#). The rule will create a new Part 1251 for ‘Toys: Determination Regarding Heavy Elements Limits for Certain Materials’. It will detail the statutorily-created requirements for toys under ASTM F963 and third party requirements for children’s products.

According to the definitions in the direct rule, unfinished and untreated wood is defined as:

Wood harvested from the trunks of trees with no added surface coatings such as paint, polyurethane, shellac and varnish, and Wood substrates that do not contain other materials such as antifungal agents, dyes, insecticides, preservatives and stains.

Unfinished and untreated wood does not include manufactured or engineered wood such as pressed wood, plywood, particle boards or fiberboards.

This rule will be effective as of September 15, 2015. It will be withdrawn if a significant adverse comment is received by August 17, 2015, and a notice of proposed rulemaking (NPA) for public comment will be published in the Federal Register.

EU EN 14682:2014 Safety of Children’s Clothing – Cords & Drawstrings on Children’s Clothing Harmonised

The EU Commission has approved that EN 14682:2014 should be adopted as a harmonised standard and will be published with the list of standards which are harmonised under the General Product Safety Directive. The Commission decision is effective from 24 August 2015.

EN 14682 was originally developed as a response to a European Mandate, the standard was made available in 2004 and harmonised in 2006. The standard was then revised in 2007 giving users more clarity, but with no technical changes, and was harmonised in 2011. The 2014 version of the standard gives even greater clarity, but with some technical changes and was harmonised in 2015.

EN 14682 covers all children’s clothing including disguise costumes and ski apparel up to 14 years of age. The standard does not apply to child use and child care articles, footwear, hats, gloves and scarves, to name but a few.

Key technical changes include (but not exclusive):

- Belts (with the exception of tied belts or sashes) are excluded from the standard
- Inclusion of ‘back of the head/neck’ in body Zone A, rather than Zone D
- ‘Fringes’ are now to be classified as a series of decorative cords
- Free ends of fixed bows are considered as decorative cords

