



Product safety bulletin

Children's plastic products with more than 1 per cent diethylhexyl phthalate (DEHP)

March 2010

This bulletin outlines requirements of the 18-month interim ban on children's plastic products with more than 1 per cent by weight diethylhexyl phthalate (DEHP).

This interim ban came into effect on 2 March 2010 when Consumer Protection Notice No. 6 of 2010 was published in Special Gazette No. 19.

Under the *Trade Practices Act 1974*, supply includes:

- selling
- exchanging
- leasing
- hiring or selling through hire purchase.

If you are a manufacturer, importer, wholesaler, hirer or retailer in the business of supplying children's plastic products into the Australian market, this bulletin applies to you.

Hazards

DEHP is a commonly used plasticiser that is used to make plastics such as polyvinyl chloride (PVC) soft and flexible. The use of DEHP in many applications is appropriate and safe.

The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) has conducted a scientific risk assessment of DEHP.

The assessment by NICNAS found a risk of reproductive toxicity for young children in certain circumstances.

NICNAS determined that the risk applies to young children up to and including 36 months of age who may extensively chew and suck (mouth) objects on a recurrent basis for substantial periods of time—in excess of 40 minutes per day.

The NICNAS study found:

- the risk does not apply to older children or to adults, who have less substantial mouth contact with plastic materials that contain DEHP
- skin contact with products containing DEHP is not a safety concern for any age group, including infants.

Examples of products found to contain DEHP in the European Union



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Interim ban

From 2 March 2010, this interim 18-month ban prohibits supply of certain plastic products intended for children under 36 months of age that are made from or contain more than 1 per cent by weight of DEHP.

This interim ban applies to relevant plastic:

- toys
- childcare articles including, but not limited to, dummies, pacifiers, teething rings, teething rails, rattles, bibs, gum soothers, and comforting objects
- eating vessels and utensils including, but not limited to, feeding bottles, sip/sucking cups, bowls, plates, and cutlery.

These products are banned if they:

- contain or have a component that contains more than 1 per cent by weight of the chemical identified by the unique Chemical Abstract Service (CAS) Number 117-81-7 — also known as Diethylhexyl phthalate, DEHP, Di(2-ethylhexyl)phthalate and Bis(2-ethylhexyl)phthalate)
- are or have a component containing more than 1 per cent by weight of DEHP.

Products covered by the interim ban

Only products or components that are made from soft flexible plastic or foamed plastic will potentially contain DEHP.

Please note that the lists below containing examples of items the ban may cover are by no means exhaustive.

Toys made from plastic or with a plastic component intended for children up to and including 36 months include:

- bath toys
- bats and balls such as imitation, miniature or novelty versions of sporting goods
- dolls, cars, trains, dress ups and blocks
- PVC squeeze toys such as plastic ducks
- plastic figures
- inflatable toys and balls other than those for the specific purpose of assisting a supervised child to float or swim in water
- infant activity centres and infant gyms
- musical instruments
- developmental and educational toys for infants
- soft books / bath books
- toys or accessories intended to hang from, or attach to, larger toys and childcare articles.

Childcare articles made from plastic or with a plastic component children up to and including 36 months of age can readily suck and/or chew include:

- dummies
- pacifiers
- teething rings
- teething rails
- rattles
- bibs
- gum soothers
- comforting objects.

Vessels and eating utensils made from plastic or with a plastic component that are intended for feeding infants up to and including 36 months of age include:

- feeding bottles
- sip/sucking cups
- bowls
- plates
- cutlery.

Excluded items

Vessels and eating utensils for older children and adults are not subject to the ban.

Although single use (disposable) plastic cutlery is not specifically exempted from the ban, children up to and including 36 months are not likely to suck or mouth these items over a sustained period.

Materials such as metal, wood, glass, ceramic, natural fibre fabrics and hard rigid plastics do not contain DEHP.

The following goods are also not subject to the ban, because it is unlikely that children up to and including 36 months of age will readily suck or chew them:

- large toys such as cubby houses, slides and swings
- childcare articles with restraints to hold the child such as change tables, prams and car seats
- clothing and footwear
- sporting goods
- flotation aids and aquatic toys for the specific purpose of assisting a supervised child to float or swim in water.

Second-hand goods are also not covered by this interim ban.

Complying with the interim ban

Understand the requirements

To fully understand requirements of this interim ban, we strongly recommend that suppliers read:

- Consumer Protection Notice No. 6 of 2010: Unsafe goods notice
- the ACCC supplier guide to the ban.

You can download both documents from www.accc.gov.au.

Also note the documents listed below under 'Check for appropriate age labelling'.

Check for appropriate age labelling

Under the interim ban, toys that are labelled as not being suitable for children under 36 months or under 3 years of age are not covered if the age labelling is appropriate for the product.

Guidance for establishing age grades of toys can be found in:

- Annex B of AS/NZS ISO 8124.1:2002 *Safety of Toys*
- the United States Consumer Product Safety Commission (CPSC) Age Determination Guidelines: Relating Children's Ages To Toy Characteristics and Play Behaviour—September 2002, which is available free of charge from the CPSC website www.cpsc.gov.

Check for compliance

There are several means of checking for compliance, including:

- quality assurance programs
- validated manufacturer specifications
- certification from raw material suppliers or upstream suppliers/manufacturers
- end product analytical testing.

Ensure tests and test reports are correct

The concentration limit of 1 per cent of the weight equates to a maximum limit of 10 000 milligrams per kilogram (mg/kg) when expressed in the internationally recognised SI units.

In the case of products made from more than one component, the 1 per cent weight concentration limit only applies to each individual component that may contain DEHP.

Internal components that are inaccessible to mouthing are not readily sucked and/or chewed by children. Such internal components are not included in determining the 1 per cent by weight concentration limit for DEHP.

Suppliers should anticipate the possibility of the ACCC checking compliance at any time.

Where analytical testing is undertaken or relied upon by suppliers, always use a competent analytical laboratory that holds recognised accreditation and adheres to the OECD *Principles of good laboratory practice* either in Australia or overseas.

The National Association of Testing Authorities (NATA) can provide advice on accredited laboratories in Australia or internationally for the testing of products to determine DEHP content. For more details, visit www.nata.asn.au.

Your responsibilities as a supplier

All suppliers are equally responsible for ensuring that products they supply meet the requirements of the ban. This includes:

- manufacturers
- importers
- distributors
- retailers.

It is an offence under the Trade Practices Act to supply children's plastic products which do not comply with the requirements of the ban. Failure to comply can result in recalls, legal action and/or penalties.

Penalties and consequences

In the event that non-compliance is identified by either suppliers or enforcement agencies, you should withdraw the product from the market immediately.

Further action such as initiating an immediate product recall may also be required depending on the particular circumstances and the level of risk.

Supplying products that do not comply with a ban is an offence under the Trade Practices Act. Fines for non-compliance are:

- up to \$1.1 million for companies
- up to \$220 000 for individuals.

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Other product safety bulletins

Flotation toys and swimming aids

Toy and nursery update

Lead in children's toys

Inquiries

ACCC Infocentre: business and consumer inquiries 1300 302 502

Email: infocentre@acc.gov.au

Website: www.acc.gov.au

Callers who are deaf or have a hearing or speech impairment can contact the ACCC through the National Relay Service www.relayservice.com.au

Publications

For recent publications and the full list of available titles, see 'Publications' at www.acc.gov.au

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