Toy industry regulatory updates What's new in 2021?

From new harmonized standards to specific regulation updates, UL wants to keep you up to date on changes that are taking place within the toy industry in 2021 to help your products remain in compliance.

We highlight some major regulatory changes so you can be prepared to continue creating safe toys for children around the globe.

Our experts remain ready to answer any questions you may have about these upcoming changes.

EU: Tracking chemicals of concern in products - SCIP database

Effective date: Jan. 5, 2021
The industry can now submit information on substances of very high concern (SVHC) in their articles to the European Chemicals Agency's (ECHA) Substances of Concern In Products (SCIP) database. The aim is to make product recycling safer and improve information about dangerous chemicals in products. The SCIP database ensures that the information on articles containing SVHCs on ECHA's Candidate List is available throughout the whole lifecycle of products and materials, including the waste stage. The information in the database is then made available to waste operators and consumers.

The SCIP database is largely part of the European Union's (EU) ongoing effort in its circular economy strategy. Furthermore, the database is part of the Waste Framework Directive (2008/98/EC), which requires suppliers to submit information related to articles above 0.1% w/w, according to Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Article 33. Companies will be required to submit this information for articles placed on the market from Jan. 5, 2021.

Source

EU: REACH - New restriction on textile articles for Nonylphenol Ethoxylates

Effective date: Feb. 3, 2021
According to REACH, Annex XVII, entry 46.a, Nonylphenol Ethoxylates (NPE) will be restricted with the following provisions:

- Shall not be placed on the market after Feb. 3, 2021 in textile articles which can reasonably be expected to be washed in water during their normal lifecycle, in concentrations equal to or greater than 0,01% by weight of that textile article or of each part of the textile article.
- Paragraph 1 shall not apply to the placing on the market of secondhand textile articles or of new textile articles produced, without the use of NPE, exclusively from recycled textiles.
- Paragraphs 1 and 2, "textile article" means any unfinished, semi-finished or finished product which is composed of at least 80% textile fibres by weight, or any other product that contains a part which is composed of at least 80% textile fibres by weight, including products such as clothing, accessories, interior textiles, fibres, yarn, fabrics and knitted panels.

Source

EU: Toy Safety Directive updates - Aluminium and Formaldehyde

Effective dates: May 19, 2021 for Aluminium; May 20, 2021 for Formaldehyde
On Nov. 19, 2019, the EU formally published Directive (EU) 2019/1922 to strengthen Aluminium migration limits in three toy categories; the limits for Aluminium have been reduced:

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- from 5,626 to 2,250 mg/kg for dry, brittle, powder-like or pliable toy material
- from 1,406 to 560 mg/kg for liquid or sticky material
- from 70,000 mg/kg to 28,130 mg/kg for scraped-off toy materials

Member States shall adopt and publish by May 19, 2021 the laws, regulations and administrative provisions necessary to comply with the Directive. They shall apply those provisions from May 20, 2021.

On Nov. 20, 2019, the EU formally published Directive (EU) 2019/1929 to adopt specific limits for Formaldehyde, a carcinogen:

- 1.5 mg/l (migration limit) in polymeric toy material
- 0.1 ml/m3 (emission limit) in resin-bonded wood toy material
- 30 mg/kg (content limit) in textile toy material
- 30 mg/kg (content limit) in leather toy material
- 30 mg/kg (content limit) in paper toy material
- 10 mg/kg (content limit) in water-based toy material

Member States shall adopt and publish by May 20, 2021 the laws, regulations and administrative provisions to comply with the Directive, and shall apply those provisions from May 21, 2021.

Source 1
Source 2

U.S.: Maine - Designation of perfluorooctane sulfonic acid (PFOS) and its salts as priority chemicals

Effective date: Jan. 24, 2021 (reporting)
On July 28, 2020, the state of Maine adopted a rule to make PFOS and its salts as priority chemicals and requires reporting for certain children's products that contain PFOS or its salts. Manufacturers or distributors of products that contain intentionally added amounts of PFOS or its salts, and fall into the categories in this section, must submit/report information to the Department of Environmental Protection regarding the amount and function of the substances in reported products, among other information. The mandate extends to the following product types, where (PFOS) or its salts are used in intentionally added amounts:

1. Child care article
2. Clothing
3. Footwear
4. Sleepwear
5. Toy
6. Cookware, tableware, reusable food and beverage containers
7. Cosmetics and personal care products
8. Craft supplies
9. Electronic device
10. Household furniture and furnishings

Source

Contact us to learn more. Continue reading on the next page.

U.S.: New York Senate Bill 501 - Relates to regulation of toxic chemicals in children's products

Effective date: Feb. 7, 2021 (reporting); Feb. 1, 2023 (sales prohibition)
New York Senate Bill 501 was signed into law by the governor Feb. 7, 2020. A list of 103 chemicals are defined as "chemicals of concern" and nine chemicals are defined as "dangerous chemicals" including TDCPP (Tris (1,3-dichloro-2-propyl) phosphate), benzene, lead, mercury, formaldehyde, asbestos, arsenic, cadmium and organohalogen flame retardants. No later than 12 months after a substance is added to the Dangerous Chemical list, every manufacturer who offers a children's product that contains a dangerous chemical or chemical of concern shall report such chemical use at Practical Quantification Limits to the Department of Environmental Conservation. A manufacturer may apply for a waiver of the reporting requirements. The Department will notify consumers about children's products containing chemicals of concern and dangerous chemicals on the department's website. There is a sales prohibition on children's products containing dangerous chemicals beginning Jan. 1, 2023. Effective three years after being added to the dangerous chemicals list, there will also be a sales prohibition on children's products containing any of the added chemicals on the dangerous chemicals list. Enclosed batteries and electronic components are exempt. A second bill (NY SB 5349) was also signed by the governor which adds an exemption from the sales prohibition for chemicals present as trace contaminants.

Source

Brazil: Toy certification - New requirements in Ordinance 217

Effective date: Jan. 1, 2022 (first deadline for compliance for national manufacturers and importers)
Brazil has enacted Toy Ordinance 217/2020, the long-awaited update to Toy Ordinance 563/2016. The new ordinance aims to improve requirements and tests for toys and to reduce the number of samples used, which may impact the productive sector by reducing costs in the certification process. Some main highlights of the new ordinance are below.
Deadlines for compliance:

- Art. 19 Revised - From Jan. 1, 2022, national manufacturers and importers must manufacture or import, for the national market, only toys in accordance with the provisions contained in this ordinance.
- As of Jan. 1, 2023, manufacturers and importers must sell, on the national market, only toys in accordance with the provisions contained in this ordinance.
- Art. 20. Revised - As of July 1, 2025, establishments that carry out distribution and/or trade activities must market, in the national market, only toys in accordance with the provisions contained in this ordinance.
- Art. 22. Revised - After Jan. 1, 2022, the limit provided for in item 5.2.7 of Annex I becomes 0.3% of the maximum amount of formamide.

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Standard updates:

- ABNT NBR NM 300-1:2011 - Toy Safety: General mechanical and physical properties
- ABNT NBR 16040:2018 Phthalates - Determination of phthalic plasticizers
- Deleted: ASTM F963-11: Standard Consumer Safety Specification for Toy Safety
- Added: Standard IEC 60825-1:2014 - Safety of Laser Products

Maintenance Evaluations have changed from six months after the issuance of the certificate of conformity to take place every 12 months after the issuance of conformity. The certificate of conformity can now be valid for five years (changed from three years).

This ordinance amends parts of the Technical Regulation on Quality and the Requirements for Conformity Assessment published by Portaria Inmetro nº 563, 2016, and in the Requirements for Conformity Assessment published by Portaria Inmetro nº 481, 2010.

Source

Australia: Consumer Goods (Projectile Toys) Safety Standard

Effective date: June 12, 2021
The Consumer Goods (Projectile Toys) Safety Standard 2020 sets out the mandatory requirements for projectile toys. These requirements are intended to reduce the risk of choking, eye injuries and flesh wounds during play. A projectile toy must comply with the relevant sections in one of the following four standards:

1. Australian/New Zealand Standard AS/NZS 8124.1:2019 - Safety of Toys - Part 1: Safety Aspects Related to Mechanical and Physical Properties
2. European Standard EN 71-1:2014+A1:2018 Safety of Toys - Part 1: Mechanical and Physical Properties
3. International Standard ISO 8124.1:2018 Safety of Toys - Part 1: Safety Aspects Related to Mechanical and Physical Properties
4. American Society for Testing and Materials Standard ASTM F963-17 Standard Consumer Safety Application for Toy Safety.

These standards prescribe requirements for the design and construction of a projectile toy, including:

- The maximum force a projectile can be launched
- Protective measures for projectiles that present a skin puncture hazard
- The size of projectiles
- Features to prevent improvised projectiles from being launched in a hazardous manner.

Up to June 11, 2021, suppliers have the option to comply with the requirements from either the Consumer Goods (Projectile Toys) Safety Standard 2020 or Consumer Protection Notice No. 16 of 2010 (Consumer Product Safety Standard for Children's Projectile Toys). From June 12, 2021, suppliers must only comply with the requirements in the Consumer Goods (Projectile Toys) Safety Standard 2020.

Source

Australia: Consumer Goods (Toys Containing Magnets) Safety Standard

Effective date: Aug. 29, 2021
The Consumer Goods (Toys Containing Magnets) Safety Standard 2020 sets out the mandatory requirements for children's toys containing magnets. It replaces the Consumer Protection Notice No. 5 of 2010 (Consumer Product Safety Standard for Children's Toys Containing Magnets). Toys containing magnets must comply with the relevant sections of one of the following standards:

1. Australian/New Zealand Standard AS/NZS ISO 8124.1:2019 Safety of toys Part 1: Safety aspects related to mechanical and physical properties
2. European Standard EN 71-1:2014+A1:2018 Safety of toys

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- Part 1: Mechanical and physical properties

3. International Standard ISO 8124-1:2018 Safety of toys – Part 1: Safety aspects related to mechanical and physical properties
4. US Standard ASTM F963 - 17 Standard Consumer Safety Specification for Toy Safety

Up to Aug. 28, 2021, suppliers have the option to comply with the requirements from either the Consumer Goods (Toys Containing Magnets) Safety Standard 2020 or the Consumer Protection Notice No. 5 of 2010 (Consumer Product Safety Standard for Children's Toys Containing Magnets).

From Aug. 29, 2021, suppliers must only comply with the requirements in the Consumer Goods (Toys Containing Magnets) Safety Standard 2020.

Source

India: Amendment for Bureau of Indian Standards (BIS) implementation under the Toys (Quality Control) Order - New effective date

Effective date: Jan. 1, 2021

In December 2019, India amended an import policy to require imported toys to be tested by a National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited lab; the policy became effective immediately. Following this Notification, on Feb. 26, 2020, India's Ministry of Commerce and Industry published a separate Toys (Quality Control) Order of 2020. It specified the key provisions for the safety of toys as laid out below, with an effective date of Sept. 1, 2020.

However, on Sept. 15, 2020, the BIS stated that it was necessary because of public interest to amend the Toys (Quality Control) Order, 2020 with a new effective date of Jan. 1, 2021 for the required BIS certification.

Below is a recap of the requirements laid out in the Order.

Toys (Quality Control) Order of 2020:

- Under Scheme-I of Schedule-II from the Bureau, requires toys to have the Standard Mark of conformity (BIS)
- Toy conformity to the latest version of BIS Indian Standards:
  - IS 9873 (Part 1): 2019 for safety aspects related to mechanical and physical properties
  - IS 9873 (Part 2): 2017 for flammability
  - IS 9873 (Part 3): 2017 for migration of certain elements
  - IS 9873 (Part 4): 2017 swings, slides and similar activity toys for indoor and outdoor family domestic use
  - IS 9873 (Part 7): 2017 finger paints
  - IS 9873 (Part 9): 2017 for certain phthalate esters
  - ISO 15644:2006 for safety of electrical toys
- Certification process, by the Bureau recognized as the certifying authority

The Order also requires factory audits for toy manufacturers regardless of the location of manufacture (note: nothing in the Order shall apply to goods or articles meant for export). Overall, this is a completely new certification process that will require audits, marking and testing. The UL laboratory in Gurugram has received BIS recognition to test to the required toy standards.

Source

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