



Toy industry
regulatory updates:
what's new worldwide

Empowering Trust®





UL strives to keep you up to date on changes within the toy industry in late 2021 through 2022, from new harmonized standards to specific regulation updates. By highlighting these regulatory additions and updates, we're helping retailers, brands and manufacturers like you continue to create and sell safer toys for children.

Our experts are ready to answer your questions about these upcoming changes.





Europe

New harmonized standards under Directive 2009/48/EC on the safety of toys

Effective date: May 15, 2022

On Nov. 16, 2021, the European Commission published the Commission Implementing Decision (EU) 2021/1992 in the Official Journal of the European Union (OJEU).

This publication makes the following standards harmonized under the Toy Safety Directive 2009/48/EC:

- EN 71-2:2020 Safety of toys - Part 2: Flammability
- EN 71-3:2019+A1:2021 Safety of toys - Part 3: Migration of certain elements
- EN 71-4:2020 Safety of toys - Part 4: Experimental sets for chemistry and related activities
- EN 71-13:2021 Safety of toys - Part 13: Olfactory board games, cosmetic kits and gustative games

The date of cessation of presumption of conformity of superseded standards is May 15, 2022.

These standards will be the only ones used for demonstrating compliance with the corresponding Toy Safety Directive requirements for toys placed on the European market from that date.

[Source](#)

European Commission adopts amendments under Toy Safety Directive – Allergenic Fragrances

Effective Date: July 4, 2022

On Dec. 15, 2020, the European Commission formally published two amendments in the EU Official Journal, adopting the ban of three allergenic fragrances in toys and their materials:

- Atranol (2,6-dihydroxy-4-methyl-benzaldehyde) CAS: 526-37-4
- Chloratranol (3-Chloro-2,6-Dihydroxy-4-methyl-benzaldehyde); CAS: 57074-21-2
- Methyl heptene carbonate; CAS: 111-12-6

These three fragrances are now added to the list of 55 prohibited fragrances under Annex II of the Toy Safety Directive 2009/48/EC. A separate amendment requires labels to be added to toy packaging or accompanying leaflets if the toy or its component contains any of the listed 61 allergenic fragrances exceeding more than 100 milligrams per kilograms (mg/kg). Member states shall adopt and publish by July 4, 2022, at the latest and shall apply these provisions from July 5, 2022.

[Source](#)



European Commission adopts amendments under Toy Safety Directive – Aniline in Appendix C

Effective Date: Dec. 5, 2022

On June 4, 2021, the European Commission published a new restriction on aniline for some toys in Appendix C of the Toy Safety Directive 2009/48/EC.

This new restriction is applied to toys intended for children under 36 months or in other toys intended to be placed in the mouth.

This applies to the following categories in particular:

- Textile toy materials
- Leather toy materials
- Finger paints

The current list of substances restricted under Appendix C of the Toy Safety Directive 2009/48/EC includes the substance aniline, which will be limited according to the new limits reported below:

Substance	CAS No.	Limits*
Aniline	62-52-3	-30 mg/kg after reductive cleavage in textile toy materials and leather toy materials
		-10 mg/kg as free aniline in finger paints
		-30 mg/kg after reductive cleavage in finger paints

**Limit values for chemicals used in toys intended for use by children under 36 months or in other toys intended to be placed in the mouth.*

[Source](#)



European Union proposal for revision of the Toy Safety Directive

Expected adoption: Q4 2022

The Toy Safety Directive (TSD) sets out the safety requirements toys must meet before they can be marketed in the EU. The EU Commission determined that the TSD should be evaluated to analyze the performance of this directive. The Toy Safety Directive aims to protect children better against risks in toys, particularly from chemicals. It builds on work such as the Chemicals Strategy for Sustainability, on a 2020 evaluation of the current toy safety rules, and aims to strengthen the single market for toys.

After a public consultation in 2018, a Commission Staff Working Document on the evaluation of Directive 2009/48/EC was published in November 2020. The Staff Working Document concluded that though the effectiveness of this directive has improved considerably, it is still deficient on several points, such as limit values for chemicals. Based on the Staff Working Document and a Motion for a Resolution, a Proposal for a Regulation – Revision of the Toy Safety Directive is now in preparation.

The review will focus on:

- General provisions
- Chemicals
- Market surveillance and new technologies
- e-commerce
- Legal instrument and way forward
- Data

Expected timeline for the review:

- Publication of a road map – Oct. 5, 2021
- Public consultation - Q4 2021
- Commission adoption – Q4 2022

[Source](#)



U.K.: Deadline for using United Kingdom Conformity Assessed (UKCA) mark

Effective Date: Jan. 1, 2023

The United Kingdom Conformity Assessed (UKCA) mark is a new mark used for goods entering the market in Great Britain (England, Wales and Scotland). It covers most goods that previously required the CE marking, known as new approach goods.

The UKCA mark came into effect on Jan. 1, 2021. In most cases, the CE mark will still be accepted until Jan. 1, 2023, to allow businesses time to adjust to the new requirements.

You may use the CE mark until Jan. 1, 2023, if any of the following apply:

- You currently apply the CE marking to your goods through self-declaration.
- Any mandatory third-party conformity assessment was carried out by an EU-recognized Notified Body, including a body in a country with which the EU has a relevant mutual recognition agreement.
- The certificate of conformity previously held by a U.K.-approved body has been transferred to an EU-recognized notified body prior to Jan. 1, 2021

You may only place CE-marked goods that meet EU requirements on the market in Great Britain while U.K. and EU requirements are the same. This is currently the case, with no U.K. plans to diverge. However, manufacturers are encouraged to be ready for rules changes by Jan. 1, 2023, at the latest. If the EU changes its rules, goods with a CE mark may no longer comply with U.K. requirements. This will be the case even if the change happens before Jan. 1, 2023.

[Source](#)



Toxic Substances Control Act (TSCA) regulation for PIP (3:1)

Effective date: March 8, 2022*

The Environmental Protection Agency (EPA) is amending the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA).

Specifically, the EPA is extending the compliance date applicable to the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles from March 8, 2021, to March 8, 2022.

For such articles, EPA is also extending the compliance date for the recordkeeping requirements applicable to manufacturers, processors and distributors from March 8, 2021, to March 8, 2022. The articles covered by this amendment include a wide range of key consumer and commercial goods such as cellular telephones, laptop computers, and other electronic and electrical devices. Also included are industrial and commercial equipment used in various sectors, including transportation, life sciences and semiconductor production.

The original final rule issued in January 2021 prohibits the processing and distribution of PIP (3:1) and PIP (3:1)-containing products, with specified exclusions, and prohibits the release of PIP (3:1) to water during manufacturing, processing and distribution. This final rule also requires commercial users to follow existing regulations and best practices to prevent the release of PIP (3:1) into water and products containing PIP (3:1) during use.

As of Oct. 21, 2021, the EPA issued a [pre-publication notice](#) that it is being proposed to change the compliance date to Oct. 31, 2024.

[Source](#)

Massachusetts governor signed H4900 to regulate 11 flame retardants

Effective Date: Dec. 31, 2021 (products manufactured prior to this day are exempt)

On Jan. 1, 2021, the governor of Massachusetts signed H4900 into law regulating 11 flame retardants (FRs) in five categories of consumer goods, including children's products. According to the law, a children's product is defined as a consumer product for use by children 12 years of age or younger, with a $\leq 1,000$ ppm limit for each corresponding flame retardant as listed below:

- 2-Ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB)
- Antimony trioxide
- Bis(2-Ethylhexyl)-3,4,5,6- tetrabromophthalate (TBPH)
- Hexabromocyclododecane (HBCD)
- Octa-BDE
- Penta-BDE
- SCCP
- Tetrabromobisphenol A (TBBPA)
- Tris(2-chloroethyl)phosphate (TCEP)
- Tris (1-chloro-2-propyl) phosphate
- Tris(1,3-dichloro-2-propyl)phosphate (TDCPP)

Massachusetts joins a list of jurisdictions in the United States regulating flame retardants in consumer products.

[Source](#)



**Note: This is an evolving topic, so effective dates may continue to change.*

Oregon updates Toxic-Free Kids Act (TFKA)

Effective Date: Jan. 1, 2022

On Aug. 26, 2021, the Oregon Health Authority (OHA) issued a temporary administrative order after discovering manufacturers were using two different methods to determine if their products contain more than de minimis levels of any of 68 High Priority Chemicals of Concern for Children's Health (HPCCCHs).

The OHA has issued a temporary rule to clarify how manufacturers must calculate and report concentrations of high-priority chemicals in certain children's products.

Additionally, a proposed final rule has been published on Oct. 28, 2021, "Notice of Proposed Rulemaking - Permanent Rule Revision to Clarify Reporting and Revise Reportable Chemical List" with the aim to ensure companies use the standard method for calculating and reporting HPCCCHs going forward, starting with the Jan. 1, 2022, reporting period.

This proposed final rule also contains other amendments on the list of substances, e.g., adding DCHP and DIBP, BPF, ethylhexylphenyl phosphate (EHDPP), and chlorinated paraffins; modifying 4-nonylphenol to include its isomers and mixtures; the entry for mercury is also simplified to be listed as mercury and mercury compounds, and provides the Practical Quantification Limits (PQLs)

[Source](#)

Vermont: 2021 VT SB 20

Effective Date: July 1, 2022

On May 18, 2021, the Gov. Phil Scott signed S.20 into law regulating several chemicals in specific consumer goods and amended the list of Chemicals of High Concern to Children (CHCCs) for reporting in children's products. This bill adds PFAS substances to the CHCC list, including perfluorohexane sulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA), and perfluorononanoic acid (PFNA), as well as any other chemical designated by the commissioner as a CHCC.

[Source](#)



Asia Pacific

Australia: Consumer Goods (Projectile Toys) Amendment Safety Standard 2021

Effective Date: Aug. 3, 2021

This legislative instrument amends the Consumer Goods (Projectile Toys) Safety Standard 2020 to reference the updated voluntary Australian and international standards. It also extends the transitional period in the safety standard from 12 to 24 months.

In late 2020, the International Organization for Standardization (ISO) amended the voluntary international standard by publishing Amendments No. 1 and No. 2 to ISO 8124-1:2018 standards. Australia also amended the voluntary Australian standard by publishing Amendments No. 1 and No. 2 to AS/NZS ISO 8124.1:2019. The amendments to both the voluntary international standard and the voluntary Australian standard are identical. The amendments include several updates, such as the tension test applied to projectile toys and requirements for rotors and propellers on projectile toys to minimize the potential for injury.

[Source](#)

Hong Kong: LN 23 of 2021 Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2021

Effective Date: Oct. 1, 2021

The Hong Kong Secretary for Commerce and Economic Development, under Section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424), has updated and therefore amended the list of standards in the ordinance. The following are the updates to Schedule 1 and Schedule 2:

- Toys: ISO 8124-3:2020 (repealing ISO 8124-3:2010 incorporating amendment 2:2018)
- Toys: BS EN 71-7:2014+A3:2020 (repealing BS EN 71-7:2014+A2:2018)
- Children's paints: ISO 8124-3:2020 (repealing ISO 8124-3:2010 incorporating amendment 2:2018)

[Source](#)





The regulatory landscape is constantly evolving and remaining up to date on key toy regulations can be challenging. UL is here to help.

Our network of accredited laboratories and field services can help mitigate supply chain risk and facilitate the launch of safer products that delight both children and parents.

UL's toy safety testing programs help you meet global regulatory requirements through our expert knowledge in the industry. We have solutions to address requirements, such as ASTM F963, CPSC requirements, European standards and REACH regulation, and Chinese GB mandatory standards.

Our comprehensive suite of solutions includes toy safety testing, quality assurance inspections, sustainability, responsible sourcing, UL Marketing Claim Verification and critical business intelligence solutions.

Contact us at toys@ul.com to set up your toy testing program and learn more about UL's broad portfolio of toy solutions.





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