

# U.S. Consumer Product Safety Commission



## **Manufacturers of Doll Clothing for Children's Dolls: Applicable CPSC Children's Product Safety Rules**

**Presentation for certain members of the Handmade Toy Alliance  
and other interested manufacturers, April 5, 2012  
Neal S. Cohen, Small Business Ombudsman**

Views expressed in this presentation are those of the staff and do not necessarily represent  
the views of the Commission.

# Today's Agenda

- Update on Consumer Product Safety Improvement Act (CPSIA) of 2008 and Public Law 112-28 (August 12, 2011)
- Overview of Requirements Generally Applicable for Doll Clothing for Children's Dolls
- Tracking Labels, Third Party Testing, Children's Product Certificates, and Component Part Testing. (See Archived Webcast)
- Introduction to Small Batch Manufacturer Registration with the CPSC (See Archived Webcast)

# Jurisdiction

- Children's dolls and clothes intended to dress children's dolls are a consumer product regulated by the CPSC.
- Considered a "Toy" and a "Children's Product" under the Consumer Product Safety Improvement Act (CPSIA) of 2008.

# Consumer Product Safety Improvement Act (CPSIA) of 2008

# Consumer Product Safety Improvement Act (CPSIA) of 2008

- “Children’s products” are designed or intended primarily for children 12 years old and younger.
- Key **substantive** requirements for children’s products:
  1. Lead content in accessible components (100 ppm)
  2. Lead in paint and surface coatings (0.009%, 90 ppm)
  3. Phthalates (0.1% per banned phthalate) – Accessible components of toys and certain child care articles (related to sleeping & feeding)
  4. Toy Safety Standard (ASTM F963-08) (ASTM F963-11, effective 6/12/12)

- Key **process** requirements for children's products primarily intended for children 12 years old and younger:
  - Third party testing by CPSC-accepted labs
    - (Registered small batch manufacturers are not required to 3PT for certain rules)
  - Conformity certificates issued by importers & manufacturers (Children's Product Certificate)
  - Tracking label
- New safety rules for durable infant products:
  - Cribs; infant walkers; bath seats; toddler beds; play yards; bed rails; *Not applicable for children's toys* items every six months
  - Product registration cards
- [www.SaferProducts.gov](http://www.SaferProducts.gov) – Publicly Searchable Database<sub>6</sub>

**Children's Product Safety  
Rules Generally Applicable to  
Doll Clothing for Children's  
Dolls**

[www.cpsc.gov](http://www.cpsc.gov)

# Safety Rules for Doll Clothing for Children's Dolls

1. Total lead content in all accessible component materials (substrate) shall not exceed 100 parts per million (ppm).
  - CPSIA Sec. 101
2. Total lead content in all lead in paint and other surface coatings shall not exceed 0.009 percent (90 ppm).
  - 16 CFR Part 1303
3. Ban on small parts for products intended for children under 3 years of age.
  - 16 CFR Part 1501



# Safety Rules for Doll Clothing for Children's Dolls (cont'd)

4. F963-08 (-11) Toy Safety Standard
  - CPSIA Sec. 106
5. Ban on Certain Phthalates in accessible component parts of toys and certain child care articles (related to sleeping & feeding)
  - CPSIA Sec. 108
6. Flammability \* – Prohibition on a Children's Toy as a Flammable or an Extremely Flammable Solid
  - Federal Hazardous Substances Act (FHSA)

\*Third party testing not required

# Total Lead Content Limits

All Children's Products  
100 Parts Per Million

[www.cpsc.gov/lead](http://www.cpsc.gov/lead)

# Total Lead Content

- Limit is 100 parts per million.
- Applies to accessible component parts only 16 CFR § 1500.87
- Very useful list of exemptions found at 16 CFR § 1500.91 (Textiles, wood, paper, plant- and animal-derived materials)
  - Third party lab testing not required to verify above list
- MOST textiles used in doll clothing are covered (cotton, wool, bamboo, hemp, also polyester (fleece), spandex, elastic, rubber. Check 16 CFR § 1500.91 for full list.

# Total Lead Content

- Textiles exemption includes dyed and undyed textiles.
- Materials only exempted if unadulterated and untreated.
  - Exemption does not apply if materials are screen printed or treated with water or stain-resistant substances, all of which may contain lead in PVC or other materials.
  - Exemption for leather does not apply to painted leather.
- Velcro and Aplix are exempted fabrics.
- IMPORTANT: Snaps, buttons, and other fasteners (metal, poly-resin) all must comply (and be third party tested\*) with the limit on total lead content.
  - Dolls: Plastic doll heads are an area of concern.

(\*Registered small batch manufacturer need not third party test. Products must still comply.)

# Limits on Lead in Paint and Surface Coatings

All Children's Products  
90 Parts Per Million

# Lead in Paint and Surface Coatings

- Concentration level of 0.009% (90 parts per million) in paint and surface coatings
- No exceptions
- Can the material be scraped off? If so, CPSC staff would treat it as a surface coating.
  - Otherwise, it is part of the substrate and tested (different methods) to the total lead content limit of 100 parts per million.

# Lead in Paint and Surface Coatings

- Ordinary screen printing is usually considered part of the substrate under the total lead content requirement and should be tested accordingly.
  - (If, however, the screen printing can be scraped off, it is treated as a surface coating and tested accordingly. See FAQ for more information.)
- Many printed garments (roller printing, fabric store bolts) where the ink is absorbed and acts like a dye may be exempt from total lead content testing. 16 CFR § 1500.91

# Lead in Paint and Surface Coatings

- For doll clothing, zippers, buttons, or other components may bear paint or another surface coating.
  - Some zippers bear paint and are scrapable, whereas others are made of polyresin, baked-on enameled paints, or bear electroplating that are likely considered substrate materials.



# **Ban on Small Parts**

## **Products Intended for Children under 3 Years of Age**

**16 CFR Part 1501**

# Ban on Small Parts

## Products Intended for Children under 3 Years of Age

- 16 CFR Part 1501
- Any object that fits completely into a specially designed test cylinder 2.25 inches long by 1.25 inches wide that approximates the size of the fully expanded throat of a child under 3 years old.
- Products for children between 3 years and under 6 years of age must be labeled with warning if product has small parts “as received.”
- Products for children under 3 years of age must be subjected to “use and abuse testing.”

# Ban on Small Parts

## Products Intended for Children under 3 Years of Age

- Products for children under 3 years of age must be subjected to “use and abuse testing.”
  - Testing uses different forces for different age groups: 0-18, 18-36 months.
- If small parts do *not* separate after “use and abuse testing,” then the product does not violate the ban.
- If small parts do separate after “use and abuse testing,” then the product violates the ban.
- CPSC staff completes a risk assessment to guide its response to any violations.

# Toy Safety Standard

ASTM F963-08

ASTM F963-11 (June 12, 2012)

CPSIA Sec. 106

# Toy Safety Standard

- F963-08 has (i) Substantive Requirements and provides/expands (ii) Testing Methods for longstanding regulations, like small parts.
- Use and Abuse – Drop It:
  - Use and Abuse Testing 16 CFR § § 1500.50, .51, .52, .53; F963-11 Sections 4.6, 8.6, 8.7
- Use and Abuse – Pull It:
  - Tension Test Section, Sections 8.8
- Use and Abuse – Twist It:
  - Torque Test Sections, Section 8.9
- Illustrative Only; Additional Sections May Apply. See F963 Table of Contents.

# Ban on Certain Phthalates

CPSIA Sec. 108

# Permanent Ban on Phthalates

## *Section 108 of the CPSIA*

- Congress has permanently banned three phthalates (DEHP, DBP, BBP) in any amount greater than 0.1 percent (computed for each phthalate, individually) in accessible component parts of (1) children's toys and (2) certain child care articles.
- A "children's toy" is defined as a consumer product designed or intended by the manufacturer for a child who is 12 years old or younger for use by the child when the child plays.
- "Child care articles" are defined as consumer products that are designed or intended by the manufacturer for a child who is 3 years old or younger, to facilitate sleeping or feeding, or to help a child who is sucking or teething.

# Interim Ban on Phthalates

## *Section 108 of the CPSIA*

- Congress has also banned (on an interim basis) three additional phthalates (DINP, DIDP, DnOP) in any amount greater than 0.1 percent (computed for each phthalate individually) in accessible component parts of (1) a children's toy **that can be placed in a child's mouth**, and (2) child care articles.
- A toy that can be placed in a child's mouth is defined as any part of a toy that actually can be brought to the child's mouth and kept there so that it can be sucked or chewed on. If a toy or a part of the toy is smaller than 5 centimeters, it can be placed in the mouth.



## Bans on Phthalates

### *Section 108 of the CPSIA*

- The ban does not apply to component parts that are inaccessible to a child.
- Applies only to plasticized component parts (or other product parts that could conceivably contain phthalates) of children's toys and child care articles and only those parts of the product should be third party tested for phthalates.
- It is not necessary to test and certify materials that are known not to contain phthalates or to certify that phthalates are absent from materials that are known not to contain phthalates.

# Ban on Certain Phthalates

- Doll clothing: Soft, plasticized buttons, toggles, inks, paints, vinyl (raincoats), etc. all must comply (and be third party tested\*) with the ban on certain phthalates.
  - Dolls: Soft plastic doll heads are a concern.
- Source carefully. Seek Children's Product Certificate/testing records/assurances before you purchase component materials.

(\*Registered small batch manufacturer need not third party test. Products must still comply.)

**Flammability – Prohibition  
on a Children’s Toy as a  
Flammable or an Extremely  
Flammable Solid**

# Flammability Requirements

- A child's toy cannot be a flammable or an extremely flammable solid, as defined in the Federal Hazardous Substances Act (FHSA).
  - See FHSA Regulatory Summary.
- Testing is not required to show compliance.
  - Section 4.2 of ASTM F963 and Annex 4 are not part of the mandatory toy safety standard.
- Fire-retardant chemicals are not required.
- Various ways to ensure safe toys that are not “flammable” or “extremely flammable,” under the FHSA.

# Flammability Requirements

- Source Carefully:
  - Use materials known to comply with 16 CFR Parts 1610, Wearing Apparel/Clothing Textiles Flammability Standard .
  - May rely on exemptions already codified at 16 CFR 1610.1(d) in the wearing apparel flammability standard.

# May Rely on Existing Exemption

- Products made entirely from one or more of these fabrics are exempt from any requirement that they be tested for compliance with the Wearing Apparel/Clothing Textiles Flammability Standard :
  - (1) Plain surface fabrics, regardless of fiber content, weighing 2.6 ounces per square yard or more; and
  - (2) All fabrics, both plain surface and raised-fiber surface textiles, regardless of weight, made entirely from any of the following fibers or entirely from a combination of the following fibers: acrylic, modacrylic, nylon, olefin, polyester, wool.

# Flammability Requirements

## ■ Source Carefully:

- Use materials known to comply with 16 CFR Parts 1610, Wearing Apparel/Clothing Textiles Flammability Standard. See 16 CFR § 1610.1(d) for exempted material list.
- Purchase from a supplier who provides you with a General Certificate of Conformity (GCC);
- Purchase from a supplier with a “guaranty” of flammability on file with the CPSC;
  - <http://www.cpsc.gov/businfo/ffa.html>
- Many bolt fabrics at retail fabric stores will have flammability compliance information on bolt ends.
- Document it for your records.

# Flammability – Extremely Flammable Solid

- Various Tests Available to Show Compliance\*:
  - 16 CFR Parts 1610 and/or 1611, as applicable
  - 16 CFR § 1500.44
  - Annex A6 of ASTM F963-11

(\*Third party testing not required.)



# Vinyl Plastic Films

- Vinyl is not an exempted fabric. (E.g., doll raincoats). Same for polyurethane laminate (PUL).
- Technically a “film” covered by 16 CFR Part 1611
- May be tested as part of a garment per 16 CFR Part 1610
  - Typically, use the “composite testing” procedures as per 16 CFR 1610.33
  - See the procedures in the Children’s Sleepwear Test Manual (p. 25)
  - Small batch manufacturers may be able to rely on their supplier’s written assurances.

# SMALL BATCH MANUFACTURERS

Public Law 112-28  
(August 12, 2011)

[www.cpsc.gov/smallbatch](http://www.cpsc.gov/smallbatch)

# Small Batch Manufacturer Registration Request: SaferProducts.gov

CPSC.gov SaferProducts.gov PoolSafely.gov Recalls.gov ATVSafety.gov

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# Registered Small Batch Manufacturer

1. Total lead content in all accessible substrate materials shall not exceed 100 parts per million (ppm).
  - CPSIA Sec. 101
2. Total lead content in all accessible lead in paint and other surface coatings shall not exceed 90 ppm.
  - 16 CFR Part 1303
3. Ban on small parts for products intended for children under 3 years of age
  - 16 CFR Part 1501

3<sup>rd</sup> Party Testing  
Relief Available

NO 3<sup>rd</sup> Party Testing  
Relief Available

# Registered Small Batch Manufacturer

4. F963-08 (-11) Toy Safety Standard
5. Ban on Certain Phthalates Requirement
6. Flammability \* – Prohibition on a Dangerously Flammable Solid

3rd Party Testing  
Relief Available

3rd Party Testing Not  
Required

\*Third party testing not required

# Additional Requirements

- Third Party Testing
  - [www.cpsc.gov/3PT](http://www.cpsc.gov/3PT); [www.cpsc.gov/labsearch](http://www.cpsc.gov/labsearch)
- Component Part Testing
- Children's Product Certificates
  - [www.cpsc.gov/3PT](http://www.cpsc.gov/3PT) under "Resources"
- Tracking Labels
  - [www.cpsc.gov/trackinglabel](http://www.cpsc.gov/trackinglabel)
- Beginning February 2013...Periodic Testing
  - [www.cpsc.gov/3PT](http://www.cpsc.gov/3PT)

# Additional Requirements

- Sec. 15 & Sec. 37 Reporting Requirements
- Registration with SaferProducts.gov (the publicly searchable database) is recommended.

# Resources

- Small Business Information
  - [www.cpsc.gov/sbo](http://www.cpsc.gov/sbo)
- Additional Industry Guidance
  - [Regulatory summaries, testing manuals \(flammability\), CPSC Recall Handbook, and more...](#)
  - <http://www.cpsc.gov/businfo/corrective.html>



For More Information:

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