



Protect children's health: phase-out chemicals of concern in toys

Position Paper WECF

Women in Europe for a Common Future, January 2012

Toys safety in Europe

Many countries have established toys safety standards. Children, infants and toddlers in particular, place toys in their mouth, and such behaviors, as well as their vulnerability, sensitivity, coupled with their lack of understanding of potential hazards, makes it necessary to guarantee toys are safe products.

Safety includes mechanical, physical properties and inflammability, but also chemical elements of a toy.

In the EU, a new Toys Safety Directive, voted in 2009, will replace the old Directive of 1988. The revision was deemed necessary due to technological evolutions, the huge number of toys recalled, and the increasing number of imports of toys from countries with lower environmental and safety standards (Asia accounts for 97% of the toys imported in the EU, the huge majority from China).

But the new directive is still considered insufficient: in 2010, MEPs continued to demand stricter regulation of chemical elements by the new toys safety directive¹.

Toys market worldwide

The high number of toys recalled in 2007 urged the EU, and other regions, like the USA, to pass new toys regulations. Despite the absence of harmonized rules at international level, regular discussions between EU Commission members and China and USA's representatives are taking place. Since EU and the USA are the biggest toys markets, their new standards will practically be considered as a reference worldwide.

Double standards

Different standards of quality still apply to toys manufactured for sale in different countries. As of today, the case of toys

recalled in Western Europe and the USA is still pending: we still have clear information on recalled toys placed on the market of Eastern European countries. Several children were reported sick following toys contamination in Macedonia, Ukraine². Even within the EU, many toys continue to be recalled because they do not comply with safety standards and contain hazardous chemicals³.

Toys safety and chemicals at a glance Lack of information

Toys are designed for children to play with them, and should be safe. And yet, parents and children often ignore if a toy is safe or not. Toys are not subject to compulsory labeling of ingredients (as for cosmetics) and no information exists on their compounds.

Parents should have the right to know if the toys they give their children contain potential chemicals of concern. The precautionary principle, a key EU principle, implies avoiding possible future harm associated with suspected, but not conclusive, environmental risks: it includes testing alternatives and choosing the one with the lowest impact on human health and the environment, including deciding to phase out certain substances of concern.

Children and babies are highly vulnerable

Newborns, infants and children are highly vulnerable. Due to their low body weight and rapid metabolism, they are more vulnerable to hazardous chemicals than adults. Their developing body, lower respiration, lung-capacity and thinner skin, make it easier for pollutants to enter their body and results in an increased contamination of children compared to adults.

Contacts:

alexandra.caterbow@wecf.eu

elisabeth.ruffinengo@wecf.eu

ingrid.elbertse@wecf.eu

1. Question by MEP Nadia Hirsch, 9th November 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2010-9213+0+DOC+XML+V0//EN&language=EN>
2. Information gathered during WECEF toys training, Munich, November 2009, www.wecf.eu
3. Site Rapex: http://ec.europa.eu/consumers/dyna/rapex/rapex_archives_fr.cfm
4. Dr. Bärbel Vieth, ANEC/ASI CC BEUC conference on chemicals in articles, 5th October 2011, Interview for Stiftung Warentest, 27th October 2011.
5. http://www.reach-clp-helpdesk.de/de/Downloads/PAK-Covernote-100604?__blob=publicationFile
6. Ibid.
7. Commission decision extending the period to approve or reject notification by Germany to apply safeguard clauses to lead, barium, arsenic, antimony, mercury, nitrosamines and nitrosable substances in toys, 4th August 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2011:214:0015:0018:EN:PDF>
8. Resolution on the Safety of products, and toys in particular, of the European Parliament, 26th September 2007, [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0412+0+DOC+XML+V0//FR and environmental risk assessment", Nanotoxicology, pp 1-30](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0412+0+DOC+XML+V0//FR and environmental risk assessment)
9. Children's toys must not cause allergies, BfR, 7 juillet 2010, <http://www.bfr.bund.de/cd/51487>
10. <http://www.label-online.de/index.php/cat/3/lid/58>

What's new in Toys Safety Directive 2009/48/EC and what's missing?

CMR chemicals should be banned without any derogation

The new Toys Safety Directive goes beyond former regulation on the use of carcinogenic, mutagenic and reprotoxic substances, so called "CMR", but does not ban them from toys. Indeed, a derogation authorizes their presence within the limits set by the European chemicals regulation (0,1%): de facto, toys may contain some CMR substances. In addition, only the concentration limits of substances are considered, excluding the migration of substances when toys are placed in the mouth or swallowed. For instance, a carcinogen like benzo[a]pyrene, a genotoxic polycyclic aromatic hydrocarbon with high rate skin penetration, is authorized within a limit of 100 mg/kg : this limit does not take into account children's vulnerability⁴. Indeed, new Toys Safety Directive is behind technical feasible and existing regulations of CMR substances in other sectoral regulations, like food contact materials for example. In 2010, Germany requested the European Commission to strengthen the regulation of PAH in toys, and proposes to limit PAH in toys to a maximum limit of 0,2 mg/kg⁵.

Heavy metals still allowed in toys

New Toys Safety Directive covers 11 new metals, a neurotoxic element like lead is authorized within a limit of 160mg/kg compared to 90 mg by the former directive. Maximum limits for antimony, arsenic, barium and mercury also appear to be higher than before⁶. Therefore, Germany notified its intention to apply stricter limit values to certain elements for which proposed limit values are not considered protective enough for children's health⁷.

Insufficient ban of fragrances and allergen substances

55 allergen substances are banned under the new Toys Safety Directive, and 11 others are only allowed under certain concentration limits and must be labeled. And yet, there exist many other allergens. Thus, the European Parliament requested in 2007 a total ban of fragrances in toys⁸, and several eco-labels, such as the Nordic Swan already banned fragrances from the list of toys ingredients. Simply because fragrances are the second type of allergy risks factor after nickel. An assessment by the German Federal Institute for Risk Evaluation of July 2010 estimated that respectively 10% and 2% of European children were

sensitive to nickel and fragrances, and requested a ban of fragrances in toys for children under 39⁹.

No ban or insufficient ban of other hazardous chemicals : endocrine disruptors, PBT or vPvB substances and other non classified chemicals.

Endocrine disruptors are chemicals which interact with the hormonal system and some of them are even suspected to cause brain damage: they are emerging health issues, and some of them, like Bisphenol A (banned in baby bottles at EU level), have been banned in certain children articles.

PBT (persistent, bioaccumulative and toxic), as well as vPvB (very persistent and very bioaccumulative) substances, long known to pose serious health risks, especially to children, are barely considered by the new toys safety directive. All of these hazardous substances, which even at low doses, can trigger long term health consequences for exposed children, should absolutely be banned from toys.

Absence of control of CE marking compliance by an independent body

Currently, the CE marking lacks a control by an independent body, since its attribution is managed by manufacturers themselves. Parents may be misled and believe CE labeled toys are subject to the control of an EU independent control. By fixing the CE label on its product, the manufacturer declares, under its sole responsibility, that the toy complies with European toys safety standards. Labels such as the German label GS, guarantee that the product has been subject to the control of an independent and duly registered certification body, and fulfills the safety and health criteria of the legislation on the safety of goods and equipment¹⁰. But it does not guarantee the safety of the toys elements. Therefore, during the toys safety directive revision process, the German government had declared itself favorable to the maintenance of the GS label. WECF thus urges that CE marking should only be delivered after a control by an independent certification body. Tests should in priority consider the solidity of the product (prevent swallowing of small elements, etc.), the safety of its components like chemical elements, and the workers-and-manufacturing conditions.

WECF demands the following:

Consumer information and safety:

CE marking should guarantee toys have been subject to control of independent certification bodies.

Scope of the Directive:

Consider covering products categories (jewelry, etc.) used as toys by children

Hazardous substances: Update TSD contents according to best protecting sector legislations and best national practices

No derogation to the ban of CMR substances in toys – in line with the food and food packaging regulations and other stricter sector regulations; Consider lowering the thresholds of certain chemical elements such as mercury, lead, cadmium, etc. ; Ban allergen and sensitizing substances; Ban other hazardous substances not considered in the Directive (endocrine disruptors, PBT, vPvB, etc.); Ban nanomaterials and nanoparticles.

Worldwide

End the two-teer system for toys safety; Take measures to prevent the sale outside the EU of toys recalled within the EU (Rapex system);



WECF The Netherlands

PO Box 13047, 3507 LA, Utrecht
The Netherlands
Phone: +31 - 30 - 23 10 300
Fax: +31 - 30 - 23 40 878

WECF France

BP 100, 74103 ANNEMASSE
Tel/fax: + 33 450 49 97 38
Website: www.wecf.eu

WECF Germany

Sankt-Jakobs-Platz 10, D – 80331
München/Germany
Phone: +49 - 89 - 23 23 938 - 0
Fax: +49 - 89 - 23 23 938 - 11

wecf@wecf.eu

www.wecf.eu