

2.1 Guidance

How to find legislation on toys

This document is part of the *International Chemicals Management Toolkit for the Toy Supply Chain* developed by the United Nations Environment Programme (UNEP) in collaboration with the Baltic Environmental Forum (BEF) within the framework of the Global Environment Facility (GEF) project ID: 9771 on Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM).

This guidance helps to identify chemicals-related legal requirements that must be fulfilled to place toys on domestic or export markets abroad. Legal obligations may be defined in regulations, national legal acts, decrees or mandatory standards and hence, you should look for any potentially relevant type of legally binding instrument.

The following flowchart provides actors from the toy supply chain with an overview of how to identify legal obligations for their products as well as steps to check and document compliance with the requirements. Explanation and guidance on the highlighted elements in the flowchart can be found below it.

Policy makers may use the flowchart to understand the challenges of the actors in the toy supply chain and identify whether their national legislation is complete and/or could be complemented with obligations to ensure a high level of protection of children.

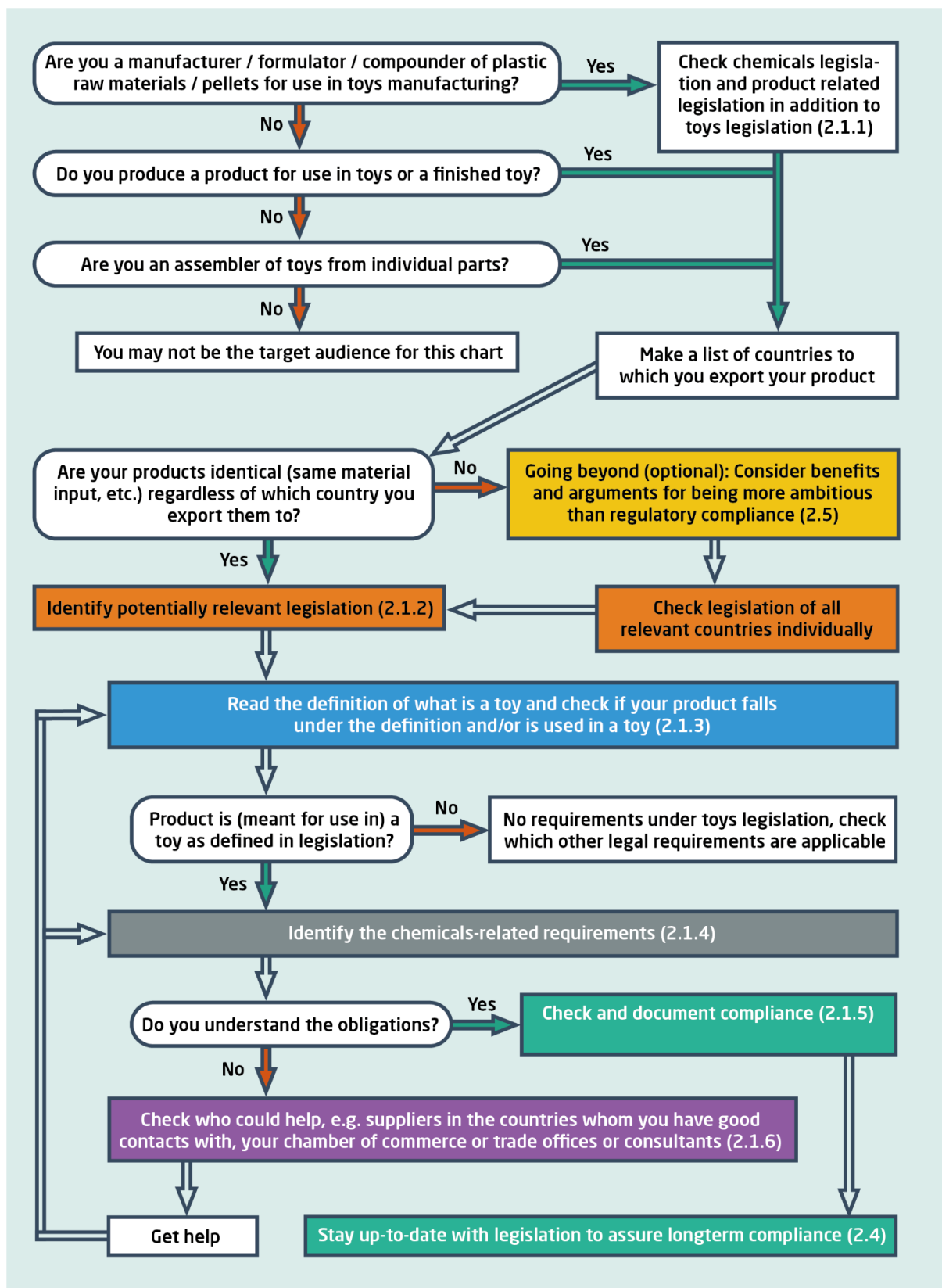


Figure 1: Overview - how to identify legal obligations for toys.

Explanation for specific steps in the flowchart

2.1.1 Check chemicals legislation and toy-independent legislation

Chemicals legislation

The regulatory landscape relevant for the use of CoCs in toys is complex and multidimensional (Figure 2). Applicable legislation may exist with different geographical scopes, e.g. the global level (Multilateral Environmental Agreements), at regional level (e.g. in Europe) or nationally (e.g. in China). Secondly, legislation may be defined from different angles: they may address chemicals and regulate how and for what they may be used, or they may target certain products (such as toys) and define chemicals-related quality requirements for these products. Additionally, legislation may aim to protect workers or the environment from chemical exposures by defining obligations, procedures and standards for the use of chemicals (not included in the figure) in occupational settings.

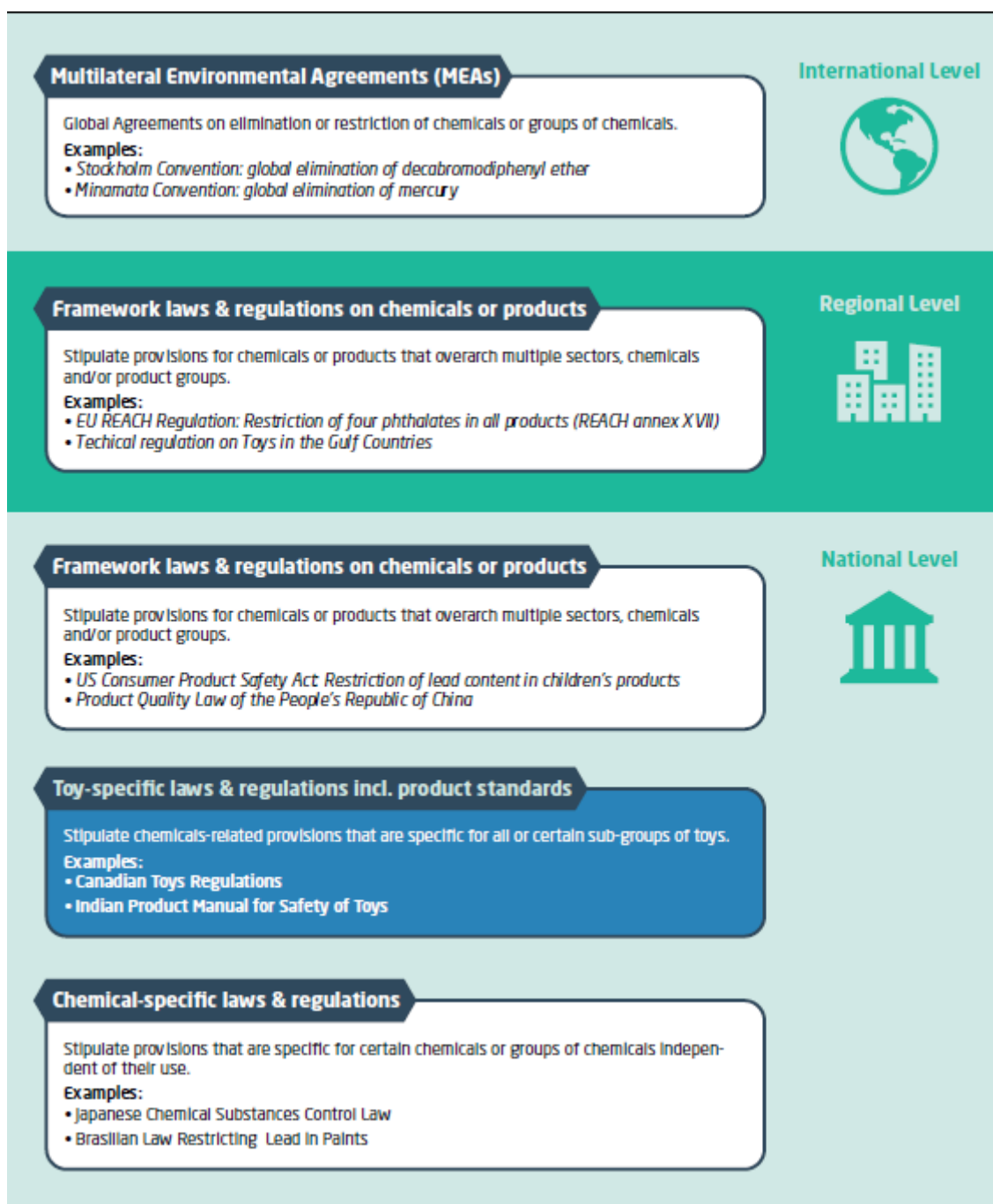


Figure 2: Regulatory landscape for CoCs in toys.

As a manufacturer, formulator, or compounder of plastic raw materials as well as a pellets-manufacturer for use in toys, you should check overarching chemicals legislation in the countries where you place your (chemical) products on the market, in addition to toy-specific legislation and regulations. This is not relevant for assemblers of toys, except if they use chemicals in their production.

Relevant requirements in chemicals legislation are bans or use restrictions that are specific to a chemical and may be complete, (e.g. production and use in any product are forbidden), or partial, (e.g. the use of a chemical is prohibited in particular products and/or above certain concentration limits). Such requirements may be contained in global agreements, such as the Stockholm Convention on Persistent Organic Pollutants in regional legislation, such as Annex XVII of the EU REACH regulation, or nationally. The perspective of this legislation is from the chemical to the products.

Toy-independent legislation

Depending on the type of toy and the materials it is made of, additional requirements may apply from legislation that is not specific to toys. It is not possible to cover and mention all possibly applicable legislation, because of the diversity of toy products. There could also be material-related restrictions, e.g. on lead in paints, or requirements addressing parts of toys, such as electronics, which must also comply with further legislation on electrical and electronic equipment, for example. This is the case e.g. in the Chinese legislation (China RoHS) that applies to a large range of electronic products, including when part of toys. Please consider that there may be more legislation to follow and that the ones mentioned in this toolkit cannot be understood as a comprehensive list.

2.1.2 Identify relevant toys legislation

To identify the relevant legislation for chemicals of concern in toys (blue box in Figure 2), you may use the '[Link list: Legislation around the globe](#)'. It will guide you to websites, where you can find easy explanations on the legislation, as well as information on how to find the original legal texts for some of the most relevant toy-importing countries. The linked legislation applies to products and includes provision on many aspects of the toys' quality, of which chemicals are only one.

2.1.3 Check the definition

Usually, the definition of a toy should be at the beginning of the legislation (often under a "definition" section) or at the start of explanatory websites. If the definition applies to your product, you must fulfil the requirements.

If you provide an input material to toy-manufacturing companies (e.g. a plastic compound), your material must comply with these requirements as well. Check with your sales department if any of your customers manufacture toys. Some [customers may have specific requirements](#) for your materials that stem from the need to comply with toy legislation.

2.1.4 How to identify the chemicals-related requirements

This toolkit only helps with identifying requirements for chemicals in toys or toy input materials. There may be additional requirements on other properties of a toy, such as requirements on small objects, or stability requirements, which are not mentioned in this toolkit, but you need to comply with to place the toy on your target market. There may be several types of chemicals-related requirements that you should search for in legislation or (mandatory) standards applying to your target markets. These types of requirements include:

- 1) **Bans:** a chemical is forbidden in a toy (keywords to search for: ‘banned’, ‘forbidden’, ‘prohibited’, ‘restricted’, ‘must/should not be placed on the market’).
- 2) **Restrictions or content limits:** a chemical may only be contained below a certain concentration or only in certain parts of the toy. For example, the same six ortho-phthalates are restricted by content in the toy safety policies of VietNam and the Philippines in toys that can be placed into a child’s mouth (UNEP 2021). Restrictions may be addressed via lists of chemicals or via a list of hazardous properties (e.g. carcinogenicity) that the restricted chemicals must not have, which is explained in the guidance on CoCs #1.1 Guidance: Understanding chemicals (*keywords to search for: ‘restricted’, ‘concentration’, ‘concentration limit’, ‘content’*)
- 3) **Migration limits:** chemicals may continuously migrate through materials from the inside of a toy to its surface. They are eventually released and children (and the environment) are therefore exposed to [chemicals contained in materials used to make toys](#), such as plastics. To prevent such exposures, some regulations or standards contain migration limits. Migration limits may apply to all chemicals in a toy or only specific chemicals and can be expressed in amount/kg toy material or amount/surface area. An example for this is the maximum acceptable migration limit of lead in toys, which is 90 mg/kg toy material under the current ISO standard 8124-3:2020 “Safety of toys – Part 3: Migration of certain elements”. In alignment with this ISO standard, the migration limit is included in legislation in many countries (UNEP 2021). (*keywords to search for: ‘migration limit’, ‘migration rate’, ‘leaching’*)
- 4) **Labelling requirements:** the content of a chemical or compliance with chemicals-related requirement must sometimes be communicated. This is the case, for example, if a toy contains one of 11 specific allergenic fragrances in a concentration of more than 100 mg/kg under the EU Toy Safety Directive (European Parliament 2021). It is also possible that the label needs to include a statement or icon indicating that it has been tested, certified or corresponds to standards. An example is the CE-mark in the EU, which shows that the toy fulfils the EU standards under the EU Toy Safety Directive. (*keywords to search for: ‘label’, ‘labelling’, ‘hazard symbol’, ‘communication’, ‘certificate’, ‘certification’, ‘compliance’, ‘standard’*)
- 5) **Certification requirements:** some legislation on toys requires that compliance be documented via a certificate as a prerequisite for placing it on a market. For example, a producer needs to obtain a so-called “Children’s Product Certificate” in the USA, confirming that the toy complies with the legal requirements (United States of America, Consumer Product Safety Commission 2008). (*keywords to search for: ‘certify’, ‘certification’, ‘conformity’, ‘compliance’, ‘label’*)
- 6) **Testing requirements:** compliance of a toy with requirements on the content and/or migration of certain chemicals may have to be proven according to legislation by chemical analyses performed in an independent and authorised laboratory. (*keywords to search for: ‘test’, ‘testing’, ‘laboratory’, ‘analysis’*)

2.1.5 Check and document compliance

Having identified the requirements applicable to your toys for the target market, you have to check if you comply and document compliance. You shall go through all identified requirements to determine if they are being met or actions need to be implemented to adapt the toy for compliance.

Requirements regarding the content of chemicals can usually be checked using a chemicals inventory. If you haven’t established this kind of inventory yet, learn how to build it based on the information you have about your products with this template: [chemicals inventory](#).

For example:

If phthalates are banned in toys in your target market, you can use a [chemicals inventory](#) to check if phthalates are contained in your input materials, for example, by searching the inventory for the chemical's name or CAS number. For your internal documentation, you can make a list of input materials and their composition which must not include phthalates. There may also be other formats to [document compliance for your customers](#). If legislation requires other types of documenting compliance, e.g. a test report, you must contract a laboratory and provide the analytical report.

2.1.6 How to get help if you have questions

While there are plenty of helpful resources available for some countries, this is not the case for all export destinations worldwide. To get a first overview about the legal obligations or find answers to concrete questions, it can be helpful to exchange with your customers (= importer) in the target country. They usually are aware of the requirements.

Legal requirements and requirements in standards may be worded in a complicated manner or have a lot of exceptions. Therefore, it is not always easy to understand what requirements apply to a product. If you are unsure that you correctly understand the requirements, there are several options for getting further support:

Resources

- Contact trade associations in your country; many of them have staff that are responsible for helping companies export to other countries in questions of legislation or customs.
- Consult an organisation which is experienced in the toys market and legislation of your target country, for example the EU the Chamber of commerce (<https://www.eurochambres.eu/>)
- Ask your industry association if they can support you in interpreting legal requirements or direct you to a relevant person, e.g. the International Council of Toys Industries (<https://toy-icti.org/ICTI/about/members/ICTI/about/national-members.aspx>)
- Legal advisors, commercial lawyers in the area of trade law could also be good contact points for getting help. However, their advice is usually expensive.
- If you are a polymer (pellet) producer or compounder, you may also contact your customer to ask if there are any (new) requirements to fulfil.

References

European Parliament (2021). *Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009L0048-20210521>. Accessed 15 December 2021.

International Organization for Standardization (2020). ISO 8124-3:2020. *Safety of Toys – Part 3. Migration of certain elements*. <https://www.iso.org/standard/72600.html>. Accessed 15 December 2021.

United Nations Environment Programme (2021). *Review of chemicals-related Toy Safety Policies and Regulations in selected Low- and Middle-Income Countries*. Geneva. https://saicmknowledge.org/sites/default/files/resources/UNEP_Review_Toy_Safety_policies_LMIC_final.pdf. Accessed 15 December 2021.

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