

## ATA Product Safety and Compliance

# Compliance Requirements Updates





- 1. Introduction / Regulations and Standards
- 2. Updates to Standards
- 3. Updates to Regulations
- 4. Other Requirements
- 5. Questions

#### Disclaimer

We are presenting information to the best of our knowledge and for the purposes of guidance. We believe it to be correct, but the ATA will not take responsibility for any errors or omissions. We are happy to work with members separately on specific issues that they may be having.



#### **INTRODUCTION**



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- Provide information on recent changes in compliance requirements for toys and other products sold by ATA members.
- Based on our latest 'Compliance Requirements List'
   Available here: <u>Requirement Lists (austoy.com.au)</u>
   or: <a href="https://austoy.com.au/members-only-compliance/requirement-lists">https://austoy.com.au/members-only-compliance/requirement-lists</a>
- Published in March 2021 and supersedes January 2020
- Green rows have changed since the last version
- Pink indicates a legislated requirement
- Try to answer questions sent in prior to the session

Saleshed by the Australian Toy Associa	Australian.	Compnance Requ	inements for Toys  Non - Product should comply with requirements for all applicable categories.		Supercolor.	March 36; January 26;
ategory	Standard / Regulation	Authority	Description	Includes Requirements For Labelling	Mandatory	Refer Also
	Current versions of ASIN2S (SO 8124.1), EN 71-1 or ASTM (SAI)	Haborus Standards Bodies	Etundants for Machanical and Physical Properties of Yoya Any of the recognised international documents are sufficient to demonstrate the general author of the bay	Tee	500	
	Current versions of ASNES 650 \$134.3 or EN 71-2 or ASTRE	Standards Australia	Standard for Flammability of Toyle Any of the recognised informational discussions are sufficient to demonstrate the general safety of the toy	- No.	560	
Yoys (General)	Current Venezos of SANIZS 600 TR 8124 8 or the CPSC Guidelines for Age Grate Determination	Standards Australia	Dunkmes for age grade determination	No	No	application of requirements in
	Alchipe (ec) 8124 6 16 4 11 (1088) Comments (Trade Descriptors) Regulation 2018	Standards Australia	Fig. 192 Theodorf for Copern charmon composeds sample preparation and methods of analysis.	-	No.	required for codemisming the paper and the codemisming of requirements of the Scholards.  Short Scholards.  Consumed Physician Service Scholards. 1, 2009.
	Communa (Trade Descriptions) Regulation 2018 Communa (Trade Descriptions) Act 1985	Accident Booker Force ACCC	An accurate Country of Origin assessment	Yes	Yes	
and a different Matter	1	· ·				
Was allowed Meets Meets  Current immoor of ASASS ISO 81SA 3  Standards Australia		Standards Australia	Ass. In SECREMENT IN REQUEST of Contract Contrac	-	No.	
l toyo	A6/N25 9124 N2:2017	Sanderts Australia	Ans: AZ Standard for the determination of trial concernation of certain elements in toys. Intended as a first action healthird for \$124.3. Le. if the total concentration is less than the abused magnetism limit.	No	No	
il tays	Consumer Production Robics No. 1, 2009 - Consumer Product Barks; Standard No. Lead and Centain Dismerce In Cristowns Pages	ADDO	The three would be an exect to sell to separate  Framework or proposed and the sell of the separate  Compliance and proposed and the sell of the separate  Compliance and indicates and Control of the separate  Compliance and indicates and Control of the separate  Sell of the sell of the sell of the separate  Sell of the sell of the sell of the sell of the separate  Sell of the sell of the sell of the sell of the separate  Sell of the s		Yes	2000 version of the standard rather than the numeri 2021
setings, (e.g. patets, languars, etc.), clays, manny boses, pencils and orderectors	Australian Cushinis Nation No. 2007-96	Australian Bomber Force	Profition the impact, (without the written permission of the Minister), of type, more bows, perceit and partitionable with country in which the imposteable levels of apacities heavy reside avoid second trices apacities a ANAINS NO. SILE 8.  Total places for information on the expressions of EM and ASTM Standards.	No.	Yas	
rasers resembling food to scart or openions	Australian Customa Notice No. 2007/46	Australian Bonder Force	Probable the import, (whould the writtle permission of the Minister, of research that resemble food in score or appearance and that would be the requirements of ASMES ISO EVER. If we have the probable of the permission of the pe	No	Yes	
'state used on patricul tops, furniture or other than of focusefuld goods	The Policies Standard (SUSMP) is corporation with State Policies and Therapeutic Societ flots and Regulations	Black Departments of Height	Parts must not contain a Schedule 6 or 7 cultifance	160	Yes	
	Current sesson of ASIN2S (60 FISA.)	Standards Australia	Australian Estandard for Parger paints	No	No	
ngar Paints	Consumer Protection Nation No. 1, 2009	A000	Figures interplants with Season 4.4 PAR STAN 2005. Complants with ASNES 60 PEAR SCELL in approxima- face that the spin matrices in SELL is an expension for the requirements are not \$43.7 is a residue to the other in season in selection the requirements are not \$43.7 is a residue to the other in season in selection complants but will require that they are removed appears the first advanced activities 500 PEAR.	No	Yes	
	Industrial Chemicals Act 2819	Federal Regulation ACRS	Windows of charmats to Australia West for expensed.  All charmonis introduced must exist in the Australian Incentity of Charmoni Substances ACCS and must any conditions for windowship, or made criteria for contributor an expense or expense.  Charmonia in consumer growth must read any conditions apported in the Salvation.	No.	Yes	
nya including chemical substances relating countries	The Pissons Standard (SURMP) is corporation with Male Prisons and Therapeutic Goods Acts and Registrons	NUN Departments of readth	Commande in commune grotte main freez any conditions appellated in the Standard Nate that experiment and company with ADDS STOCK are accommend from complanue Parties, conserve and acrise must not contain Schedule 2, 3, 4, 6 or 7 substances.  Parties or any acrise and acrise must not contain Schedule 2, 3, 4 or 7 substances.	Yes	Yes	Refer Alexa Tre-prince for Letterparting of  approaches of Proposition States of  the Entertaint  Annual Proposition States of  Annual Proposition States of  Annual Proposition States of  Annual States of  Annu
	Mon Hulth and Safety Regulators	Itals WHI Replanes	accordance with the GHS, and if yes, then an SDS wheat must be prepared and the chemical may have to be selected in accordance with the GHS in centers structurateness.	.766	Yes	
	Conference of coarriess and preservative efficiely for water based formulations	None	A report to US or EU exceptiol requirements for describes and presentative officery is equivalent	No	No	
smetics - (including latters and atting assited to the skirt	Consoner Stock (Connebia) Mornabia Mandard 2022	Febru Regulatur ACCC	Committee and tolerine improduct Labeling	Yes	Yes	
seretics containing sunscreen	Pherapeutic Goods (Socieded Goods) Determination 2018	Federal Regulation Department of Health	Contratos contaming savacreera must must center-criteria or be trasted as therapeutic growts	Also	Yes	
perhiterial Sets sensial Tays	Current version of ASINGS PIGEA Current version of ASINGS PIGES	Districts Australia Eschieda Australia	Australian Danderd for Experimental Sala.  Recitation Danderd for Chemical Topic.	Yes Tax	No.	
derials that may contain asheston, a crayers and fingerprint powder	Customs (Prohibited Inquets) Regulations 1930	Australian Storder Force	Printibles this importation of selection or achiestics containing maketial Some objects imported from China four basis found is contact fraction of adhestics. Maketials strip lists are at this of containing adhesion. Supplement much have a princess in Maketia in containing the company farting supplement and extenses of community professions spectrum on entity.	No	Ten	
The second secon	A5 4964 2004	Standards Applicate	Provides a riseland for the qualitative electification of asteroids	Min	Add.	





#### Guarantee of Acceptable Quality

Suppliers are responsible for ensuring that their products are fit for purpose and save for their intended user.

Specific regulations are generally only made for serious risks that are not being effectively managed by suppliers, e.g. most recently, button and coin batteries.

#### Voluntary Standards

Probably the best way to evaluate acceptable quality

Developed by a robust consensus process involving a broad range of affected stakeholder groups, including international experience, e.g. for ISO and IEC documents.

#### Regulatory Instruments

Mandatory safety standards, Mandatory information standards, Permanent bans, etc.

More straightforward enforcement process

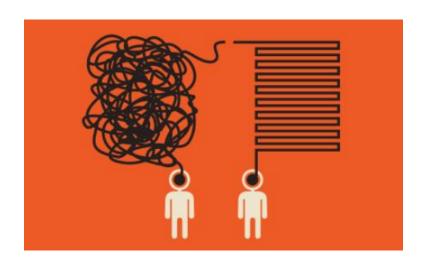




- Flexible Application
  - Apply comparable international documents
  - Apply at your discretion (according to the existence of risk)
- Responsive
  - Update requirements as risks become apparent
- Participation in their development
- Provide a base for regulation (if needed)
- Important to continue to apply most current version of voluntary standard, even for regulated requirements, i.e. test for both.



#### **UPDATES TO STANDARDS**



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#### AS/NZS ISO 8124.1 – Mechanical and physical properties of toys

- Amendment for flying toys
  - Rotors and propellors have become flying toys
  - Includes remote controlled flying toys (up to 250 g only)
     Previously not covered
  - Requirements for leading edges
  - Remote controlled flying toys must have instructions
  - Specific requirements for rotor blades on remote controlled toys



#### AS/NZS ISO 8124.1 – Mechanical and physical properties of toys

- Amendment for various changes
  - Definition of a toy bag
     To distinguish from one that would be packaging and so not need to meet certain requirements
  - Hazard based requirement for expanding materials
     Test template to simulate the limiting dimension of the gastrointestinal tract of an 18-month-old.
  - A number of other updates to align with EN 71-1 and ASTM F963 or to resolve issues that have been identified with the document





- New version to bring the requirements for fingerpaints into this standard Previously in 8124.7 – Fingerpaints.
- Work in progress to add requirements for migration of boron from slime material Expected to be made mandatory once done.
  - Review of CPN 1 of 2009 is on hold pending publication of this amendment.





#### New versions

- Use GHS classifications and labelling
- Tables updated to remove chemicals that are carcinogenic, mutagenic or toxic to the environment
- Aligned with EN 71-4 and -5

## **Work in Progress**



Microbial cleanliness

New part to 8124 series

To ensure that water-based liquids are clean and not able to grow harmful bacteria during use.

Updates to other parts of 8124 to maintain alignment with EN and ASTM standards



### **UPDATES TO LEGISLATED REQUIREMENTS**



#### **Chemicals**



- Manufacturing or Introducing Chemicals to Australia
  - The AICIS (Australian Industrial Chemicals Introduction Scheme) was finally introduced
  - Intended to facilitate easier introduction of unlisted chemicals
     However, for non-experts, the most straightforward approach is to use ingredients that are listed in the Australian inventory

#### Cosmetics

- New instrument introduced specific requirements for hand sanitisers
- Other requirements did not change

#### **Button Batteries**



- Four different regulations
  - Safety and information requirements for products powered by button batteries
  - Safety and information requirements for button batteries themselves
- Provide flexibility for different situations
  - This gives the appearance of complexity
  - Need to be read carefully, but they are understandable
- Requirements are not the same as those in our standard for the electrical safety of toys
  - Recommend to ensure compliance with both
  - Should be referencing AS/NZS 62115:2018 or EN 62115:2020
     Not older versions





- Recommend to distinguish between coin and button batteries
  - The warning requirements are different
  - The extent of the hazard is very different
- Suppliers of products need to consider all four regulations as the batteries installed in products or supplied with products need to meet the requirements for those batteries
- Evaluation
  - Specific testing required for accessibility
  - Should be able to self-check warning text
  - The design principles are just principles they do not prescribe the size or placement.





Updated to reflect the current version of AS/NZS ISO 8124.1

Different warning text

More flexible





- Updated to reflect the current versions of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963
  - ACCC showed willingness to recognise other international standards where they are closely aligned.
  - No longer allowed to supply hazardous magnets with a warning.
     (Hasn't been allowed in the Standard for many years)





- Updated to reflect the current versions of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963
- Introduced a separate warning requirement to manage a lack of alignment in this area.
  - The requirement is quite different to that required by the standards
     No exemption for energy less than 0.08 J
     Required on the packaging and in the instructions
- Becomes mandatory on 13<sup>th</sup> June





- The ACCC are currently consulting on taking up the changes introduced in amendments 1 and 2 to AS/NZS ISO 8124.1
- Realistic expectation that at least some of the differences in warning requirements will be addressed in that amendment.
- The ATA response has asked for changes:
  - To reinstate the 0.08 J exemption for projectiles with stored energy
  - To allow different alert words, e.g. caution or warning
  - To allow for marking instead of warning for projectile toys without stored energy
     And
  - That the update needs to happen before the end of the current transition period
- The final position won't be known until at least the end of the consultation, (26<sup>th</sup> May)
- Recommended that members ensure conformity with the requirements in either AS/NZS ISO 8124.1:2019 or the current version of EN 71-1
  - It seems unlikely that regulators would enforce more than this while a consultation / change is in progress.
  - Risk averse suppliers may follow the current regulation regardless





- The review was on hold while the requirements for products with button batteries were finalised
- We expect that this is now in progress again
- We are hoping that the new regulation will allow for conformity with the current version of either of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963





 Review delayed until the project to add requirements for the migration of boron from slime materials to the standard, has been completed.

At least two years away

 The limits in the regulation are still aligned with those in the current version of the standard





- Examples are remote controls
- ACMA have just announced that suppliers can use European standards to confirm conformity
- Must still comply with Australian requirements for frequencies



## **OTHER REQUIREMENTS**







- Voluntary scheme intended to divert battery waste from landfill
- Planned to commence on 1<sup>st</sup> January 2022
- ACCC have approved that they can apply a trading restriction requiring that participants not trade with non-participants
  - The ATA has been concerned that this could be understood to apply to products that use or contain batteries.
  - The scheme have confirmed that this is not the case, but we are waiting for some written confirmation.
- Members selling products with batteries installed should feel free to participate or not without any impact on who they trade with.





- No charge for an Associate Membership
- Pay a levy of between \$0.02 and \$0.04 per equivalent battery unit (EBU) introduced to Australia
- 1 x EBU = 1 x AA battery (based on weight of 24 g)
   Introducing 1,000,000 EBUs would result in a levy of \$20,000
- The money is intended to be spent on funding battery collection and processing operations
- Paid membership available for those that want to have a say in the functioning of the scheme





- Nothing to stop customers requiring more than the law requires
   It is hard to argue with an appropriate due diligence requirement for evidence of acceptable quality
  - But can be frustrating when requirements imposed are not appropriate for the type of product
- ATA lists should help to identify appropriate requirements
- May become a commercial discussion
  - The ATA can try and help in explaining what is appropriate and why to both parties.





- A product is passed by one lab, but failed by another
- Ensure that labs are accredited for the test
  - Accreditation applies to the individual lab (not the brand)
  - Can be verified on the accreditation authority's public database
- Standards have processes for interpretations to verify the application of clauses that may not be clear
- The ATA may be able to help



#### **ATA MEMBER RESOURCES**



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## **Requirements Lists**

- Periodically updated
  - Latest is March 2021
- Full listing of requirements that we know about that are applicable to members products
- Includes:
  - Governance
  - Specific mandatory
  - Non-specific acceptable quality
- Separate lists for Australia and New Zealand
- Refer also to the checklist in the compliance process kit

These Compliance Requirement Lists are provided as a benefit of membership — Please do not distribute outside of your organisation

They summarise the Regulations and Standards applicable to toys, nursery products and other product categories marketed by ATA Members.

They are intended to help Members identify the requirements, but Members will need to refer to the referenced documents to understand the requirement in detail, e.g. by downloading regulations or purchasing standards.

Users should note that their products are likely to be covered by multiple categories, e.g. a slime toy would need to comply with requirements for chemicals as well as those for toys.

Requirements marked in green are updated from the previously published document.

Australian Compliance Requirements List

DOWNLOAD

New Zealand Compliance Requirements List

DOWNLOAD

blished by the Australian Toy Associat		Compliance Requ	Note: - Product should comply with requirements for all applicable categories		Issue Date: Supersedes:	January 20 April 20
stegory	Standard / Regulation	Authority	Description	Includes Requirements For Labelling	Mandatory	Refer Also
	ASNZS 8124.1:2019	Standards Australia	Aus / NZ Standard for Mechanical and Physical Properties of Toys	Yes	No	Aged as Aged a
	ASNZS 8124.2:2016	Standards Australia	Aus / NZ Standard for Flammability of Toys	No	No	
Toys (General)	Authority  Description  Authority  Standard Magazinian  Authority  Standard Magazinian  Authority  Standard Magazinian  Standard Magazi	application of requirements in				
			Aus / NZ Standard for Organic chemical compounds sample preparation and methods of analysis	No	No	
			An accurate Country of Origin statement	Yes	Yes	
	Commerce (Trade Descriptions) Act 1905	AUUU				
gration of Heavy Metals	İ					
ltoys	ASNZS 8124-3-2012 plus Amd 1	Standards Australia	- all intended food and oral contact toys, commits toy and writing instruments categorized as toys, inespective of any age garding or communisted age labelling - all toys intended for or suitable for children up to 72 months of age - accessible contage, inspective of any age garding or recommended age labelling - accessible laurids, pastes, gets [e.g. liquid paints, modelling compounds), inespective of any age grading or recommended age labelling	No	No	
Itoys	ASINZS 8124.12:2017	Standards Australia	Intended as a first action method for 8124.3, i.e. if the total concentration is less than the allowed migration limit,	No	No	
oys that may be licked sucked or wallowed	ASNZS 8124.3.2003 (Superseded)	Standards Australia	Specifies maximum allowable levels of certain heavy metals in toys that may be licked sucked or suallowed. These are categorised as  -All intended food or cal contact toys, cosmetic toys and writing instruments categorised as toys -All accessible parts and components of toys intended for children under 6 years of age where there is a probability that those parts or components may come into contact with the may be part or the property of the parts of the p	No	No	Australian Customs Notice N
	Consumer Protection Notice No. 1, 2009 - Consumer Product Safety Standard for Lead and Certain Elements in Children's Toys	ACCC	Note that the less methods in EN 71-3 are equivalent but the requirements are not EN 71-3 except south combination of the entire that the experiment of the entire that they are reviewed against the less allowed in ASSIS 500 S12-3.  ASTEM FRIST includes comparable requirements. These tests can be used to show compliance but will require checking to ensure that the testing has been done for	No	Yes	Note that the CPN references
atings, (e.g. paints, lacquers, etc.), toys, money boxes, pencils and intbrushes	Australian Customs Notice No 2007/48	Australian Border Force	paintbrushes with coatings in which the migrateable levels of specified heavy metals would exceed those specified in ASINZS ISO 8124.3.2003	No	Mandatory   180	rather than the current 2012 version
asers resembling food in scent or pearance	Australian Customs Notice No 2007/46	Australian Border Force	Prohibits the import, (without the written permission of the Minister), of erasers that resemble food in scent or appearance and that would fall the requirements of ASINZS ISO 8124.3:2003	No	Yes	
ints used on painted toys, furniture other item of household goods	The Poisons Standard (SUSMP) in conjunction with State Poisons and Therapeutic Goods Acts and Regulations		Paints must not contain a Schedule 6 or 7 substance	No	Yes	
	ASNZS 8124.7:2017	Standards Australia		No	No	
nger Paints	Consumer Protection Notice No 1, 2009	ACCC	Requires compliance with clause 4.4 of AS 8124.7:2003  Note that the text methods in EN 71-3 are equivalent but the requirements are not EN 71-3 results can therefore be used to determine compliance but will require that they are reviewed against the	No	Yes	



## **Compliance Process Kit**

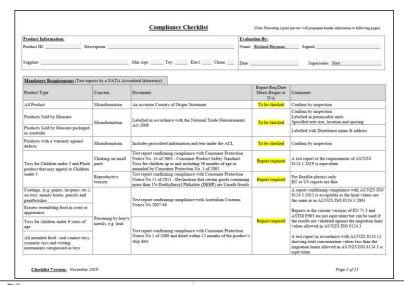
- Supports the introduction and maintenance of your compliance processes
  - Product compliance Policy
  - Product compliance Process
  - Product compliance checklist
  - Product recall process
  - Complaints and Mandatory Reporting Process
  - Job description





#### **Checklists**

- Similar to the Requirements list but formatted to support use in the compliance process
  - Contains more information, e.g. documents that can be used to show conformity with requirements
  - Customise for business / category product range
  - Customise for product and save in technical folder
  - Provide to vendors and / or labs to confirm requirements
  - Complete with conformity documentation as it becomes available and is validated
  - Provide to customers to support shipments
  - Updated along with the Requirements lists

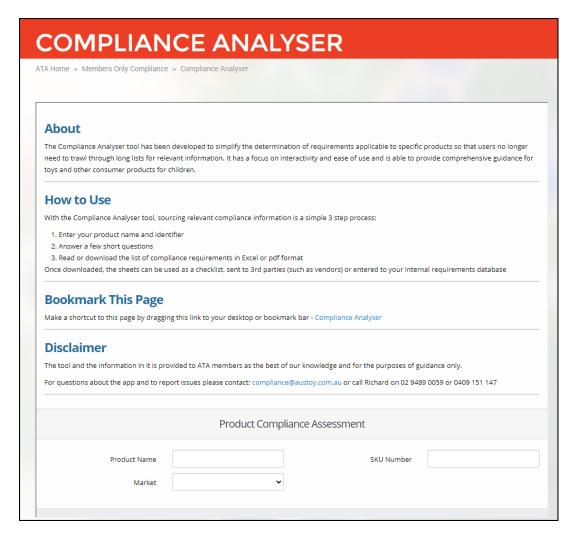


Compilance requirements summary was-21																					
Product Detail		Acti	vity		Classification																
				_								Marking					Products for Children under 3				
Product Number	Description	Supplier	Date Added	Status		Rationale for categorisation			Intended Age	Labelled Age	Risk L, M or H	Toys for over 3's that may be mistaken as intended for under 3's Age grade determinatio n SA/NZS TR 8124-8 or CPSC Guidelines	Date division	Products Sold by Measure National Trade Measurements Act 2009 Labelled with weight or volume in matric units Labelled with Distributor name & address (if packaged in Australia)	Products with guarantee statements Includes proscribed information and text under the ACL	Toys for Children under 2 Consumer Protection Notice No. 14 of 2003 or AS/NZS ISO 8124.1	Toys and childcare articles for children under 3 Flexible plastics contain no more than more than 1% Diethylhexyl Phthalate (DEHP)	Cots for Household MSS Consumer Protection Notice No 6 of 2005 or AS/NZS 2172:2003	Consumer Protection Notice No 4 of 2008 or	Bahry Bath Aids Consumer Goods (Baby Bath Aids) Safety Standard 2017	Baby Walks Consume Protection N: No. 1 of 20 or ASTM F977-
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- Web based application
- Answer a series of questions
- Relevant requirements are determined by the app
- Output to pdf or excel
  - Provide to vendors and / or labs to confirm requirements
  - Complete with conformity documentation as it becomes available and is validated
  - Provide to customers to support shipments
- Updated continuously







- Regulations are freely available
- Standards are copyrighted and must be paid for However, you don't need them all
- May not fully understand the requirements without the standard But this doesn't stop you having product evaluated by labs
- Contact us at <u>compliance@austoy.com.au</u> for explanations of requirements that may not be clear



## **QUESTIONS?**



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