

# Product Compliance Requirements

For Suppliers of toys in Australia

Richard Hayman – September 2011

# Introduction

- Background in Manufacturing and Operations Management
- ATA safety & compliance expert
- Represented the Toy Industry in the development of Toy Safety and related compliance requirements since 1996
- Chair of CS-018, the Joint Australia and NZ Standards Committee for the Safety of Children's Toys
- Represent Australia and New Zealand in the ISO committee responsible for the development of International standards concerning toy safety
- Convenor of the ISO Task Groups responsible for ISO8124.2 - Flammability and ISO8124.4 - Activity Toys

# Topics

- Mandatory and voluntary requirements
- Development of Standards in Australia
- Specific important requirements
- Recent updates
- What's in progress
- How the ATA helps
- Questions

# Housekeeping

- Happy to take questions, comments and corrections during the presentation that are related to the point being covered
  - Use the Q&A panel on the right side of your screen
  - Direct your question to Alice (Host)
  - Alice will interrupt and ask the question
  - Questions that are off-topic will be held until the end
  - All participants will remain muted throughout this part of the call
- More general questions or those off-topic may be asked at the end
  - You must have entered your identity code to enable this
    - Locate your identity code in the info tab of the event center window
    - Uniquely associates your phone connection with your web connection
  - Use the participant box on the right side of your screen
  - Use the button to raise your hand
  - Alice will un-mute you so that you can ask your question
  - Click the button again to put your hand down

# Please Note

- Information is provided 'to the best of our knowledge'
- Should not be taken as legal advice
- Contact us directly if you have a specific issue

# MANDATORY AND VOLUNTARY REQUIREMENTS

September 28, 2011

Product Compliance Requirements for Toys

6



# Mandatory Requirements

- Definition
  - Characteristics required by law
- Mechanisms
  - Bans, Mandatory Safety Standards and Mandatory information Standards under the Australian Consumer Law
  - Various other Acts covering Commerce, Import, Radiocommunications, Electricity, Food, Measurements and others
- Examples
  - Consumer Protection Notice No. 14 of 2003 – Toys for children under 36 months
  - Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008 – Labelling and documentation requirements

# Mandatory Requirements (Ctnd)

- Reasons
  - Consumers are at particular risk
  - The hazard is not obvious
  - To ensure that consumers have sufficient information
- Points to Note
  - The government must consider relevant Australian standards if available
  - Need to buy the standard to understand the law
  - Generally preceded by an opportunity to comment.
  - Once in place, there is no flexibility
- Further Info
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/970225>



# Voluntary Requirements

- Definition
  - Characteristics not required by law
- Source
  - Generally published Australian Standards
  - Consider relevant Standards published by other recognised entities, e.g. ISO, CEN, ASTM, ANSI
- Examples
  - AS/NZS ISO 8124 series of standards on toy safety
  - AS/NZS 62115 – Electrical safety requirements

# Voluntary Requirements (Ctnd)

- Reasons
  - Provide certainty
  - Competitive advantage
  - Influence mandatory requirements
- Points to note
  - The government must consider relevant Australian standards if available
  - Developed by a consensus process amongst interested stakeholders
  - Take time to develop
  - Purchase from Standards Australia
- Further Info
  - <http://infostore.saiglobal.com/store/>

# DEVELOPMENT OF STANDARDS IN AUSTRALIA

September 28, 2011

Product Compliance Requirements for Toys

11

# Development of Standards in Australia

- General
  - Most often by committees managed by Standards Australia
  - Rigorous process based on fair representation and consensus
- Toy Safety
  - Utilise ISO series of standards
  - Local committee contributes to ISO development
  - Finalised ISO Standards are adopted as Australian Standards (Modifications in Appendix ZZ)
  - Greater depth of knowledge and data
  - More globally aligned
  - More economic

# Development of Standards in Australia (Ctnd)

- Relationship to other international standards
  - Most similar to EU
  - Not identical
  - EN / US standards should not be relied on for compliance with mandatory requirements unless specifically advised by the regulator
  - Sufficient to satisfy general safety requirement

# IMPORTANT REQUIREMENTS



# Important Requirements

- Those specifically called up in law
  - Most serious hazards
  - Significant penalties
- More general requirement under ACL
  - Products need to be fit for purpose and safe
  - Applicable Australian, EU or US Standards
- Proof of compliance
  - Test reports are easiest and most recognised form
  - Should be relevant to product
  - Should be from a 'qualified' entity

# Important Requirements (Ctnd)

- ATA listing
  - Changes and mandatory items highlighted

Australian Compliance Requirements for Toys					Issue Date: <b>September 2011</b>
Published by Australian Toy Association			Note: - Product should comply with requirements for all applicable categories		Supersedes: <b>March 2011</b>
Category	Standard / Regulation	Authority	Description	Mandatory	Refer Also
Toy Guns	AS/NZS ISO 8124.1:2010	Standards Australia	Guidelines for marking of toy guns	No	
	NSW Fair Trading Act, Section 3(1) Order.	State Regulation	Toy guns may not contain a laser pointer	Yes	
	Various State Acts / Regulations	State Regulation Police	If there is any possibility of a toy being mistaken for a real firearm, then it could be considered a replica or imitation firearm and would be prohibited. A red plug on the barrel is not sufficient on its own to distinguish a toy from a replica or imitation firearm	Yes	
	CUSTOMS (PROHIBITED IMPORTS) REGULATIONS 1956 - REG 4F	Federal Regulation Customs	Prohibits the import of replica firearms	Yes	
Toys for Children Aged less than 36 Mths	Consumer Protection Notice No. 14 of 2003 - Consumer Product Safety Standard: Toys for children up to and including 36 months of age as amended by Consumer Protection No. 1 of 2005.	Federal Regulation ACCC	Based on AS/NZS ISO 8124-1:2002 - Small parts and Shape, size and strength of certain toys requirements and varied in the regulation	Yes	
	Consumer Protection Notice No 11 of 2011 Declaration that certain goods containing more than 1% Diethylhexyl Phthalate (DEHP) are Unsafe Goods	Federal Regulation ACCC	Plastic products for children under 36 mths may not contain more than 1% by weight of DEHP	Yes	
Toys including Food or Toy Food	Food Standards Code	State Food Authorities	State Food Acts, e.g. NSW Food Act 2003	Yes	
Toys intended to be in contact with Food	AS2070 - 1999	Standards Australia	Australian Standard for Plastics in Contact with Food Used by regulators to assess compliance with the code	No	
Toys with Projectiles	Consumer Protection Notice No. 16 of 2010 Consumer product safety standard for children's projectile toys	Federal Regulation ACCC	Based on the Projectile Requirements of AS/NZS/ISO 8124: Pt 1:2002 Australian Std for Mechanical and Physical Properties of Toys and Amdt 1 concerning projectile toys	Yes	
Toys sold by measure, e.g. compounds	National Trade Measurements Act 2009	Federal Regulation	Weights and Measures Requirements Distributor Name & Street Address if packaged in Australia	Yes	
Yo-yo Water Balls	Consumer Protection Notice No 20 of 2011 - Permanent ban on yo-yo water balls	Federal Regulation ACCC	Permanent ban	Yes	
Novelty Cigarettes	Consumer Protection Notice No 15 of 2011 - Permanent Ban	Federal Regulation ACCC	Permanent Ban from Feb 1, 2011	Yes	
Inflatable Toys containing beads	Consumer Protection Notice No 13 of 2011 - Permanent Ban	Federal Regulation ACCC	Permanent Ban from Feb 1, 2011	Yes	
<b>DISCLAIMER</b> The above grid is a guide to the relevant Product Safety Regulations and Standards in Australia for particular toy products. It shows where to find the requirements, not the requirements themselves. The grid shows that while all toys should meet the requirements of Country of Origin Labelling Regulations and those of the Mechanical & Physical Properties, Toxicological and Flammability Standards, there are other specific Regulations that affect product with particular characteristics e.g., Toy Sunglasses must also comply with the requirements of the Product Information standard for Sunglasses and Fashion Spectacles. Standards and Regulations are updated on a regular basis and the grid will be reviewed as new information comes to hand. The grid is provided to members as the best of our knowledge at the date specified. The ATA makes no guarantee as to its completeness or accuracy.					

# Important Requirements (Ctnd)

- Toys for children under 36 months
  - CPN No. 14 of 2003
  - Small parts, small balls, pompoms, play figures, toy dummies, mouth actuated toys
  - Choking and Inhalation
  - Requirements from AS/NZS ISO 8124.1 with variations
  - Can't rely on compliance with EU or US standards
  - Age grading guidelines
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/974860>

# Important Requirements (Ctnd)

- Migration of certain elements
  - CPN No. 1 of 2009
  - Poisoning
  - Requirements from AS/NZS ISO 8124.3 and 8124.7
  - EN 71-3 and EN 71-7 are recognised as being equivalent
  - Generally applies to toys for children under 6 and others that may be intended to be in contact with the mouth
  - Finger paints specifically covered by part 7
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/981719>

# Important Requirements (Ctnd)

- Diethylhexyl Phthalate (DEHP)
  - CPN No. 11 of 2011
  - Reproductive Toxicity
  - Applies to toys for children 36 months
  - More rational than EU or US
  - Other phthalates may be regulated over time
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/978240>



# Important Requirements (Ctnd)

- Magnets
  - CPN No. 5 of 2010
  - Perforation of the stomach
  - Requirements from AS/NZS ISO 8124.1
  - Based on 2007 version of ASTM
  - Toys with a hazardous magnet must include a warning
  - Less onerous than both US and EU
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/975279>



# Important Requirements (Ctnd)

- Projectile Toys
  - CPN 16 of 2010
  - Damage to the eye and choking
  - Requirements from AS/NZS ISO 8124.1
  - Size and energy requirements
  - <http://www.productsafety.gov.au/content/index.php/html/itemId/981392>

# Important Requirements (Ctnd)

- Flotation toys and Swimming Aids
  - CPN No.s 2 and 3 of 2009
  - Drowning
  - Requirements from AS/NZS ISO 8124.1 and AS1900
  - Performance and labelling requirements
  - Proposal to revise requirements for swimming aids
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/973508>
  - <http://www.productsafety.gov.au/content/index.phtml/itemId/973551>

# Important Requirements (Ctnd)

- Electromagnetic Compatibility
  - Radiocommunications Acts
  - Interference with other product
  - Compliance with applicable technical standards and documentation / labelling
  - Battery operated products do not need to be labelled (unless they are intentional emitters)
  - Does not apply to products with only 'resistive' elements – e.g. incandescent light bulbs
  - Move to consolidated symbol
  - [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_2797](http://www.acma.gov.au/WEB/STANDARD/pc=PC_2797)

# Important Requirements (Ctnd)

- Requirements for Guarantees
  - From Australian Consumer Law
  - Applies to any statement of warranty or guarantee
  - Effective Jan 1, 2012
  - Specific text requirement
- General Labelling
  - Country of origin
  - Metric measures

# RECENT CHANGES

September 28, 2011

Product Compliance Requirements for Toys

25

# Recent Changes – Voluntary Req

- Correction amendment to 8124.1
  - Removes the requirement to include a warning on plastic film that otherwise complies with the requirements
- Re-issue of 8124.3 – Migration of Certain Elements
  - No change to technical requirements
  - Editorial and test method
  - Maintains alignment with ISO and EN
- Publishing of 8124.6 – Domestic Activity Toys
  - Adoption of ISO Part 4
  - Supports important future updates for inflatable activity toys and paddling pools
- Implementation of an interpretation protocol
  - To try and reduce mis-understandings of requirements



# Recent Changes – Mandatory Req

- Dummies and Dummy Chains
  - To ensure that decorations do not dislodge and become choking hazards
  - Performance requirements from AS 2432 and EN 12586
- Mini Motorbikes
  - Specific performance requirements
  - Updated to clarify that electric bikes are not caught

# WHAT'S IN PROGRESS

# Work in Progress

- Part 1 – Mechanical and Physical Properties
  - General Amendment
    - Makes minor modifications and clarifies the application of certain clauses
    - During 2012
  - Updated Requirements for Magnets
    - To align with current requirements in EU and US
    - Additional tests and removes allowance for hazardous magnets with a warning
    - Late 2012

# Work in Progress (Ctnd)

- Part 6 – Domestic Activity Toys
  - Amendment concerning inflatable activity toys
  - Requirements for bouncy castles intended for domestic use
  - Anchorage, containment and safe collapse
  - Late 2012
  - Potential for regulation

# Work in Progress (Ctnd)

- Later
  - Update to requirements for projectiles
  - Update to requirements for cords
  - Update to requirements concerning impaction and new requirements for impalement
  - Updated process for testing migration of heavy elements
  - New requirements for paddling pools
  - Standardised test method for phthalates
  - Updated document on age grading
  - Reissue of requirements for Flammability

# HOW THE ATA HELPS



# ATA Role

- Key supporter of the toy safety standard in Australia
  - Drives consistency with EU and US
  - Helps to manage regulation
  - Reduce costs to industry
- Contributor to other standards impacting the industry
  - Dummies
  - Trampolines
  - Soccer goal posts
- Regulation
  - Works with various regulators
  - Simplify requirements, e.g. EMC
  - Ensure consistency with standards
  - Resolve Issues

# ATA Role (Ctnd)

- General
  - Information
  - Maintain requirements listing
  - General advice on requirements
  - General advice on compliance process
  - Support for issues that have industry significance
- Specific Member Assistance
  - Email [compliance@austoy.com.au](mailto:compliance@austoy.com.au)
  - Specific advice on requirements
  - Specific advice on compliance process
  - Limited