

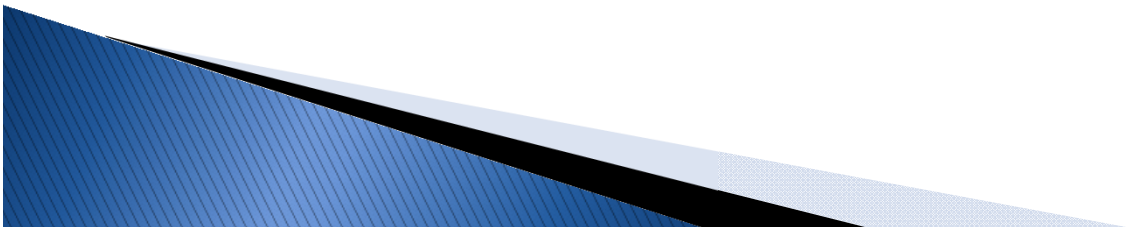
Toy Safety Requirements in Australia

Recent Changes and Questions Answered



**Australian Toy
Association**

Richard Hayman – August 2013





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Introduction

Requirements for product safety evolve in response to new developments and injury data from both Australia and overseas

This webinar aims to inform participants about recent changes and work in progress to the requirements for the safety of toys in Australia.



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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



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Topics

- Types of requirements
- Changes to Mandatory requirements
- Changes to Voluntary requirements
- Other issues
- ATA role
- Questions



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TYPES OF REQUIREMENTS



Mandatory Requirements

- Made mandatory by law
 - Illegal to sell product that doesn't comply
- Various categories, laws and regulators
 - Consumer product safety / ACCC and States
 - Electrical safety / States
 - Radiofrequency / ACMA
 - Imports / Customs
- Often based on requirements from Australian standards
- Challenges
 - Differences to standards
 - Intentional variations
 - Outdated standards
 - Incorrect understanding of the standard
 - Out of sync with global practises



Voluntary Requirements

- Anything that's not a legal requirement
- Mostly standards
 - Consensus driven / Hazard based / Globally aligned
 - Good basis for regulation if required
- Note general requirement under ACL to ensure that products are safe for their intended user
- Consider any applicable robust requirement
 - US, EU, ISO, AS standards



Identifying Applicable Requirements

- ATA Requirements list
 - Shows the source of the requirement
 - Indicates whether mandatory
 - Updated as information becomes available
 - Available to ATA members
- ACCC Product Safety Site
 - <http://www.productsafety.gov.au/content/index.phtml/itemId/970225>
 - Mandatory requirements and recommendations
- Standards Australia
 - <http://infostore.saiglobal.com/store/>
 - Voluntary requirements
 - May be needed to understand mandatory requirements
- Other Regulator Sites
 - ACMA
 - ERAC
 - NICNAS
 - Etc



ATA Requirements List

• Excerpt

Australian Compliance Requirements for Toys					
Published by the Australian Toy Association			Note: - Product should comply with requirements for all applicable categories		Issue Date: TBA Supersedes: February 2013
Category	Standard / Regulation	Authority	Description	Mandatory	Refer Also
All Toys (General)	AS/NZS ISO 8124.1:2013	Standards Australia	Aus / NZ Standard for Mechanical and Physical Properties of Toys Note: Includes new sections for Acoustic requirements and Toy Scooters	No	Toys for Children Aged less than 36 Mths Toys with Projectiles Magnetic Toys
	AS/NZS ISO 8124.2:2009	Standards Australia	Aus / NZ Standard for Flammability of Toys	No	Refer section on migration of Heavy metals below
	AS/NZS ISO 8124.9 10 & 11:2008 Commerce (Imports) Regulation 1940 Commerce (Trade Descriptions) Act 1905	Standards Australia Customs ACCC	Aus / NZ Standard for Organic requirements, sample preparation and methods of analysis An accurate Country of Origin statement	No Yes	
Migration of Heavy Metals					
All toys	AS/NZS ISO 8124.3:2012	Standards Australia	Aus / NZ Standard for Migration of Certain Elements (Heavy Metals) Specifies maximum allowable levels of certain heavy metals in the following categories of toys: - all intended food and oral contact toys, cosmetic toys and writing instruments categorized as toys, irrespective of any age grading or recommended age labelling - all toys intended for or suitable for children up to 72 months of age - accessible coatings, irrespective of any age grading or recommended age labelling - accessible liquids, pastes, gels (e.g. liquid paints, modelling compounds), irrespective of any age grading or recommended age labelling	No	
Toys that may be licked sucked or swallowed	AS/NZS ISO 8124.3:2003 (Superseded)	Standards Australia	Aus / NZ Standard for Migration of Certain Elements (Heavy Metals) Specifies maximum allowable levels of certain heavy metals in toys that may be licked sucked or swallowed. These are categorised as: - All intended food / oral 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 mouth	No	Consumer Protection Notice No 1, 2009 Australian Customs Notice No 2007/46
	Consumer Protection Notice No 1, 2009	ACCC	Requires compliance with AS/NZS ISO 8124.3:2003 Note: EN71-3:1994/A1:2000/AC:2002 is equivalent and also acceptable	Yes	Note that the CPN references the 2003 version of the standard rather than the current 2012 version
Coatings, (e.g. paints, lacquers, etc), on toys, money boxes, pencils and paintbrushes	Australian Customs Notice No 2007/46	Customs	Prohibits the import, (without the written permission of the Minister), of toys, money boxes, pencils and paintbrushes with coatings in which the migratable levels of specified heavy metals would exceed those specified in AS/NZS ISO 8124.3:2003	Yes	Note that the notice references the 2003 version of the standard rather than the current 2012 version
Erasers resembling food in scent or appearance	Australian Customs Notice No 2007/46	Customs	Prohibits the import, (without the written permission of the Minister), of erasers that resemble food in scent or appearance and that would fail the requirements of AS/NZS ISO 8124.3:2003	Yes	Note that the notice references the 2003 version of the standard rather than the current 2012 version
Activity Toys	AS/NZS ISO 8124.6:2011	Standards Australia	Aus / NZ Standard for swings, slides and similar activity toys for indoor and outdoor family domestic use. Includes Inflatable activity toys e.g. bouncy castles after amendment 1	No	
Audio Visual Material	Classification (Publications, Films and Computer Games) Act 1995	Classification Board	Requires a Certificate of Classification by the Classification Board	Yes	
Cosmetics - (Including tattoos and anything applied to the skin)	Consumer Product Information Standard (Cosmetics) 1991 and Amended 1998 and 2008	Federal Regulation ACCC	Cosmetics and toiletries ingredient Labelling	Yes	
	Industrial Chemicals (Notification and Assessment) Act 1989	Federal Regulation NICNAS	May not include prohibited or restricted cosmetic chemicals	Yes	
	Cosmetics Standard 2007 Industrial Chemicals (Notification & Assessment) Act	Federal Regulation NICNAS	Cosmetics of certain product categories must comply with specific standards mentioned in the Act	Yes	



Complying with Standards

- **Mandatory Requirements**
 - Biggest risk
 - No flexibility
 - Generally require that the product meets certain criteria – Test reports are just our way method of due diligence
- **Voluntary Requirements**
 - May be options that are equally valid, e.g. AS/NZS vs. ASTM vs. EN
 - Look for all that are applicable
 - Test reports provide due diligence



Application of Standards to Other Products

- Often Standards are applied to products for which they are not intended
 - Small parts requirements from 8124 applied to children's clothes and other products
 - Migration of heavy metals to other children's products
- Often very appropriate, but need to be cautious
 - Requirements for toys have been determined based on expected behaviours when playing with toys
 - May not be appropriate to other articles



Test Reports

- The issuing laboratory need to know what they are doing
 - NATA Accreditation or equivalent
- Relevance to product
 - Validity periods
 - Doesn't matter who paid for it
- Rationale
 - Easy to understand
 - Generally accepted
 - There are other ways
- Manage Costs
 - Test common components / materials
 - Use tests done for others
 - Interpret results for multiple standards



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CHANGES TO MANDATORY REQUIREMENTS



Summary

- Recent changes
 - Small high power magnets – November 2012
 - Babywalkers – February 2013
 - Portable Pools – January 2013
 - Electromagnetic Compatibility Labelling – March 2013
 - Electrical Equipment Safety System – Ongoing
 - Migration of Heavy Metals - Impact of changes to EN71.3
- Work in Process
 - Trampolines
 - Dummies
 - Flotation Aids
 - Updating out of date references



Small High Powered Magnets

- CPN No 5 of 2012
- Permanent Ban
 - ‘Separable’ magnets
 - 2 or more
 - Small parts
 - Strong ($>50\text{kG}^2\text{mm}^2$)
 - Toy game or puzzle (irrespective of age), construction or modelling kit, jewellery to be worn around the mouth or nose
- Some conflict with CPN 5 of 2010
 - Resolved by understanding of ‘separable’
- Note update to AS/NZS ISO 8124.1
 - Requirements for magnets are now more onerous
 - Recommend to use these



Babywalkers

- CPN No 1 of 2013
- Initially allows compliance with specified parts of either 2000 or 2012 version of ASTM F977
- From April 1, 2014 the 2012 version is the only option
- Purpose was to allow suppliers to comply with the later versions of the standard
- A long transition was allowed as there were no particular issues with the old version
- No difficulties have been reported



Portable Pools

- Consumer Goods (Portable Swimming Pools) Safety Standard 2013
- Effective from March 30, 2014
- Specifies warning labels for pools and their retail packaging
- Applies to:
 - All inflatable or soft sided pools
 - Rigid sided pools up to 300mm deep
- Unique requirements to Australia
 - All product will need to be specifically adjusted



EMC Labelling

- Radiocommunications Labelling Notice 2008 Amended on March 1, 2013
- Implements a consolidated mark to replace the C-tick
 - The single mark indicates compliance with all ACMA standards, i.e. Telecommunications, radiocommunications and EMC
 - Supplier identity is not required
- Implements a new supplier database
- No change to technical requirements
 - Battery powered devices are still defined as low risk and not required to be labelled
- Long transition for existing suppliers, but must change over by March 2016



Electrical Equipment Safety System

- Intended to replace current system for certification of declared articles
- Queensland started from March 1, 2013 and Tasmania from May 1. Others are supposed to follow, but NSW will not.
- Approval in one State means that an item is approved for all States so suppliers can carry on with existing processes or use new ones depending on where they get their products certified
- Uses the same supplier database as EMC, but in this case you need to pay to register
- System is in a state of flux and seems confusing



Migration of Heavy Metals

- No change to our regulation yet, but it references superseded 2003 standard
- EN71.3 has traditionally been accepted as equivalent, but recent changes mean that new reports may not be
- Need to ensure compliance with AS/NZS ISO 8124.3 2003 or EN71-3:1994/A1:2000/AC:2002
 - Negotiate with labs / suppliers to continue to provide reports to old versions
 - Pay for additional testing



To Watch For

- Trampolines
 - New standard is in the final stages of drafting
 - Expect that it will be regulated
- Dummies
 - New standard will be out for public comment shortly.
 - Expect that regulations for dummies will be updated to reflect this
- Flotation Aids
 - New standard is in the final stages of drafting
 - Probably lower priority than Trampolines and Dummies, but will push for regulation to be updated
- Other
 - A number of regulations refer to superseded standards
 - We want these to be updated to minimise confusion and ensure that tests to the standards are suitable to prove compliance to the regulation
 - Most impact is likely to be felt from updates to requirements for migration of heavy metals, magnets and cots



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CHANGES TO VOLUNTARY REQUIREMENTS



Summary

- Recent Changes
 - Revision of AS/NZS 8124 Part 1 – Mechanical and Physical Properties
 - Revision of AS/NZS 2172 - Cots for household use
- Work in Process
 - Revision of AS 4989 – Trampolines
 - Revision of AS 1900 – Flotation Aids
 - Revision of AS 2432 – Dummies
 - Amendments to AS/NZS 8124 Part 1 for Projectiles, Impalement and Impaction and Cords
 - Revision of AS/NZS 8124 Part 2 – Flammability
 - An amendment to AS/NZS 8124 part 6 to provide requirements for Paddling pools
 - Revision of AS 8124 Part 7 – Fingerpaints
 - A new part to the AS/NZS 8124 series to cover Total concentration of certain elements
 - A new part to the AS/NZS 8124 series to cover methods of testing phthalates
 - A new part to the AS/NZS 8124 series to cover Age Determination



8124.1 – Mechanical and Physical Prop.

- 2013 version
- Adds updated requirements for magnets
 - Now aligned with US and EU
 - More onerous than current regulation
 - Previously allowed to supply a hazardous magnet with a warning
 - Now they are not allowed at all
 - Strongly recommend using the more onerous approach. It was implemented because kids were still being hurt with the previous requirements
- Identical adoption from ISO
 - First time ever for part 1
 - Indication of success in our efforts to align internationally



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2172 – Cots for Household Use

- 2013 version
- Updated requirements for dropsides and sleep surfaces
- Regulation still references 2003 version



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Work in Process

- Trampolines, Dummies and Flotation Aids are all close
- Changes to 8124 series are further away as they are still progressing through ISO



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OTHER ISSUES



Button Batteries

- Continue to be an issue
- Requirements for toys are contained in AS/NZS 62115
 - Strongly recommend ensuring compliance
 - So far, issues are not from batteries released from toys



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THE ATA ROLE



Requirements

- Regulation
 - Works with various regulators
 - Requirements need to be clear
 - Requirements should be aligned internationally
 - Requirements should be aligned with a national or international standards if available
 - Resolve Issues
- Key supporter of the toy safety standard in Australia
 - Drives consistency with EU and US
 - Helps to influence regulation
 - Reduce costs to industry
- Contributor to other standards impacting the industry



Member Information and Assistance

- 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
 - Specific advice on requirements
 - Specific advice on compliance process



Other Questions

- Differences in detail between EN71 and 8124
 - Too many to list in detail
 - Often generally the same, but not exact enough to rely on for regulated requirements
- Regulations for cords in children's clothing
 - Actually not aware any regulations for this
 - Requirements for cords in toys generally apply to products for children under 36 month
 - Concerned primarily with cords that have attachments that may tangle to form a loop



Specific Requirements in 8124.1

- In Section 4.30.2, does compression test only apply to the magnets that are accessible but not grippable?
 - Correct. The intention is to apply a replacement performance test
- In 4.29.4, it was mentioned that the spacing is more than 150mm between the centres of the outermost wheels, the stability for the scooter shall be conducted. Could you clarify how to measure this distance
 - Concerns, for example, the 2 front wheels
 - If they are more than a certain distance apart, then there is an expectation that the toy is stable
 - Mark around the centre of the wheels and measure
- In 4.29.8, protruding part, it mentioned the diameter of the handle bar shall be 40mm or more when measure not more than 20mm from the end of the grip. Does it mean the diameter of the handle bar at the end shall be more than or equal to 40mm and the thickness shall be 20mm or more?
 - Not exactly – There are a variety of ways of meeting the requirement, e.g. a flat coin shaped end, a domed end with appropriate dimensions
 - The requirement is to prevent skin puncture or impaction if a child should fall on the ends