

Toy Safety Requirements in Australia

Recent updates and Work in Process

Richard Hayman – November 2012

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.

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

Background

- 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

- Product safety compliance system
- Changes to Mandatory requirements
- Changes to Voluntary requirements
- Other issues
- ATA role
- Questions

PRODUCT SAFETY COMPLIANCE SYSTEM

Quick Review

Components of a Product Safety Compliance System

- Policy
 - Statement of intent
 - Responsibility
- Compliance Process
 - Product selection and assessment process
 - Requirements checklist – Legal and voluntary
 - Record keeping
 - Buying process
 - Training

Components of a Product Safety Compliance System (Ctnd)

- Complaints and Mandatory Reporting Process
 - Customer service process
 - Record keeping and decision review
 - Reporting process
- Recall Process
 - Decision process
 - Action plan
 - Legal obligations

Components of a Product Safety Compliance System (Ctnd)

- Resourcing
 - Compliance manager
 - Impact on other functions
 - Buying
 - Distribution
 - Customer service
 - Others
 - Position descriptions

CHANGES TO MANDATORY REQUIREMENTS

Mandatory Requirements

- Normally affect specific products or categories of product
- Summary
 - Recent changes
 - Guarantee statements
 - Magnetic construction desk toys and jewellery
 - Work in Process
 - Portable swimming pools
 - Electromagnetic Compatibility Labelling
 - Electrical Equipment Safety System
 - Trampolines
 - Babywalkers
 - Dummies
 - Flotation Aids
 - Magnetic construction desk toys and jewellery

Warranty statements

- Regulation 90 - Trade Practices (Australian Consumer Law) Amendment Regulations 2010 (No. 1)
- Effective from January 1, 2012 – ACCC allowed businesses until September to become compliant
- Aims to ensure that statements of warranty or guarantee are not deceptive or misleading
- Specific requirements
 - Transparency
 - Specific information
 - Specific text
- http://www.austlii.edu.au/au/legis/cth/consol_reg/tpclar20101604/sch3.html

Magnetic construction desk toys and jewellery

- Draft Commonwealth ban published in August
- Interim state bans published the same day
 - Do not cover toys
- Issues with proposal
 - Should reference the Australian Standard
 - Presents inaccurate information
 - Measurement method is incomplete
- Expecting final Commonwealth document
 - State options will run out around the end of November
 - Permanent ban announced on Nov 12
 - Text TBA, but seems to have been significantly changed, e.g. may now apply to magnets generally (including toys)
- <http://www.productsafety.gov.au/content/index.phtml/itemId/997517/fromItemId/997511>

Portable Swimming Pools

- Proposed regulation specifies warning messages to be applied to portable pools
 - Definition
 - Warning message on pool (position, text and format)
 - Warning message on packaging (position, text and format)
 - Safety sign on pool
- Expected to be effective from end March 2014
- Various issues
 - Doesn't align internationally (ISO standard is likely to be the basis for a local standard for paddling pools)
 - No flexibility
- ATA responded – Looking for alignment and flexibility
- <http://www.productsafety.gov.au/content/index.phtml/itemId/997003>

Electromagnetic Compatibility (EMC) Labelling

- Simplifies labelling requirements
 - The same compliance mark for telecommunications, radiocommunications and EMC requirements
 - Supplier code no longer required
 - Electronic registration via internet
- Will be effective from March 2013
 - 3 year transition for existing suppliers
- Other requirements unchanged
 - Same standards apply
 - Labelling is voluntary for battery powered devices that are not intentional emitters
- http://www.acma.gov.au/WEB/STANDARD/pc=PC_410297

Electrical Equipment Safety System (EESS)

- New rules for labelling, registration and evidence of conformity
 - The same label as for EMC
 - Take care that everything relevant to the label is checked
 - Electronic registration via internet – Same database as for EMC
 - Will be a fee for EESS, but not for EMC
 - Levels of conformity as specified in AS/NZS 4417
 - Power supplies and battery chargers are level 3 - high risk (same as declared articles)
 - Level 3 products need to have a certificate of conformity
- No change to technical requirements
- Proposed to be effective from March 2013
 - NSW will not participate
 - 6 months to register
 - 3 year transition for new items to be labelled
 - 5 years to sell through current stock
- http://www.erac.gov.au/index.php?option=com_content&view=article&id=102&Itemid=551



Trampolines

- Proposal to make the requirements of AS 4989 mandatory
 - Frame padding
 - Strength
 - Shock attenuation
 - Also to make enclosures mandatory at a future date based on the addition of requirements for these to AS 4989
- Review of standard is in process
- Regulatory Impact Statement issued early 2012
- ATA response to try and align internationally
 - Will not happen as Australian standard is viewed as superior
- <http://www.productsafety.gov.au/content/index.phtml/itemId/991929>

Baby Walkers

- Proposal to allow suppliers to use a more recent version of ASTM F977 to demonstrate compliance
 - Currently based on the 2000 version
 - Will initially also allow the 2012 version
 - After Dec 1 2013, only the 2012 version will be allowed
- <http://www.productsafety.gov.au/content/index.phtml/itemId/995484>

Dummies

- Current regulation based on AS 2432:1991
- Proposal to include requirements concerning decorative attachments and more onerous requirements concerning detachment of the teat
- AS 2432 will be revised first
 - In process
 - EU standards have been recently updated and are being reviewed to see if they could be a basis for a revised AS standard

Flotation Aids

- There are problems with the existing mandatory requirements based on AS1900
 - Fasteners
 - Seam strength
- The ATA asked for a review and was advised that the ACCC would react to a change in the voluntary standard
- The review of AS1900 is under way and we are hoping to publish a revised draft later this year

CHANGES TO VOLUNTARY REQUIREMENTS

Voluntary Requirements

- Normally cover a specific hazard category
- Summary
 - Recent Changes
 - Amendment to AS/NZS 8124 Part 1 – Various clauses
 - Amendment to AS/NZS 8124 Part 6 – Inflatable activity toys
 - Work in Process
 - Revision of AS/NZS 8124 Part 1 – Mechanical and physical properties of toys
 - 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 – Fingerprints
 - 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
 - Revision of AS 1900 – Flotation Aids
 - Revision of AS 4989 – Trampolines
 - Revision of AS 2432 – Dummies

AS/NZS ISO 8124.1 – Mechanical & Physical Requirements

- Amendment 2 published on Oct 12
 - Multiple clauses
 - Clarifications rather than technical changes
- New version to be published early next year
 - Just issued for public comment
 - Contains the updated requirements for magnets in toys
 - Hazardous magnets not allowed
 - Additional foreseeable abuse tests for toys with magnets
 - Uses the small parts cylinder for the size determination
 - Aligns with the latest US and EU requirements
 - Need to update references in regulations
- Later
 - Projectiles
 - Impalement and impaction
 - Cords
 - Expected to be published in mid 2014

AS/NZS ISO 8124.2 – Flammability

- Revision in process
 - Align with updated requirements in EU
 - Adjustments to terms and definitions
 - Adjustments to requirements for wigs and head-dresses, moulded face masks and soft filled toys
 - Adjustments to test methods
 - Expected to be published in mid 2014

AS/NZS ISO 8124.3 – Migration of Certain Elements

- New version published in January 2012
 - Align with updated requirements in EU
 - Adjustments scope – Include coatings and accessible liquids for all toys
 - Trichloroethane replaced by n-heptane in the test methods due to the hazard to laboratory staff
 - Need to update references in regulation
- New part providing test methods for total concentration
 - Will not contain requirements
 - Intended to be a more economic option to demonstrate compliance to part 3
 - If total concentration is less than allowed migration level, then it wouldn't be necessary to do the migration test
 - Expected to be published in mid 2014

AS/NZS ISO 8124.6 – Activity Toys

- Amendment 1 published on Oct 30
 - Requirements for inflatable activity toys
 - Anchorage
 - Connection tubes
 - Containment
 - Safe collapse
- Amendment 2 in process
 - Requirements for paddling pools
 - Warnings
 - Close to EU requirements
 - Expected publication mid 2014

Others

- ISO 8124 - Toys
 - Finger Paints – Just started
 - Test methods for phthalates – Not so important for Australia
 - 1% limit on DEHP
 - DINP found to be not an issue
 - Age determination
 - Replace CPSC guidelines
- Other Products
 - Flotation Aids – To support regulation review
 - Trampolines – To support regulation review
 - Dummies – To support regulation review

OTHER ISSUES

Button Batteries

- Emerging issue
 - Increasing usage
 - Increasing number of incidents
- Particular hazard if swallowed
 - Tissue decays in less than 2 hours
- Toys already have requirements to limit availability
- Considerable work being done on what other requirements might be
 - Limit availability in consumer products generally
 - Warnings on packaging of batteries and products
 - Design changes in batteries

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 standard 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
 - Dummies
 - Trampolines
 - Flotation aids

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
 - Limited