

Safety First

With the EU toy safety directive now firmly in place, TnP talks to leading lights in safety industry about the impact it has had

In the second of our quarterly features on safety, Team TnP sit down with Malcolm Horner, Toy Technical Consultant with Bureau Veritas, Intertek's Philip Bullock, Technical Manager – Toys & Hardlines, and Keith Richards, Technical Director – European Toys and Childrens Products at UL, to chat about how manufacturers have reacted to the now firmly established EU Toy Safety Directive which came into play in July

The new EU Toy Safety Directive is now in place, who would you say still requires more guidance – retailers or manufacturers?

Philip Bullock: Manufacturers. There are many companies who still do not realize that they have the main responsibility because they are, by the definition in the directive, the “manufacturer” even though they do not physically make the product. They require guidance on their obligations particularly in terms of what documentation they need to have, but also how to label their products and what approach is appropriate to demonstrate compliance.

Malcolm Horner: The obligation to comply with the Toy Safety Directive lies with toy manufacturers; hence they are the ones who in theory require the more guidance. When it comes to their own-branded toys, retailers are considered to be the manufacturers and therefore are responsible under the Directive.

Manufacturers have been asking us how they can demonstrate compliance of their toys to their retail clients without the need to always present a final test report – as a final test report is not mandatory under the Directive. The UK Toy Industry Forum (www.toyindustryforum.com), a voluntary working group made of UK retailers, brands, trade associations and laboratories, has developed an interesting tool to help retailers and suppliers: the “Chemical Risk Management Profile”, a detailed

questionnaire designed to assess the processes that are used by suppliers to control restricted substances that may be found in toys.

Keith Richards: As you might expect there are a range of situations. Some retailers and manufacturers have had the technical resource and knowledge to keep up to date, whilst others are still catching up. Another group needing help are importers who often have a wide range of products to deal with.

One of the main sources of concern surrounds the chemical requirements which are now more stringent, but in truth, are these really going to have a big impact on manufacturers, should people be concerned?

PB: They are having a big impact since manufacturers must actively consider the chemicals which might be in their products, and these are not necessarily chemicals that they consciously add but which may be present as contaminant s in the raw materials or by-products of the manufacturing process of those raw materials. This is why a detailed bill of materials is so vital.

MH: The new chemical requirements could indeed mean increased testing costs to manufacturers – as there are now more substances to check for. However, proactive manufacturers who have taken the opportunity to review their whole chemical management and reach out to their

suppliers are likely to end up with a new and more cost-effective way of showing compliance. As a manufacturer, if you have advanced from a Quality Control (validation) strategy to a Quality Assurance (prevention) strategy, you are likely to have saved money.

KR: Chemical requirements have certainly increased and become more complex and the increase in product failures mainly relate to the new requirements of EN71-3. There is an increased emphasis on obtaining information prior to manufacture and getting a bill of materials has helped many companies become aware of issues at an early stage when they are easier to deal with.

Was there a surge in activity shortly before the directive date with people panicking?

PB: Not really, most companies would have realized the deadlines and would have been prepared for it. Having said that we still get a few enquiries from people who clearly have not heard of it!

MH: The main UK brands, importers and retailers have been very proactive and made changes to their chemical compliance strategy ahead of the 20th July-deadline and have done some screening testing to measure the impact of the new chemical limits to their business; Bureau Veritas has been helping a number of well-known names to help them adapt to the changes. We have seen other clients switching their chemical testing programme to the new requirements just a couple of weeks before the deadline. Everybody is different and each toy company's strategy doesn't always necessarily fit all.

KR: Buying cycles often mean that issues have to be addressed long before the actual implementation.

Requirements of the new Toy Safety Directive have been known since 2008 so many of the responsible companies are well prepared although inevitably there are those who left it late and we have seen a surge in activity.

Children, as we well know, and their safety can be a hot-topic for parents. Will this new directive have any impact on how parents buy toys or are the general public even aware this is happening?

PB: I don't think the majority of consumers are aware of the new legislation. They assume that toys carrying the CE mark were and are safe and do not consider any changes that might be happening as there are no visible changes that they can see.

MH: I am not sure that the UK public has been informed of the changes of the Toy Safety Directive and I haven't seen much interest from the general media. Overall, the changes ultimately mean that toys will be safer; so it should be good news for parents. From time to time, there will be a story in the press about a particular harmful substance and parents then might start worrying: Bisphenol A and phthalates for instance received a lot of attention from the press in the past few years. But the truth is that because toy safety regulations have been in place and enforced for decades in Europe, harmful chemicals are nowadays not that often found in toys – and as an industry, we should be glad about it.

A couple of years ago, we carried out a simple experiment in our laboratory: we tested vintage toys from the 50s and 60s - a Pinocchio doll, a toy soldier, a bird figurine, a bucket and spade and a wooden animal - to today's chemical standards. Unsurprisingly, 4 out of 5 toys failed the tests due to the presence of lead, cadmium, antimony and phthalates in very high levels: for instance, the level of lead contained in the soldier was over 1,000 times the current regulatory limit, whilst the level of cadmium contained in the Pinocchio doll was 1,373% over the current limit. The lead levels are predictable as this heavy metal was commonly used in paint back in the 50s-60s.

KR: Parents just want to be reassured that products are safe

and they can trust the brands and retailers they use. We are not convinced that they are generally aware of the details of the new requirements and why the changes have been brought in, but parents do understand the value of using reputable brands and retailers.

As you see it, are there any potential pitfalls to the directive?

MH: When a legislation as important as the Toy Safety Directive is developed, you can always expect a lot of debate amongst the various industry stakeholders. There were discussions with the EU Commission on many points, such as surface washing for push toys for example.

In addition, Germany requested some heavy metal limits in the Directive to be lowered. There will be constant ongoing discussions with the Commission on many aspects of the Directive, including chemical safety assessments, toys to be used outside the domestic environment and technical documentation.

KR: The major pitfall is that, especially for smaller companies who may not have any technical expertise to draw upon, the apparent complexity and cost of meeting the directive may encourage them to cut corners or try to avoid their responsibilities.

What's the main question that's being asked i.e. main point of concern?

PB: There is still uncertainty over what products are classified as toys and the new directive and guidance has not resolved this question as far as a definition of “play” is concerned. There are concerns over the extension of requirements for mouth actuated toys, cords and acoustics as well as the detailed chemical requirements. In this respect a major concern is how to show compliance for the migration of Chromium VI when there is no official standard for some materials.

MH: The most frequent question I still receive (and probably always will be!) is: “is it a toy?” The new chemical requirements of course have only fairly recently come into effect (July of this year) and I am receiving many questions on these.

KR: Main points of concern are around the issues that are still unclear and not well defined such



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as testing for Chromium VI and Organo Tin compounds. There is also concern regarding the requirements for chemicals such as plasticisers, flame retardants, etc where the exact requirements are yet to be defined or interpretation varies between EU countries.

What's the most amusing request/question you received since the directive came in to force?

PB: Does your price for EN 71-3 apply to each of the 19 elements? Pricing is based upon ‘per component’ and not ‘per element’. This question arises out of a misunderstanding of how the product/ components are tested.

MH: All questions are actually serious questions. Although those of us who are familiar with the new Toy Directive might think that some questions seem amusing, the

person asking the question might be with a company marketing products on the periphery of the toy market and might not be very au fait with the Directive. We are all on a learning curve and will be for some time to come. The first Toy Directive was with us for over 20 years and there were still some questions where there was no definite “correct” answer.

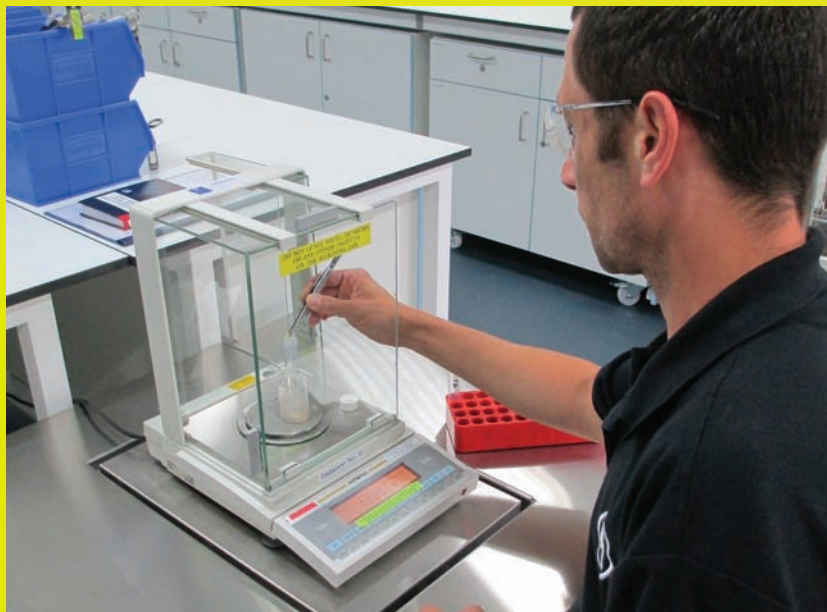
KR: The majority of requests and questions are sensible as people start looking at the finer detail of the sentences and seek clarification. The most worrying request was from a client who said they had heard a rumour that the requirements for toys were changing and did we have any details. Not an unreasonable request, but it occurred four years after the publication of the directive. It seems no matter how much time is spent trying to communicate the changes some people just do not read the information.

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The new EN 71-3 chemical requirements of the EU Toy Safety Directive (2009/48/EC) came into effect on July 20, 2013. This means that toys entering the EU must now be designed and manufactured in such a way to prevent exposure to harmful chemical elements that can have an adverse effect upon human health. Consideration must be given to the composition of compounds and raw materials used to actually make the item. The directive has been updated to reflect the latest scientific knowledge relating to the use of carcinogenic, mutagenic and toxic for reproduction (CMR) chemicals, expanding the migratable toxic elements requirements to cover 19 elements, including Organic Tin and Chromium VI and restricting certain allergenic fragrance compounds. The new requirements also impact upon manufacturers and importers of children's products, as many standards relating to childcare articles cite references to EN71-3 - if a date is not cited in the reference, then the latest limits apply. There are some exceptions which do have dated references, such as BS EN

1888:2012 Wheeled Child Conveyances (which cites the 1994 edition of EN71-3). This is where UL's toy experts can offer advice and provide consultation to help ensure your products comply with applicable limits and legislation. Our laboratories have actively participated in European working groups on toy safety and have been instrumental in developing the new EN71-3 standard. Through a global network of laboratories, including its new UK Chemical Centre of Excellence based in Reading, UL can provide testing solutions which can help assess product compliance for all 19 elements in accordance with the new legislation plus many other chemical management services such as Azo Dyes, Phthalates, chemical safety assessments and Due Diligence test protocols. UL offers a wide range of quality assurance solutions for childcare manufacturers including technical file management, product design evaluations, human factors, age grading and labelling reviews, to help ensure product safety and quality at every stage of production.



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As the largest player in the toy, games, and premium testing industry, Intertek can help to safeguard its clients, providing product safety testing and evaluation and a complete range of quality assurance services, including: EU Toy Safety Directive Testing, EU Type Examination, Safety Assessment, CPSIA (Consumer Product Safety Improvement Act) Testing, Safety Testing, Feasibility Testing, Juvenile Products Testing, China GB Testing, Risk Assessment and Management Service, iComply, Inspections and Auditing.

In July 2013, the EU introduced sweeping new chemical compliance requirements for toys with limits and additional restrictions on various heavy metals, CMRs, fragrances and nitrosamines. As part of the new Toy Safety Directive, these updates pose a significant challenge for suppliers of toys to the European market. Speak with Intertek about how this affects you and your products, and how we can assist in managing your risk in a cost effective and targeted method, using one of our many authoritative services including chemical screenings, quantitative testing and detailed risk assessments.



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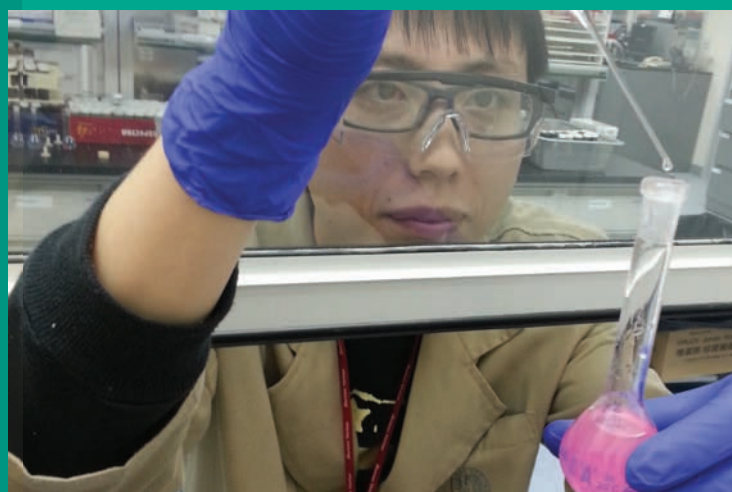
Bureau Veritas Consumer Products Services solutions are designed to assist toy manufacturers, brands, retailers, importers and distributors in minimising the risk of liability, costly product returns and brand-damaging recalls.

We provide a complete solution from product concept to store-shelves – including product testing, safety assessments, design evaluations, technical and regulatory consultancy, product inspections, factory assessments and social audits – to help our clients improve their supply chain, as well as checking that their toys meet the necessary regulatory standards.

All toy businesses need to be ready for the new chemical requirements of the Toy Safety Directive which will become applicable from 20 July 2013; those changes include new requirements for heavy metals/compounds, CMR substances, nitrosamines, play cosmetics for dolls and restricted fragrances. To help you prepare for July 2013, our UK laboratory has developed several screening offers (soluble digestion or total digestion methods) for 17 heavy metals/compounds to suit your needs.

Beyond product testing, our forward-thinking solutions are designed to help our clients, whether they are major international brands and retailers or smaller toy businesses, define and implement the best risk-based approach compliance strategy for their business. What makes Bureau Veritas stand out from the competition?

What makes the difference is the knowledge and experience of our technical consultants who participate in the development of international, industry and regulatory standards worldwide across all product lines, enabling us to keep our clients at the forefront of changes in safety requirements and test methods. With our extensive global network of toy laboratories, including our UK laboratory in Warrington (situated between Manchester and Liverpool) we have the capabilities to test our clients' products wherever they need to. Our 36 years of experience in the toy and juvenile industry make Bureau Veritas Consumer Products Services a partner of choice for retailers, brands and their supply chain.



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SATRA was formed in 1919 with the original purpose of helping manufacturers and suppliers to evolve by providing technical knowledge, research and testing (the three pillars of strength). Since those early years, SATRA has developed significantly and today the brand is recognised and respected in over 70 countries across a diverse spread of product sectors.

SATRA is a leading authority on international legislation and testing, and the technical aspects of a wide range of products including footwear, leather, clothing, textiles, toys, safety products, PPE, workwear, furniture, floorcoverings, construction products, cleaning & laundry

products and candles. Many of its test methods become industry standards and its production efficiency and accreditation systems are unrivalled. It also houses a well-equipped chemical analysis laboratory to meet the global demand for restricted substances testing.

SATRA's objective is to help its customers increase their competitiveness. It provides support and expertise throughout the whole supply chain, from product research and development, material and component evaluation, quality assurance, manufacturing efficiency and cost saving, to testing and certification. SATRA also builds and sells its own branded test equipment.

Modern business looks to regenerate and revitalise through research and innovation, to exploit technology to enhance products so they have a cutting edge in home and global markets.



The world of toys at a glance



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