EU stricter toys bisphenol A (BPA) restriction confirmed

European Commission (EC) notified World Trade Organisation (WTO) about the intention to lower the existing BPA (migration) limit in toys on 18 July 2016. On 25 May 2017, Commission Directive (EU) 2017/898 was published in the Official Journal of the European Union (OJEU) to announce the requirement officially. The new BPA (migration) limit will be fully implemented and effective from 26 November 2018.

BPA (migration) requirement in Appendix C to Annex II to Directive 2009/48/E

In July 2016, the intention of EC to tighten the BPA (migration) limit in toys has been discussed in our previous standard updates flyer (T0716.3). This requirement is now confirmed to adopt in the EU.

<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS no.</th>
<th>Reference</th>
<th>Scope</th>
<th>Test method</th>
<th>Requirement (migration limit)</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bisphenol A (BPA)</td>
<td>80-05-7</td>
<td>COMMISSION DIRECTIVE 2014/81/EU 4</td>
<td>Toys intended for use by children under 36 months OR Other toys intended to be put in the mouth</td>
<td>EN 71-10:2005 AND EN 71-11:2005</td>
<td>0.1 mg/L</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td></td>
<td>COMMISSION DIRECTIVE (EU) 2017/898</td>
<td></td>
<td></td>
<td>0.04 mg/L</td>
<td>26 November 2018</td>
</tr>
</tbody>
</table>

Recent development about BPA

BPA is one of the chemicals under spotlight nowadays in the world. EU and US are actively seeking for restriction of BPA in consumer products and studying the possibility to strengthen the existing restriction.

<table>
<thead>
<tr>
<th>EU</th>
<th>US</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Proposed to strengthen the BPA specific migration limit in food contact plastic materials in 2016 and extended the restriction to varnishes and coatings intended to come into contact with food 5</td>
<td>• As a listed chemical under California Proposition 65 (Prop 65) 10 since May 2015 and enforced from May 2016</td>
</tr>
<tr>
<td>• Included in the SVHC candidate list 6 as one of the 173 substances in 12 January 2017 based on its classification of Rep. 1B 7 according to CLP Regulation (EC) No 1272/2008</td>
<td>• Several Prop 65 settlement agreements have been reached in 2017 in certain food contact products such as wineglass and chopping bowl made by Polycarbonate, the agreed reformulation requirement is “BPA free”</td>
</tr>
<tr>
<td>• Additionally recommended for listing as SVHC by inclusion in the first publication consultation SVHC list 8 in March 2017 due to its endocrine disrupting properties, the comment period was ended in April 2017</td>
<td>• Proposed to ban on Federal level under introduced bill H.R. 6269 — 114th Congress (2015-2016) 11</td>
</tr>
<tr>
<td>• To be restricted in thermal paper under REACH regulation Annex XVII entry 66 by Commission Regulation (EU) 2016/2235 9 after 2 January 2020</td>
<td></td>
</tr>
</tbody>
</table>

Reference:
1. EC notification sent to WTO for strengthen the requirement of BPA in toy: http://tinyurl.com/ec-ntf-wto-bpa
5. EC notification sent to WTO for strengthen the requirement of BPA in food contact materials: http://tinyurl.com/bpa-food-contact
6. Candidate List of substances of very high concern for Authorisation: https://echa.europa.eu/candidate-list-table
7. Reason for inclusion: http://tinyurl.com/inclusion-reason
8. Proposals to identify Substances of Very High Concern previous consultations: http://tinyurl.com/proposal-identify-svhc
10. Chemicals Considered or Listed Under Proposition 65 — BPA: https://oehha.ca.gov/proposition-65/chemicals/bisphenol-bpa

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Hong Kong
+852 2192 1000
TestingEnquiry@hk.chn.tuv.com
Shenzhen
+86 755 8268 1188
TestingEnquiry@sz.chn.tuv.com
Qingdao
+86 532 8870 6655
TestingEnquiry@qd.chn.tuv.com
Guangzhou
+86 20 2839 1888
TestingEnquiry@gz.chn.tuv.com
Taiwan
+886 2 2528 7007
Softlines@twn.tuv.com
Xiamen
+86 592 268 8330
TestingEnquiry@xm.chn.tuv.com
Shanghai
+86 21 6108 1188
TestingEnquiry@shg.chn.tuv.com
Ningbo
+86 574 8767 1566
TestingEnquiry@nb.chn.tuv.com
Beijing
+86 10 6566 6660
TestingEnquiry@chn.tuv.com

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