



JUST THE FAQs

## WHAT YOU NEED TO KNOW ABOUT TOY SAFETY REGULATIONS

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All toys must be tested to comply with a great number of regulations, but many American manufacturers do not know what those regulations are or what actually happens to toys during testing. Along with federal and state regulations, the picture grows more complex as manufacturers move to access overseas markets.

This article will answer some frequently asked questions about toy testing. Before contacting a testing laboratory, manufacturers should consider the following factors that will greatly influence the scope and cost of testing:

**Markets and countries where the product will be sold:** Many new entrepreneurs want to access as many markets as possible. However, it can be expensive to test products according to the standards and regulations of multiple countries. Although some tests overlap, product safety regulations and standards vary from country to country and can be quite complex.

**Selling over the Internet:** The product must comply with the regulations of all countries where it will be sold or distributed. For example, if a consumer in the UK purchases a toy over the Internet from a U.S. manufacturer, and the toy is shipped to the UK, the product must comply with UK, European Union, and U.S. regulations.

**Selling the product to a large-format retailer:** Large-format retailers, such as Target, Walmart, or Toys "R" Us, have their own specific testing protocols and lists of authorized laboratories for their vendors to choose from. Before producing any product, manufacturers must contact the retailer to ensure that they have the test plans as well as protocols for compliance.

Here are some frequently asked questions toy manufacturers have for laboratories:

### **How do I select a testing laboratory?**

The laboratory must be accredited to ISO/IEC 17025:2005 standard, which confirms its competence, and its accreditation must be accepted by the Consumer Product



In this laboratory setting, a flammability test is administered.

Safety Commission (CPSC). Manufacturers can go to the CPSC website to access the list of accredited laboratories: <http://www.cpsc.gov/cgi-bin/labsearch/Default.aspx>.

### **How do I decide which tests are needed?**

The three most important factors that will determine country, federal, and state regulations for product testing are the classification (toy, non-toy, or general purpose), age for which the product is intended, and the market(s) where it will be sold.

### **What kind of federal and state regulations does my toy have to meet?**

**Federal:** All toys designed for children ages 12 and younger must meet the U.S. federal safety requirements. In 2008, Congress signed the Consumer Product Safety Improvement Act (CPSIA) into law, mandating the ASTM F963 Standard Consumer Safety Specification for Toy Safety. Federal regulations limit the amount of lead and phthalates allowed in children's toys and child care articles.

**State:** Many states have testing requirements for toys sold in those states. For example, a stuffed plush toy sold in Pennsylvania would be subject to the state's stuffing clean-

liness and labeling laws.

If a company is looking to substantiate quality, performance, or eco-friendliness claims, additional testing will be required. Products should work as intended and claims need to be substantiated and verified according to the Federal Trade Commission.

### **When is third-party testing necessary for a toy?**

If the toy is designed for children 12 years and younger, third-party testing is required for CPSIA and specific sections of the ASTM F963 Standard as well as other applicable federal and state regulations and standards. However, there are some exemptions for small batch manufacturers.

### **Do all sections of the ASTM F963 toy safety standard require certification?**

Only the sections outlined by the CPSC for third-party testing are required under certification. However, all applicable sections of the ASTM F963 are to be reviewed. Manufacturers, retailers, and distributors are expected to test each product or ensure that it has been subjected to a reasonable testing program.

### **What does the laboratory need to provide a quote?**

In most cases, a laboratory can provide a preliminary quote based on a photo or a link to a website. The quote may change upon a physical examination of the product as not all materials, components, or construction can be viewed in a photo. An official quote will be issued after an expert reviews a physical sample. Standard turnaround time for a quote is 24 to 48 hours.

### **Does the laboratory need to test either the toy labeling or the packaging?**

Yes, product and packaging must be labeled properly for its age grading, contain appropriate warning labels and date and place of manufacture, and be traceable back to the manufacturer. If packaging is not available, it can be sent later to complete the testing.

### **How long does testing take?**

Standard turnaround time for most tests is five to seven



A battery-operated car is tested to see whether it meets safety standards.

business days. However, some tests may require more processing time; for example, microbiology or toxicology tests may take up to 20 business days. Many testing services are eligible for expedited processing, including same-day services.

If a manufacturer submits an order for the first time, a laboratory may need additional time to process new client documentation. Additionally, shipping time for the sample must be factored in.

### **What do I do after testing?**

After a product has been tested for compliance with the mandatory toy standard, the manufacturer, private labeler, or importer must issue a children's product certificate, which will certify the toy's compliance.

### **What kind of tests are performed on my toys?**

Tests will depend on the kind of toy, material, and testing requirements. Generally, the following types are employed:

**Chemical:** Toys are tested for the presence of heavy metals, such as lead, and for phthalates. Traditionally, every material on the toy is scraped, chemically digested, and run through machines. In addition, some laboratories use the High-Definition X-Ray Fluorescence (HDXRF) methodology that allows for rapid and precise screening and quantification of toxic elements.

**Flammability:** All toys are tested for flammability.

**Electrical and Electronic:** Where applicable, toys are tested for electrical requirements of 16 CFR 1505, in addition to the Federal Communications Commission regulations.

**Physical/Mechanical:** Toys are exposed to use and abuse tests such as drop, torque, tension, and compression. They are examined for sharp edges, points, and small parts. Laboratory personnel will also review toys for finger entrapment openings, strangulation, choking, and similar hazards. ■

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*Tina Blazer, technical director for children's products, softlines, and hardlines at TÜV Rheinland, has 27 years of experience in consumer product testing and standards with an emphasis on toys and children's products. She is an expert in design evaluations, testing plans, and interpretations of global regulations, including the U.S. federal and state, Canadian, and European standards.*