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CPSC Recall Hotline: (800) 638-2772  
CPSC Media Contact: (301) 504-7908

CPSC Issues Guidance For Complying With Phthalates Requirements In New Child Safety Law

WASHINGTON, D.C. - Starting on February 10, 2009, children's toys and child care articles cannot contain more than 0.1% of six phthalates (DEHP, DBP, BBP, DINP, DIDP, and DnOPA) regardless of when they were manufactured. The CPSC will abide by a court decision (pdf) issued yesterday ruling that the prohibition on phthalates in the Consumer Product Safety Improvement Act of 2008 applies to products in inventory. Phthalates are a group of chemicals (oily, colorless liquids) that are used among other things to make vinyl and other plastics soft and flexible.

A "children's toy" is defined in the statute as a product intended for a child 12 years of age or younger for use when playing. The Commission has previously stated that it will follow the definition of toy in the mandatory toy standard which exempts such things as bikes, playground equipment, musical instruments, and sporting goods (except for their toy counterparts).

The statute also prohibits phthalates over the limit in "child care articles," which include products that a child 3 and younger would use for sleeping, feeding, sucking or teething. By way of example, a pacifier/teether would be an item that would help a child with sucking or teething; a sippy cup would facilitate feeding; and a crib mattress would facilitate sleeping.

Companies must meet their reporting obligation under federal law and immediately tell the Commission if they learn of a children's toy or child care article that exceeds the new phthalates limits starting on February 10, 2009. Companies also should know that the CPSIA generally prohibits the export for sale of children's products that exceed the new phthalates limits.

The agency will be issuing further guidance information next week.