



**Asia-Pacific
Economic Cooperation**

2009/SOM2/SCSC/033

Agenda Item: 4(4)

APEC Toy Safety Initiative - Regulator Dialogue on Toy Safety Report

Purpose: Information
Submitted by: United States



**Second Sub-Committee on Standards and
Conformance Meeting
Singapore
5-6 August 2009**

APEC Subcommittee on Standards and Conformance
APEC Toy Safety Initiative
Report to the SCSC
August 5, 2009

Background

At the meeting in September 2007 in Sydney, APEC Leaders' declared a commitment to "strengthen consumer product safety standards and practices in the region, using scientific risk-based approaches and without creating unnecessary impediments to trade." At the November 2008 Leaders Meeting in Peru, the commitment to consumer product safety was reaffirmed, "We recognize the importance of improving current standards and practices in this area, and direct officials to take steps in this regard, including by undertaking work to ensure the safety of toys in 2009."

The objective of this initiative is to increase transparency, encourage better alignment and reduce unnecessary impediments to trade related to toy safety standards and practices in the APEC region. APEC has given specific attention to toy safety issues in the past reflecting the magnitude of toy trade among APEC economies, and the importance APEC economies attach to protecting vulnerable populations, such as children.

Workshops

This initiative carries the potential to facilitate trade while promoting a high level of product safety by highlighting current practices, including those relating to cooperation and harmonization, and ensuring that all APEC member economies and national toy industries will have access to information regarding the toy standards and conformance regimes of fellow members. To meet the needs of all the stakeholders involved in the production and distribution of toys, this initiative is comprised of two workshops.

- The first workshop titled, "A Regulator Dialogue on Toy Safety", held on the margins of the Singapore SCSC meeting August 1-2, 2009. The participants, APEC regulators and economy officials, will have the opportunity to deepen their understanding of APEC toy safety systems in a cooperative atmosphere of information exchange. Interested economies are encouraged to present the specifics of their existing, new or proposed toy safety systems. This will be used to compile an inventory of proposed and existing APEC toy regulatory practices to submit to the SCSC, APEC toy trade associations, and other interested organizations, following the event.
- The second workshop titled, "An Open Dialogue on Toy Safety for All Stakeholders", will be held on the margins of the Hong Kong Toy Fair in January 2010. APEC regulators and government officials will engage with all stakeholders in APEC toy trade including toy manufacturers, toy exporters, toy retailers, conformity assessment bodies (laboratories and testing facilities) and standards developers interested in learning more about the toy safety systems operating within APEC.

How the Regular Dialogue on Toy Safety Satisfied the Project Outputs as Defined in the Project Proposal

The first workshop was held on the margins of the APEC SCSC Meeting on August 1-2 in Singapore and met its expected project outputs. Twenty of the 21 member economies participated and 12 served as speakers.

Project Proposal Target Outputs

This project will bring together and educate manufacturers, testing companies, government regulators, and toy trade associations from APEC member economies. The outputs of these workshops will support adherence to the toy safety regulatory efforts which are designed to ensure that the toys children play with are manufactured and tested for compliance with relevant national toy safety requirements.

- The workshop attracted 70 registered participants but more attended the open sessions. The majority represented regulatory bodies, but private sector standard setting organizations, national toy associations, and testing companies were also present.

The workshops will educate stakeholders about complying with the relevant toy safety systems. Additionally, the member economies that participate in the workshops will be able to share ideas and current practices and learn from the knowledge and experience of other members. The government officials' participation in these workshops will support the Leader's commitment to strengthen consumer product safety standards and practices in the region using scientific risk-based approaches without creating unnecessary impediments to trade.

- The importance of ensuring the safety of toys for children was a theme throughout the event. Participants heard details about the regulatory systems of 13 member economies (10 in formal presentations and three as informal dialogue) and participated in an open discussion about the differences between the systems.

The inventory of regulatory practices developed from the first workshop will inform the design of the second workshop. This document and the evaluation reports from both activities will better inform the SCSC, government regulators, toy industry officials, other interested stakeholders on the current state-of-play within and across APEC's member economies.

- In the preparation of the Regulator Dialogue, most economies submitted information noting the following economy specific information: regulating agency, key agency contacts, whether or not the economy uses or references the ISO, ASTM, or EN toy standards, and contact information for national toy industries. At the event, ideas for the inventory's final form were refined. The document is expected to be a deliverable at the second workshop.

This information gathered under this initiative will increase transparency, encourage better alignment and reduce unnecessary impediments to trade related to toy safety standards and practices in the APEC region.

- Never before have toy regulators from 20 economies participated in a closed-door regulator-only dialogue on toy safety. Participants were provided with detailed information explaining the regulatory scheme for 10 economies and the relationship among the three main toy standards, ASTM F963, EN-71, and ISO 8124. The power point presentations will serve as important reference documents as participants return to their economies and share the information among their organizations.
- Regulators from several economies expressed interest in being actively involved in the preparation for the second workshop in January 2010. Stated goals included; moving towards a common set of harmonized standards, the desire to work towards alignment of conformity assessment systems in the region, and interest in coordination on traceability and labeling.

Summary of Opening Statement and Keynote Address

The SCSC Chairman Teo Nam Kuan opened the event by referring to the APEC Leader's Statement from 2008 calling on economies to undertake work in the area of toy safety. He also noted the importance of toys in the APEC region referencing the volume of trade accounted for by APEC economies (estimated at above 80 percent) and the number of economies that exported toys (19 out of 21).

Inez Tenenbaum made her first overseas trip as Chairman of the U.S. Consumer Product Safety Commission to give a keynote address at the Summit and introduce herself to APEC members as a partner and advocate for child safety. Chairman Tenenbaum opened her address stating that strong safety standards can save children's lives and calling for manufacturers to "get the lead out of children's toys." She outlined the requirements of the Consumer Product Safety Improvement Act of 2008, (CPSIA) which made ASTM F963 mandatory on February 10, 2009 and enhanced CPSC's regulatory authorities. On August 14, 2009, the U.S. lead limit will drop to one of the lowest allowable limits in the world and new tracking and tracing labels will be required on all children's products. In

February 2010, the current stay of enforcement for testing and certification for phthalates and lead content will be lifted and the law's requirements will be enforced. She closed her statement by calling for increased regulatory harmonization and encouraged regulators to work toward solutions that have global currency and foster trade. Her official comments can be viewed at the [U.S. Consumer Product Safety Commission](#) website.

Presentations¹

Sharing of Current Practices Regarding Recent Regulatory Developments in the Area of Toy Safety

Ten economies presented their regulatory approaches to toy safety. Representatives from Malaysia, the Philippines, and Singapore added informal comments on their systems. Discussion focused on the use of the ISO-8124, EN-71, and ASTM F-963 standards. One economy has adopted the ISO standard while others use the ISO standard in conjunction with the ASTM and EN standards and a few use the main standards as a base to create their own unique national standards taking what they see as the best from each system.

Economies were represented by their regulatory agencies as outlined below.

- **Australia:** Mr. Stephen Hutchison, Director Product Safety Branch, Australian Competition and Consumer Commission-
- **Canada:** Mr. Robert Ianiro, Director Consumer Product Safety Bureau, Health Canada
- **China:** Ms. Qin Yuan, Official, Department of Supervision General Administration of Quality Supervision, Inspection and Quarantine
- **Chinese Taipei:** Dr. Mei-Tsu Lin, Technical Specialist Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs
- **Indonesia:** Mrs. Rista Aristiteka Dianameci, Head of Sub Division for the Application of Voluntary Standards and Compliant Handling Center for Standard Application Systems, National Standardization Agency of Indonesia
- **Mexico:** Mr. Carlos Cardenas, Chief, Department of Electric-Electronics PROFECO's National Laboratory
- **Peru:** Mr. Angel Escandon, Environmental Specialist Ecology and Environmental Protection Directorate, Ministry of Health
- **Thailand:** Mr. Narit Lerkmoung, Standards Officer, Standards Bureau 3 Thai Industrial Standards Institute
- **United States:** Mr. Rich O'Brien, Director of International Programs and Intergovernmental Affairs U.S. Consumer Product Safety Commission
- **Vietnam:** Mr. Tran Quoc Tuan, Deputy Director, Department for Goods Quality Control Directorate for Standards, Metrology and Quality

Upcoming and Current Supply and Production Practices that can Increase Product Safety

Mr. Damian Fisher from Standards Australia presented the toy related topics from the "Managing Risk Across the Supply Chain" workshop held on July 30-31. Mr. Carter Keithley from the U.S. Toy Industry Association (TIA) summarized the many differences among conformity assessment approaches in the U.S., Europe, and Asia. Ms. Elizabeth Borrelli from TIA provided an overview of its new Toy Safety Certification Program and its plans to implement a private sector safety mark. It was noted that the Toy Safety Certification Program is particularly helpful for small-medium sized companies who do not have the resources necessary to understand and comply with U.S.

¹Copies of the presentations will be made available via the APEC website.

requirements under the CPSIA as well as for factories that seek to reduce redundant testing, auditing and costs.

Enforcement Practices: Recalls, Market Surveillance, Border Inspection

Five economies presented information on export inspections, compulsory certifications, pre-market inspections, mandatory third party testing, and the role customs authorities play in identifying unsafe toys. Several speakers indicated they rely on alerts from the U.S. and the EU to know which toys to recall in their economies. Two economies shared concerns about failure rates for surface coatings for lead and other heavy metals despite the existence of conformity assessment systems. It was noted that work is being undertaken in some manufacturing economies to create lead free environments for manufacturing in an effort to decrease unintentional lead contamination in toys. There was consensus that ensuring the safety of toys is a responsibility that no single economy can undertake on its own.

- China: Ms. Qin Yuan, Official, Department of Supervision General Administration of Quality Supervision, Inspection and Quarantine
- Chinese Taipei: Dr. Mei-Tsu Lin, Technical Specialist Bureau of Standards, Metrology and Inspection, Ministry of Economic Affairs
- New Zealand: Mr. Martin Rushton, Principal Advisor, Measurement and Product Safety Service, Ministry of Economy
- Peru: Ms. Giovanna Miriam Pinto Alcarraz, Chemist, General Environmental Health Directorate, Ministry of Health
- United States: Mr. Marc Schoem, Deputy Director, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission

Communication Strategies Among Economies on Toy Safety

Mr. Robert Ianaro from Health Canada gave an overview of the International Consumer Product Safety Caucus (ICPSC). He encouraged regulators to join the caucus which provides regulatory authorities a forum for open and transparent dialogue on global consumer product safety issues. Mr. Rich O'Brien from the U.S. Consumer Product Safety Commission gave an overview of the regulator and stakeholder coordination work that the OECD has undertaken in the toy sector and indicated linkages have been established through the OECD and APEC to keep the groups informed of the work undertaken in each body. He indicated that the creation of a world-wide recall system is one of the topics currently under discussion in the OECD.

Increased Harmonization of Toy Safety Standards

Mr. Christian Wetterberg from the Swedish Machinery Testing Institute gave a detailed overview of the new Toy Safety Directive which is to be implemented by all EU member states within 18 months and EN-71 standards that interpret the Directive. He noted the overlap that exists between CEN and ISO committee members and explained one significant difference between the EN and ISO-ASTM approaches regarding age grading: the EN classifications are limited to toys for children under or over six years of age.

Ms. Kitty Pilarz from Mattel presented on recent emerging hazards (hemispheric shaped toys, jaw entrapment, folding mechanisms, certain toys with spherical ends, and magnets) and explained how those hazards were quickly addressed in the ASTM standard. She encouraged regulators to look to the international standards first before drafting unique economy specific standards and suggested that changes to the three main standards should be accompanied by rationale statements making it easier for countries to align.

Mr. Ian Anderson from the International Council of Toy Industries Care Foundation Asia Limited, outlined the work undertaken by ICTI to look at the common elements among the ISO, EN and ASTM standards. He noted obstacles to harmonization to one standard: regulator motivations, unique economy laws and customs, environmental laws etc. As an alternative, he suggested that economies could align their national standards towards a “common set” of language so they mirror each other to the greatest extent possible. This is especially vital when there are changes to a standard due to emerging hazards. He suggested that customs authorities could play a role in ensuring the validity of test results by requiring the test report number on the custom forms which could be validated electronically.

International Organizations

Mr. Gary Hutchens, from the International Council of Toy Industries (ICTI) gave an overview of the organization and encouraged APEC toy trade associations to join. He noted that ICTI membership is required by some countries in order to retain membership in national toy associations. ICTI has recently established a CEO Roundtable and a committee on harmonization. Mr. Llewellyn Richards from International Accreditation New Zealand presented information on ILAC’s Mutual Recognition Arrangement. He explained how use of the ILAC system can facilitate trade even when regulatory requirements differ among economies.

Outcomes

- Taking direction from the APEC Leaders’ commitment, participants in the APEC Toy Safety Initiative Regulator Dialogue agreed to find practical ways to strengthen consumer product safety standards and practices using risk-based scientific approaches, and without creating unnecessary impediments to trade.
- Moving forward, regulators agreed to consider ways to improve implementation of the WTO Agreement on Technical Barriers to Trade in the area of toy safety, including in the area of conformity assessment, by strengthening and expanding dialogue on best practices with key stakeholders.
- Participants concurred on the need to promote greater alignment of technical requirements including by exploring ways to “expand the common set” of reference standards and redoubling efforts to harmonize on emerging hazards.
- Participants agreed that the second phase of the APEC Toy Safety Initiative in Hong Kong presented an important opportunity to find practical ways to move forward on these critical issues, and welcomed the opportunity to engage with all stakeholders – including consumer organizations, manufacturers, retailers, standards developers, and conformity assessment bodies. Participants expressed interest in working together to develop and define issues for the Hong Kong Agenda, and agreed to conduct outreach to interested stakeholders in their economies in advance of the Hong Kong Workshop.
- Regulators from Member economies participating in the Dialogue affirmed their commitment to transparency, and expressed a desire for a reference document outlining different toy safety systems in APEC. It was suggested that the document be designed as a matrix with a series of categories that would enable regulators to see where there are common approaches and divergences exist. The following topics were suggested for inclusion:
 - The extent to which the toy safety regulations of Member economies are based on voluntary reference standards or are unique;
 - The three top hazards Member economies seek to address in toy safety regulations;
 - Whether Member economies utilize licensing requirements for the manufacture, distribution and sale of toys;
 - Economy approaches to the use of tracking labels, recall systems, and lead and phthalates requirements.

The U.S. Project Overseer will work closely with the cosponsors and other interested participants to define the scope of the document and will seek to present it at the second

phase of the APEC Toy Safety Initiative workshop in Hong Kong on the margins of the Toy Fair in January 2010.

- Participants also emphasized the importance of strengthening capacity on risk assessment on toy safety hazards, and encouraged further collaboration in this area.
- Participants reviewed several important activities underway in other international organizations on product safety and noted their desire that the APEC Toy Safety Initiative complement, and not duplicate, that work. They agreed to promote greater engagement of APEC economies in these international cooperative activities. In this regard,
 - Regulators from Member economies were encouraged to attend the tracking label event being held in Stockholm, Sweden in September 10, 2009 under the auspices of the [International Consumer Product Safety Caucus](#) (ICPSC).
 - Canada welcomed participation in the [International Consumer Product Health and Safety Organization's](#) (ICPHSO) "International Cooperation on Product Safety Symposium" held on October 27-28, 2009 in Toronto hosted by the Canadian Standards Association and Health Canada.
 - Participants took note of the meeting of the [ISO Toy Safety Technical Committee](#) (TC 181) to be held in New York City on November 9-13, 2009.
 - The United States encouraged participation in ICPHSO's 17th Annual Meeting and Training Symposium to be held in Washington, DC February 15-18, 2010. Recall effectiveness will be discussed.
 - Regulators agreed to explore with the ICPHSO the possibility of including APEC toy safety work on the program of its February meeting in the U.S. APEC year 2011.
 - APEC member economies were encouraged to review the work on product safety conducted under the auspices of the [OECD Committee on Consumer Policy](#), and consider participation in the ongoing activities on product safety of the OECD.
- Participants noted the important role customs authorities play in ensuring product safety and requested that the SCSC share this report with the Subcommittee on Customs Procedures.