

(5) That the rule imposes the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated.

§ 1306.5 Effective date.

This rule is effective December 19, 1988 and applies to all lawn darts in the chain of distribution on or after that date.

PART 1307—PROHIBITION OF CHILDREN'S TOYS AND CHILD CARE ARTICLES CONTAINING SPECIFIED PHTHALATES

Sec.

1307.1 Scope and application.

1307.2 Definitions.

1307.3 Prohibition on children's toys and child care articles containing specified phthalates.

AUTHORITY: Sec. 108, Pub. L. 110-314, 122 Stat. 3016 (August 14, 2008); Pub. L. 112-28, 125 Stat. 273 (August 12, 2011).

SOURCE: 82 FR 49982, Oct. 27, 2017, unless otherwise noted.

§ 1307.1 Scope and application.

This part prohibits the manufacture for sale, offer for sale, distribution in commerce or importation into the United States of any children's toy or child care article containing any of the phthalates specified in § 1307.3.

§ 1307.2 Definitions.

The definitions of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2052(a)) and the Consumer Product Safety Improvement Act of 2008 (CPSIA) (Pub. L. 110-314, sec. 108(g)) apply to this part. Specifically, as defined in the CPSIA:

(a) *Children's toy* means a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

(b) *Child care article* means a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.

§ 1307.3 Prohibition of children's toys and child care articles containing specified phthalates.

(a) As provided in section 108(a) of the CPSIA, the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) is prohibited.

(b) In accordance with section 108(b)(3) of the CPSIA, the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any children's toy or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisobutyl phthalate (DIBP), di-*n*-pentyl phthalate (DPENP), di-*n*-hexyl phthalate (DHEXP), or dicyclohexyl phthalate (DCHP) is prohibited.

(c) In accordance with section 108(c) of the CPSIA, the restrictions stated in paragraphs (a) and (b) of this section apply to any plasticized component part of a children's toy or child care article or any other component part of a children's toy or child care article that is made of other materials that may contain phthalates.

[82 FR 49982, Oct. 27, 2017, as amended at 83 FR 34764, July 23, 2018]

PART 1308—PROHIBITION OF CHILDREN'S TOYS AND CHILD CARE ARTICLES CONTAINING SPECIFIED PHTHALATES: DETERMINATIONS REGARDING CERTAIN PLASTICS

Sec.

1308.1 Prohibited children's toys and child care articles containing specified phthalates and testing requirements.

1308.2 Determinations for specified plastics.

AUTHORITY: Sec. 3, Pub. L. 110-314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B).

SOURCE: 82 FR 41171, Aug. 30, 2017, unless otherwise noted.

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§ 1308.1 Prohibited children's toys and child care articles containing specified phthalates and testing requirements.

Section 108(a) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) permanently prohibits any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP). In accordance with section 108(b)(3) of the CPSIA, 16 CFR part 1307 prohibits any children's toy or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisobutyl phthalate (DIBP), di-*n*-pentyl phthalate (DPENP), di-*n*-hexyl phthalate (DHEXP), or dicyclohexyl phthalate (DCHP) is prohibited. Materials used in children's toys and child care articles subject to section 108(a) of the CPSIA and 16 CFR part 1307 must comply with the third party testing requirements of section 14(a)(2) of the Consumer Product Safety Act (CPSA), unless listed in § 1308.2.

[83 FR 3585, Jan. 26, 2018, as amended at 83 FR 34765, July 23, 2018]

§ 1308.2 Determinations for specified plastics.

(a) The following plastics do not exceed the phthalates content limits with a high degree of assurance as that term is defined in 16 CFR part 1107:

(1) Polypropylene (PP), with any of the following additives:

- (i) The plasticizers polybutenes, dioctyl sebacate, isooctyl tallate, paraffinic, naphthenic, and mineral plasticizing oils, and polyol;
- (ii) Unrecovered catalysts;
- (iii) Fillers;
- (iv) Primary and secondary antioxidants;
- (v) Neutralizing agents;
- (vi) Antistatic agents;
- (vii) Slip agents;
- (viii) Metal deactivators;
- (ix) Quenchers;
- (x) UV stabilizers;
- (xi) Nucleating agents;
- (xii) Flame retardants;
- (xiii) Blowing or foaming agents;
- (xiv) Antiblocking agents;
- (xv) Lubricants; or
- (xvi) Colorants.

(2) Polyethylene (PE), with any of the following additives:

- (i) The plasticizers glyceryl tribenzoate, polyethylene glycol, sunflower oil, paraffin wax, paraffin oil, mineral oil, glycerin, EPDM rubber, and EVA polymer;
- (ii) Initiators;
- (iii) Promoters;
- (iv) Unrecovered catalysts;
- (v) Fillers;
- (vi) Antistatic agents;
- (vii) Flame retardants;
- (viii) Anti-blocking agents;
- (ix) Slip agents;
- (x) Blowing agents;
- (xi) Cross-linking agents;
- (xii) Antioxidants;
- (xiii) Carbon black; or
- (xiv) Colorants.

(3) General purpose polystyrene (GPPS), medium-impact polystyrene (MIPS), high-impact polystyrene (HIPS), and super high-impact polystyrene (SHIPS) with any of the following additives:

- (i) Unrecovered catalysts;
- (ii) Internal lubricants;
- (iii) Chain transfer/transition agents;
- (iv) Stabilizers;
- (v) Diluents;
- (vi) Colorants;
- (vii) Aluminum chloride, ethyl chloride, hydrochloric acid;
- (viii) Iron oxide, potassium oxide, chromium oxide; or
- (ix) Bifunctional peroxides.

(4) Acrylonitrile butadiene styrene (ABS), with any of the following additives:

- (i) The plasticizers hydrocarbon processing oil, triphenyl phosphate, resorcinol bis(diphenyl phosphate), oligomeric phosphate, long chain fatty acid esters and aromatic sulfonamide;
- (ii) Stabilizers;
- (iii) Lubricants;
- (iv) Antioxidants;
- (v) Molecular weight regulators;
- (vi) Initiators/unrecovered catalysts,
- (vii) Activators;
- (viii) Emulsifiers; or
- (ix) Colorants.

(b) Accessible component parts of children's toys and child care articles made with the specified plastics, and specified additives, listed in paragraph (a) of this section are not required to

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be third party tested pursuant to section 14(a)(2) of the CPSA and 16 CFR part 1107.

(c) Accessible component parts of children's toys and child care articles made with a plastic or additives not listed in paragraph (a) of this section that are plasticized or may contain phthalates are required to be third party tested pursuant to section 14(a)(2) of the CPSA and 16 CFR part 1107.

PART 1401—SELF PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS: REQUIREMENTS TO PROVIDE THE COMMISSION WITH PERFORMANCE AND TECHNICAL DATA; REQUIREMENTS TO NOTIFY CONSUMERS AT POINT OF PURCHASE OF PERFORMANCE AND TECHNICAL DATA

Sec.

1401.1 Scope.

1401.2 Purpose.

1401.3 Definitions.

1401.4 [Reserved]

1401.5 Providing performance and technical data to purchasers by labeling.

1401.6 Effective date.

AUTHORITY: Secs. 2(b), 27(e), Pub. L. 92-573, 86 Stat. 1208, 1228 (15 U.S.C. 2051(b), 2076(e)).

SOURCE: 42 FR 42783, Aug. 24, 1977, unless otherwise noted.

§ 1401.1 Scope.

This part 1401 establishes requirements under section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) for marketers and importers of self-pressurized consumer products that contain chlorofluorocarbons as propellants to provide notification of certain performance and technical data to prospective purchasers of such products at the time of original purchase and to the first purchaser of such products for purposes other than resale. The notification shall consist of a label on the product stating that it contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere. Also, manufacturers and importers must provide the commission with

reports identifying which of the self-pressurized consumer products sold by them contain chlorofluorocarbon propellants.

§ 1401.2 Purpose.

Chlorofluorocarbons are used as propellants in self-pressurized containers of a variety of products subject to the Commission's jurisdiction. Scientific research has indicated that chlorofluorocarbons may pose a risk of depletion of ozone in the stratosphere. The stratospheric ozone shield is of great importance in protecting life on earth from shortwave ultra-violet rays of the sun. Ozone depletion allows more of these rays to reach the earth, and the consequences include a possibility of a significant increase in human skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change, both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere. The Commission believes that the requirements of this part 1401 will enable consumers to make a conscious choice of whether to use products that contain chlorofluorocarbon propellants. The Commission also believes that these requirements are necessary in order to carry out the purposes of the Consumer Product Safety Act of (a) helping to protect the public against unreasonable risks of injury associated with consumer products and (b) assisting consumers in evaluating the comparative safety of consumer products.

§ 1401.3 Definitions.

For the purposes of this part 1401:

(a) *Chlorofluorocarbon* means any fully halogenated chlorofluoroalkane.

(b) *Finished product* means a product which has been completely manufactured, packaged, and labeled.

(c) *Initially introduced into interstate commerce* means the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce and passage of title to the product. Thus, mere shipment of a product across state lines from a contract filler to the marketer of the product would not constitute