

(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 diisobutyl 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, isoctyl 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.

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(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 1309—BAN OF CRIB BUMPERS

Sec.

1309.1 Purpose and scope.

1309.2 Definition.

1309.3 Banned hazardous product.

1309.4 Effective date.

AUTHORITY: 15 U.S.C. 2057e.

SOURCE: 88 FR 54879, Aug. 14, 2023, unless otherwise noted.

§ 1309.1 Purpose and scope.

The purpose of this rule is to prohibit the sale, offer for sale, manufacture for sale, distribution in commerce, or importation into the United States, of any crib bumpers, as defined in part 1309.2, as set forth in the Safety Sleep for Babies Act of 2021 (15 U.S.C. 2057e).

§ 1309.2 Definition.

Crib bumper:

(1) Means any material that is intended to cover the sides of a crib to prevent injury to any crib occupant from impacts against the side of a crib or to prevent partial or complete access to any openings in the sides of a crib to prevent a crib occupant from getting any part of the body entrapped in any opening;

(2) Includes a padded crib bumper, a supported and unsupported vinyl bumper guard, and vertical crib slat covers; and

(3) Does not include a non-padded mesh crib liner.

§ 1309.3 Banned hazardous product.

Any crib bumper, as defined in section 1309.2, regardless of the date of manufacture, is a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

§ 1309.4 Effective date.

By statute, the effective date of this ban is November 12, 2022. This effective date of this rule is September 13, 2023.

PART 1310—BAN OF INCLINED SLEEPERS FOR INFANTS

Sec.

1310.1 Purpose and scope.

1310.2 Definition.

1310.3 Banned hazardous product.

1310.4 Effective date.

AUTHORITY: 15 U.S.C. 2057d.

SOURCE: 88 FR 55559, Aug. 16, 2023, unless otherwise note.

§ 1310.1 Purpose and scope.

The purpose of this rule is to prohibit the sale, offer for sale, manufacture for sale, distribution in commerce, or importation into the United States, of any inclined sleepers for infants, as defined in part 1310.2 and as set forth in the Safe Sleep for Babies Act of 2021 (15 U.S.C. 2057d).

§ 1310.2 Definition.

Inclined sleeper for infants means a product with an inclined sleep surface greater than ten degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to 1 year old.

§ 1310.3 Banned hazardous product.

Any inclined sleeper for infants, as defined in section 1310.2, regardless of the date of manufacture, is a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

§ 1310.4 Effective date.

By statute, the effective date of this ban is November 12, 2022. The effective date of this rule is September 15, 2023.