

Submission

Inception Impact Assessment on the Revision of the Toy Safety Directive

The protection of children and the realization of the rights of the child and the right to live in a clean and healthy environment should be of the most important goals for the EU, as it has been laid down in the EU Strategy on the Rights of the Child¹. All products used by children should be subject to the precautionary principle. Toys are not justified of having any essential use, that would allow for the use of harmful chemicals or other threats to children`s safety or health. Therefore, we urgently request the EU Commission to include the following points in the revision of the TSD.

On chemicals:

- All uses of Endocrine Disrupting Chemicals (EDCs) in toys should be strictly prohibited, without any exemptions.² For EDCs no safe threshold limits can be set, as by default they should be considered as non-threshold chemicals. Additionally, for toys there is no justification of any essential use that would allow the presence of EDCs.
- All CMRs should be banned in toys completely, without any derogations.
- All PFAS should be banned in toys completely, without any derogations.
- Limits for nitrosamines and heavy metals such as lead, cadmium are too high, these substances should be banned in all toys.
- Some allergenic fragrances are banned in toys.³ However, to apply to precautionary principle all fragrances and sensitizers should be banned in toys. There is no justification for their essential use in toys.
- PVC contains many toxic additives therefore it should be banned for the use in toys.
- To fully apply the precautionary principle, also manufactured nanomaterials should be prohibited in toys.
- Chemical limit values should only be set for chemicals if there is no general ban (a total ban should include EDCs, CMRs, fragrances, sensitizers, heavy metals, PBT, vPvB, SVHCs, PFAS and PVC). The limit values should then apply for all children and not only for those under 36 months. Simplification of limit values must not lead to lower protection levels, instead they should lead to better protection of all children.
- Where colorants and preservatives are needed, a positive list should be established, which should not contain any substances which are sensitizing or bioaccumulating.

¹ EU Strategy on the Rights of the Child and the European Child Guarantee, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en#:~:text=Search,.The%20EU%20Strategy%20on%20the%20Rights%20of%20the%20Child%20and,basic%20services%20for%20vulnerable%20children.

² EDC-Free Europe recommendations: <https://www.env-health.org/wp-content/uploads/2020/11/September-2020-EDC-Free-Europes-key-recommendations-for-a-reformed-European-regulatory-framework-on-EDCs-update.pdf>

³ <https://echa.europa.eu/allergenic-fragrances-banned-restricted-toys>

- Combined exposures leading to mixture effects must be considered. Safe levels of chemicals should not be set by one chemical alone.

On transparency and traceability:

- Full disclosure of ingredients along the supply chain should be introduced, to ensure the right to know for citizens. This will improve the traceability and accountability along the life cycle.
- A product passport should mandatorily contain all chemical ingredients and necessary sustainability information (e.g. correct disposal, origin)
- Data security and protection of personal data and privacy of children must be guaranteed through the revision of the TSD.

On market surveillance and enforcement:

- Market surveillance is too weak and has to be improved on all levels. The RAPEX notifications show that there are still too many toys on the market that do not comply with EU regulations.
- Mandatory third-party testing should be included, taking into account negative and positive experiences of the USA

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