

# Banned Phthalates: Products and Packaging

## An Editorial

In August 2008, Congress enacted a law banning certain phthalates from use in children's products. The ban **ONLY** involves products designed for use by children, such as toys or drinking cups. According to the law, a child's product is intended primarily for children 12 years of age or younger. The following factors concerning the application of the product are considered:

- A statement by the manufacturer about the intended use of the product, including a label on the product, if such a statement is reasonable
- Whether the product is represented in its packaging, display, promotion or advertising as appropriate for use by children 12 years of age or younger
- Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger
- The age determination guidelines issued by The Consumer Product Safety Commission<sup>1</sup>

If a product is intended for adults or for general use of consumers of all ages, then it is not intended primarily for children. Products marketed and priced in a manner that would not make them appropriate for use by a child are also not intended primarily for children. An example would be an expensive telescope. Because it is sold for general use by all ages, it is not a children's product even though it can be used by a child on occasion.

Six types of phthalates are involved and two types of restrictions.

- Phthalates DEHP, DBP and BBP
  - Permanent Ban on the sale of products containing a concentration of more than .1% of the total weight of the item
  - Applies only to children's toys or child care articles
- Three additional phthalates, DINP, DIDP and DnOP

- Temporary restrictions on the sale of products containing concentrations of more than .1% of the total part weight
- The interim ban will remain in place pending further study by the Chronic Hazard Advisory Panel, or CHAP, convened by the Consumer Product Safety Commission
- This prohibition applies to:
  - child care articles
  - toys that can be placed in a child's mouth or brought to the mouth and kept in the mouth so that it can be sucked or chewed (example: squeeze toys, teethers, bathtub toys and uninflated pool toys.)

For further clarification:

- A child care article is a product that a child under 3 years would use for sleeping, feeding, sucking or teething. Bibs, child's placemats, child utensils, feeding bottles, cribs, booster seats, pacifiers and teethers are examples.
- A child's toy is defined as a product intended for a child 12 years of age or younger for use when playing. General use balls, bath toys/bath books, dolls and inflatable pool toys are examples of toys covered by the law that may include phthalates. Bikes, playground equipment, musical instruments, and sporting goods are not considered toys; therefore, are not affected by the ban.

### **Product Packaging and the Phthalates Ban**

As stated, the Consumer Products Safety Improvement Act defines children's toys as consumer products designed for play or intended for use by children 12 and under. Generally, packaging is not intended for use by children, given that most packaging is discarded and not considered part of the children's toy or child care article. However, if the packaging is intended to be reused, or is used during play or in conjunction with a child care article or child's toy, such as a heavy-gauge reusable bag used to hold blocks, it would be subject to the phthalates ban.

### **Phthalates and Sinclair & Rush, Inc.**

Sinclair & Rush, Inc. does not manufacture packaging materials, other than vinyl caps, that contain phthalates. When vinyl caps are used with tubes for packaging, DINP may be present. However, recall that as long as the packaging is not expected to be reused, the child's toy or child care article prohibition does not apply. All tubing, boxes and thermoformed packaging products manufactured or sourced by Sinclair & Rush, Inc. **do not** contain phthalates.

DINP is present in most of our vinyl products, and in two of our relatively rare formulations, 101 and 314, contain BBP. Having said this, we do have options regarding phthalate compliant materials or phthalate reduced materials. We can manufacture a phthalate reduced material that would contain between .6% and 1% DINP phthalate content. We can also provide totally phthalate compliant formulations. Our sales representatives will be able to assist you with additional information.

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<sup>1</sup> [http://www.americanchemistry.com/s\\_phthalate/sec.asp?CID=2103&DID=8900](http://www.americanchemistry.com/s_phthalate/sec.asp?CID=2103&DID=8900)

Contributions to this article can be attributed to summations of CPSIA legislation and conversations with Exxon, Eastman and Lanxess representatives.