



Women engage for a common future

For toys without toxics – WECF’s input on the revision of the EU Toy’s safety directive

Women Engage for a Common Future (WECF) welcomes the European Commission's plan to revise the EU Toy Safety Directive. WECF International is a network of over 250 partners who are active in 72 countries around the world. We are committed to building a healthy environment and moving towards a toxic free future for all. We call on the EU authorities to strengthen the EU Toys Safety Directive, so it truly protects children’s health and the environment.

As an organisation focusing on gender, women and children's aspects of chemicals safety, protection of vulnerable populations, such as pregnant women and children, must be a priority. As long as there is no guarantee that only safe products enter the market, WECF will raise awareness and inform consumers about better protection from harmful chemicals, including chemicals in toys. Children must be protected from potential leaching of chemicals of concerns from toys, as they are using them from an early stage in their development. Products used by children should be subject to the precautionary principle and should not contain toxic chemicals. The precautionary principle means mainly the obligation to test alternatives and to choose the one which has the lowest impact on human health and environment, including the alternative of non-production.

In article 24§2 of the EU Charter of Fundamental Rights, The Right of the Child states; “in all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration”. The UN Human Rights Council’s report of January 2022¹ has stressed that children’s right to a non-toxic environment should be a priority. It is time to act so that toys are no longer a threat to children’s health.

¹ The right to a clean, healthy and sustainable environment: non-toxic environment, Human Rights Council United Nations, January 2022, <https://www.ohchr.org/en/special-procedures/sr-toxics-and-human-rights>



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Toxic free toys: a basic child's right

WECF and other NGOs across Europe have repeatedly demonstrated the presence and/or contamination of toys by persistent organic pollutants (POPs) as well as endocrine disruptors (EDs). We agree with extending the scope of the directive to include all endocrine disruptors, as well as persistent and bioaccumulative substances. Action has to be taken.

Product testing conducted by Arnika, HEAL, IPEN and other European organizations² has shown that items, including plastic toys, for sale in Europe contain brominated flame retardant chemicals. These chemicals include polybrominated diphenyl ethers (PBDEs), tetrabromobisphenol-A (TBBA) and several new BFRs (i.e., 1,2-bis(2,4,6-tribromophenoxy) ethane (BTBPE) decabromodiphenylethane (DBDPE), hexabromobenzene (HBB), octabromo-1,3,3-trimethylphenyl-1-indane (OBIND), 2,3,4,5,6-pentabromoethylbenzene (PBEB) and Pentabromotoluene (PBT)) which are known to be globally banned persistent organic pollutants, endocrine disruptors, or potentially persistent and bioaccumulative compounds with limited toxicological knowledge. **We want the use of flame retardants, whether chemically linked to the fiber or not, to be banned in toys.**

The study conducted by the NGO Arnika between 2007 and 2016 concluded that the absence of several phthalates previously found in products is due to changes in legislation³. Nevertheless, the data shows that the most regulated phthalate, DEHP (di(2-ethylhexyl) phthalate), has been replaced by new substances in this group, which are also found to be endocrine disruptors and/or bioaccumulative compounds, e.g., DOIP (bis(2-ethylhexyl) isophthalate). **We want all phthalates to be banned in toys.**

Toys are also not covered by the authorization scheme on the use of biocidal products on articles. This means that there is no specific authorization required to apply biocidal products on toys. This is particularly problematic because that means that toys are often not labelled to have been treated with a biocidal product. Secondly, studies increasingly show the growth of antimicrobial resistance in human beings. Children's immune system are not yet mature, and exposure to these substances can have an adverse effect on their health.

² "Toxic Soup: Dioxins in Plastic Toys", HEAL, IPEN, Arnika, 2018, Study, <https://www.env-health.org/toxic-soup-dioxins-in-plastic-toys/>

³ "Phthalates in Children's Environment-Case Studies 2007-2016", Arnika, 2020, <https://arnika.org/en/publications/phthalates-in-childrens-environment>



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In the case of integrating the limit values currently set in other legislation, we advocate the strictest measures proposed. Children are among the most vulnerable groups in society and the EU Toy Safety Directive must reflect this fact. All threshold values should be based on the total concentration of chemicals in the product.

Insufficient information to protect our children

Children play with toys, and they should have fun while doing so. But yet, children and their parents do not know if a toy is safe or not. Toys are sold without any indication on the ingredients (as is the case for cosmetics) and there is no clear labeling.

It is stated in the Treaty of the EU that the environment policy is based on the precautionary principle and that damages to the environment must be resolved at the source.

Parents have the right to know what the potential effects on their children's health are of the toys they buy them, as well as their environmental impact during the production process and waste treatment. **Toys should be labelled with their chemical content.**

A need to extend the scope of the directive

Several studies conducted by NGOs, including WECF have shown that the scope of the Toy Safety Directive is insufficient to protect children. Children are often exposed to very dangerous substances not only through toys, but also through sports accessories, clothing and shoes or hair accessories, kitchen utensils and office (art) supplies. These products are often designed for children but **excluded from the scope of the directive.**

Children are not only exposed to one substance by one product a day. They are constantly exposed to multiple chemicals, which might impact their health⁴. The EU Chemical Strategy for Sustainability recognizes the need to take into account the effect of chemical mixtures. The EU Chemical Strategy states that legal requirements

⁴ "Chemical Cocktails- The Neglected threat of toxic mixtures and how to fix it", CHEM TRUST, MARCH 2022, https://chemtrust.org/wp-content/uploads/Chemical-cocktails_CHEMTrust-report_March-2022.pdf



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should be taken to make sure that “risks from simultaneous exposure to multiple chemicals are effectively and systematically taken into account across chemicals related policy areas”. The “cocktail effect” must be reflected in the revision of the Toys Safety Directive.

The EU Toy Safety Directive should cover within its scope all toy-like items (sports and art accessories or hair supplies designed and used by children as toys). In addition, all persistent organic chemicals and endocrine disruptors should be restricted without derogation, as is the case in electronic products.

An EU toy’s legislation for children every age, everywhere

The directive should extend the protection that currently exists of **children under 36 months to all children**. Indeed, the difference of impact of toys of children whether they are 36 or 39 months is slim. Moreover, chemicals can also impact children in later development phases notably pre-puberty and puberty. Some provision should be taken to have specific regulations when needed for children under 36 months.

It is also important, as stretched in the Chemical Strategy for sustainability, that the EU does not apply double standards. The limitations applied in the EU for products that it imports, and sells **should be the same for toys that the EU exports and produces**. This is particularly important in regard to the EU involvement on the UN Convention on the Right of the Child as well as the UN resolution 48/12 on the human right for a clean, healthy and sustainable environment.

Our demands:

- The extension of the EU Toy Safety Directive should allow for an automatic ban on all persistent, bioaccumulative (PBT or vPvB) and endocrine disrupting chemicals both for health & environment in all products covered by the directive. A class-based approach to ban brominated flame retardants, per- and polyfluoroalkyl substances, chlorinated kerosene, and phthalates as groups should be applied.



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- Toys should be considered specifically when it comes to biocidal treatment and be under an authorization scheme. Biocidal treatments should also be labelled on the product.
- The same standards should apply to items made from virgin and recycled materials.
- Toys should be labelled with the chemicals that they contain on the tag. This labelling should be directly on the tag and not only available on an electronic labelling system
- The toys directive should be expanded to include children of all ages and not only those under 36 months
- We believe that in the current state of scientific knowledge and in application of the precautionary principle, nanomaterials should be strictly prohibited in toys, regardless of whether their addition is intentional or not, and regardless of whether they are added to provide a new functionality.