

**Prohibition on the Sale of Certain Products Containing Specified Phthalates**  
**Section 108 of the Consumer Product Safety Improvement Act (CPSIA)**  
**Request for Comments and Information\***

The staff of the U.S. Consumer Product Safety Commission (CPSC) invites comments on Section 108 of the Consumer Product Safety Improvement Act (CPSIA), "PROHIBITION ON SALE OF CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES".

Subsection 108(a) prohibits the manufacture, import, distribution, or sale of children's toys or child care articles containing more than 0.1% of benzyl butyl phthalate (BBP), dibutyl phthalate (DBP), or di-(2-ethylhexyl) phthalate (DEHP), beginning February 10, 2009.

Subsection 108(b)(1) further prohibits, on an interim basis, the manufacture, import, distribution, or sale of "children's toys that can be placed in a child's mouth" or child care articles containing more than 0.1% of diisodecyl phthalate (DIDP), diisononyl phthalate (DINP), or di-*n*-octyl phthalate (DnOP), beginning February 10, 2009. The Commission will determine whether to continue the interim ban, as described below.

Subsection 108(b)(2) requires the Commission to begin the process of appointing a Chronic Hazard Advisory Panel (CHAP) "not before" February 10, 2009. The purpose of the CHAP is to review the potential effects on children's health of all phthalates and phthalate alternatives in children's toys and child care articles. In doing so, the CHAP will consider the cumulative effects of exposure to multiple phthalates from all sources, including personal care products. The CHAP will recommend to the Commission whether to continue the interim ban and whether additional bans on phthalates or phthalate alternatives are needed.

Subsection 108(e) defines "children's toy" as "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." A "child care article" is defined as "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." A toy is considered a "toy that can be placed in a child's mouth"..."if any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed. If the children's product can only be licked, it is not regarded as able to be placed in the mouth. If a toy or part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth."

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\* This document was prepared by the CPSC staff, has not been reviewed or approved by, and may not necessarily represent the views of, the Commission.