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The Consumer Voice in Europe

ANEC/BEUC position on reducing children's exposure to lead from toys

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Introduction

The European Commission is currently discussing a revision of the limit values for lead in toys. With regard to drawing material, four options are under consideration: 1) no policy change, 2) a self regulatory approach, 3) a partial revision of current limit values which would exempt lead containing raw materials (clay, caolin or pigments) used in coloured pencils, chinks, wax crayons, pastels or in water paint tablets and 4) a complete revision of current limits reducing the limits for lead in all categories of toys and toy materials.

The Commission is arguing that option 4 which is most feasible for children's health would lead to a ban of coloured pencils, chinks, wax crayons, pastels or in water paint tablets as they cannot meet higher standards. The industry is claiming more stringent lead values for dry, brittle, pliable materials and for liquid materials will make disappear many drawing materials from the market.

In spring, the Commission carried out a public consultation which was only addressed to economic operators¹. In parallel, the Commission is looking into the health related effects.

In this position paper, ANEC and BEUC reply to an invitation from the Commission to contribute our views primarily with regard to the specific sub-question of lead exposure stemming from drawing materials such as coloured crayons.

The exposure of children to lead needs successfully to be lowered

ANEC and BEUC criticized for many years that the limit values for heavy metals including for lead in the Toy Safety Directive are inappropriate to protect the safety of consumers.

The exposure of children to even low levels of lead is concern as it is neurotoxic, accumulates in the body and may be an endocrine disrupter. The exposure to lead even at very low levels is thus associated with a number of potential very severe chronic and life-long negative health consequences such as:

- Damaging children's nervous system and brain development;
- Causing hyperactivity;
- Leading to learning disorders.

As lead is toxic, and children are exposed to it through various channels such as the inhalation and ingestion through food and drinking water but also toys, minimizing exposure to levels as low as reasonably achievable (ALARA principle) is urgently needed.

The European Food Safety Agency has pointed out that the current TDI is inadequate as exposure of children to lead through food consumption is already too high to exclude negative health effects. Moreover, EFSA pointed out that it is not possible to establish a safe limit value for lead for the critical endpoints such as neurotoxicity and the endocrine system. Hence, a TWI (Tolerable Weekly Intake) or a TDI (Tolerable Daily Intake) cannot be set.

To protect better children's health, we call for a massive reduction of current limit values by a factor of 7 based on a 5% allocation².



Coloured pens and paints are important for children's development but should not jeopardize children's health

Coloured pencils, wax crayons and other drawing materials can play an important role for the development of children's creativity. Therefore we are, of course, in favour of ensuring that those articles can be made available to children also in future presumed they can be made in such a way that they do not jeopardize children's health. A general exemption of drawing material from lower lead levels for toys is not the right way forward. If they cannot be made safe, it could also mean that they ultimately need to be banned.

Manufacturers are requested to make data available and for these data to be checked by independent parties

We doubt based on manufacturer's replies and on product test results from our member organisations that all those drawing materials would disappear from the market as they would be unable to meet stringent threshold limits for lead. Just half of the respondents (43) to the public consultation consider that certain toys have to be banned whilst 33 do not know and 5 do not expect this would be needed.

Furthermore, the results of the Commission public consultation shows that many manufacturers do use raw materials containing lead (39), little less manufacturers (28) do not make use of such raw materials and a considerable number of respondents does not know (14) if lead is present. This finding can be confirmed by several tests on toys of ANEC and/ or BEUC member organizations that have been carried out in recent years. In all tests there are toys with large differences concerning the content and release of hazardous chemicals including on lead³.

Manufacturers who claim that they cannot produce lead free drawing materials should make relevant information available e.g. to the sub-working group on chemicals in toys for an in-depth discussion and consideration.

Likewise, information should be made available to stakeholder concerning the possible economic impacts and development of prices for consumers. The public consultation of economic operators does not give a clear picture. Although a majority (63 out of 81) expect an increase in costs, 8 expect no increase in costs and 10 respondents do not know.

We recommend that the Commission carries out an independent assessment of the situation and not only to rely on claims of manufacturers.

Our recommendations

While we see drawing materials to be important for the development of children's creativity and therefore should also be available in the future, safety cannot be compromised and in case those items cannot be made safe, they ultimately might need to be taken off the market.



The EU Commission should:

- Favour option 4, i.e. carry out a complete revision of current limits reducing the limits for lead in all categories of toys and toy materials.
- Carry out an independent assessment of the situation as we cannot rely on the accuracy of manufacturer's replies to a public consultation when deciding on the level of safety for children.

ANEC and BEUC call for a massive reduction of current limit values of lead by a factor of 7 based on a 5% allocation.

END

Endnotes

- ¹ The results can be found here:
<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?userstate=DisplayPublishedResults&form=leadintoy>
- ² ANEC position paper on SCHER opinion: Evaluation of the migration limits for chemical elements in toys (July 2010), ANEC-CHILD-2010-G-093,
<http://www.anec.eu/attachments/ANEC-CHILD-2010-G-093.pdf>
- ³ The Swiss FRC tested in 2011 carnival make-up for children including coloured crayons. Some of the products were free of lead and one contained up to 3.8 mg/kg lead. German Stiftung Warentest tested colouring pencils, wax crayons and other drawing materials with regard to the release of heavy metals. No pencil contained lead in core and lacquer (threshold 10 mg/kg Pb). With regard to water paint tablets, 10 out of 11 contained no lead but one contained 270mg/kg Pb.