

2022 No.

CONSUMER PROTECTION

The Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>		***

The Secretary of State makes the following Regulations in exercise of the powers conferred by regulations 39B(2)(b) and 39C(1) of the Toys (Safety) Regulations 2011(a) and Article 31(1)(f) 31(1)(g)(i) and 32(1)(b) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (b)

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022;

(2) These Regulations extend to England and Wales, and Scotland.

(3) These Regulations, except for regulations 2(2)(b) 2(3), 3(2) and 3(5) come into force on 15 October 2022.

(4) Regulations 2(2)(b) 2(3), 3(2) and 3(5) come into force on 15 December 2022.

Amendments to the Toys (Safety) Regulations

2.—(1) The Toys (Safety) Regulations are amended as follows.

(2) In Part 3 (chemical properties) of Schedule 2 (particular safety requirements)—

(a) in the first table at point 11 (prohibited allergic fragrances) after row 55, (treemoss extracts), insert—

<i>No</i>	<i>Name of the allergenic fragrance</i>	<i>CAS number</i>
(56)	Atranol (2,6-Dihydroxy-4-methyl-benzaldehyde)	526-37-4
(57)	Chloroatranol (3-Chloro-2,6-Dihydroxy-4-methyl-benzaldehyde)	57074-21-2
(58)	Methyl heptene carbonate	111-12-6”

(a) S.I. 2011/1881, amended by S.I. 2019/696.

(b) Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products as amended by S.I. No. 2019/1246 and S.I. No. 2019/696.

(b) in the table in point 13, for the element in the first row, (aluminium), substitute—

<i>Element</i>	<i>mg/kg in dry, brittle, powder-like or pliable toy material</i>	<i>mg/kg in liquid or sticky toy material</i>	<i>mg/kg in scraped-off toy material</i>
“Aluminium	2 250	560	28 130”

(3) At the end of the table in Appendix C to Schedule 2 (limit values for chemicals used in toys intended for use by children under 36 months) insert the following entries—

<i>Substance</i>	<i>CAS No</i>	<i>Limit value</i>
“Aniline	62-53-3	30 mg/kg after reductive cleavage in textile and leather materials 30 mg/kg after reductive cleavage in finger paints 10 mg/kg as free aniline in finger paints
Formaldehyde	50-00-0	Polymeric 1.5 mg/l (migration limit) Resin-bonded wood 0.1 ml/m ³ (emission limit) Textile 30 mg/kg Leather 30 mg/kg Paper 30 mg/kg Water-based 10 mg/kg”

Amendments to Regulation (EC) No 1223/2009

3.—(1) The Regulation (EC) No 1223/2009(a) is amended as follows.

(2) At the end of the table in Annex 2 (prohibited substances), insert—

“1645	4-[(tetrahydro-2H-pyran-2-yl)oxy]phenol	53936-56-4	800-360-6”
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(3) At the end of the table in Annex 2, after entry 1645, insert the entries set out in the Schedule to these regulations.

(4) In Annex 3 ,(restricted substances) omit the following entries—

(a) entry 83 (2-(4-tert-Butylben-zy)propionaldehyde);

(b) entry 101 (Pyrithione zinc).

(5) In Annex 3 at entry 98 (Benzoic acid, 2-hydroxy (salicylic acid))—

(a) for the text in column f (product type, body parts) after “(b) Other products except body lotion, eye shadow, mascara, eyeliner, lipstick, roll-on deodorant”, insert—

“(c) Body lotion, eye shadow, mascara, eyeliner, lipstick, roll-on deodorant;”

(b) for the text in column g (maximum concentration in ready for use preparation) after “(b) 2.0 %” insert—

(a) Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products as amended by S.I. No. 2019/1246 and S.I. No. 2019/696.

“(c) 0.5%”.

(6) In Annex 3 at entry 24 for the text in column b substitute—

“Water-soluble zinc salts with the exception of zinc 4- hydroxy-benzenesulphonate (entry 25) and Pyrithione zinc (Annex 2, entry 1670)”.

(7) In Annex 5 (permitted preservatives) omit entry 8 (Pyrithione zinc).

(8) In Annex 5 at entry 51 (Sodium hydroxymethylamino acetate), in column h (Other) insert—

“Not to be used if the maximum theoretical concentration of releasable formaldehyde, irrespective of the source, if the mixture as placed on the market is $\geq 0,1$ % w/w”.

Transitional Provision

4.—(1) Notwithstanding regulation 2(2)(a), toys that are made available on the market prior to 15 October 2022 can be made available on the market until 15 December 2022

(2) Notwithstanding regulations 2(2)(b) and 2(3), toys that are made available on the market prior to 15 December 2022 can be made available on the market until 15 March 2023

(3) Notwithstanding regulation 3(3), 3(4), 3(6), 3(7) and 3(8) cosmetic products that are made available on the market prior to 15 October 2022 can be made available on the market until 15 December 2022

(4) Notwithstanding regulation 3(2) and 3(5) cosmetic products that are made available on the market prior to 15 December 2022 can be made available on the market until 15 March 2023

(5) In these Regulations—

“toys” has the meaning given by regulation 4 of the Toys (Safety) Regulations 2011(a)

“cosmetic product” has the meaning given by Article 2 (1)(a) of Regulation (EC) No 1223/2009(b)

“made available on the market” means supply in the course of a commercial activity (whether in return for payment or free of charge) for distribution, consumption or use on the market of Great Britain, and related expressions shall be construed accordingly

Name
Minister for Small Business, Consumers and Labour Markets
Department for Business, Energy and Industrial Strategy

SCHEDULE

Regulation 3(3)

Amendments to Annex 2 (prohibited substances)

1646	Cobalt	7440-48-4	231-158-0
1647	Metaldehyde (ISO); 2,4,6,8-tetramethyl- 1,3,5,7-tetraoxacyclooctane	108-62-3	203-600-2
1648	Methylmercuric chloride	115-09-3	204-064-2
1649	Benzo[<i>rst</i>]pentaphene	189-55-9	205-877-5

(a) S.I. 2011/1881, amended by S.I. 2019/696.

(b) Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products as amended by S.I. No. 2019/1246 and S.I. No. 2019/696.

1650	Dibenzo[b,def]chrysene; dibenzo[a,h]pyrene	189-64-0	205-878-0
1651	Ethanol, 2,2'-iminobis-, N- (C13-15-branched and linear alkyl) derivs.	97925-95-6	308-208-6
1652	Cyflumetofen (ISO); 2-methoxyethyl (RS)-2- (4-tert-butylphenyl)-2-cyano-3-oxo-3-(α,α,α -trifluoro-o-tolyl)propionate	400882-07-7	—
1653	Diisohexyl phthalate	71850-09-4	276-090-2
1654	halosulfuron-methyl (ISO); methyl 3-chloro-5-[(4,6-dimethoxypyrimidin-2-yl)carbamoyl]sulfamoyl}-1-methyl-1H-pyrazole-4-carboxylate	100784-20-1	—
1655	2-methylimidazole	693-98-1	211-765-7
1656	Metaflumizone (ISO);	—	—
	(E)-2'-[2-(4-cyanophenyl)-1-(α,α,α -trifluoro-m-tolyl)ethylidene]-[4-(trifluoromethoxy)phenyl]carbanilohydrazide [E-isomer \geq 90 %, Z-isomer \leq 10 % relative content]; [1]	139968-49-3 [1]	604-167-6 [1]
	(E)-2'-[2-(4-cyanophenyl)-1-(α,α,α -trifluoro-m-tolyl)ethylidene]-[4-(trifluoromethoxy)phenyl]carbanilohydrazide [2]	852403-68-0 [2]	
1657	Dibutylbis(pentane-2,4-dionato-O,O')tin	22673-19-4	245-152-0';
1658	Silicon carbide fibres (with diameter $<$ 3 μm , length $>$ 5 μm and aspect ratio \geq 3:1)	409-21-2	206-991-8
		308076-74-6	
1659	Tris(2-methoxyethoxy) vinylsilane; 6-(2-methoxyethoxy)-6-vinyl-2,5,7,10-tetraoxa-6-silaundecane	1067-53-4	213-934-0
1660	Diocyltin dilaurate; [1]	3648-18-8 [1]	222-883-3 [1]
	Stannane, dioctyl-, bis (coco acyloxy) derivs. [2]	91648-39-4 [2]	293-901-5 [2]
1661	Dibenzo[def,p]chrysene; dibenzo[a,l]pyrene	191-30-0	205-886-4
1662	Ipconazole (ISO); (1RS,2SR,5RS;1RS,2SR,5SR)-2-(4-chlorobenzyl)-5-isopropyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol	125225-28-7 115850-69-6 115937-89-8	—
1663	Bis(2-(2-methoxyethoxy)ethyl)ether; tetraglyme	143-24-8	205-594-7
1664	Paclobutrazol (ISO); (2RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol	76738-62-0	—
1665	2,2-bis(bromomethyl) propane-1,3-diol	3296-90-0	221-967-7
1666	2-(4-tert-butylbenzyl) propionaldehyde	80-54-6	201-289-8
1667	Diisooctyl phthalate	27554-26-3	248-523-5
1668	2-methoxyethyl acrylate	3121-61-7	221-499-3
1669	Sodium N-(hydroxymethyl)glycinate; [formaldehyde released from sodium N-(hydroxymethyl)glycinate] if the maximum theoretical concentration of releasable formaldehyde, irrespective of the source, in the mixture as placed on the market is \geq 0,1 % w/w	70161-44-3	274-357-8
1670	Pyrrithione zinc; (T-4)- bis[1-(hydroxy-.kappa.O)pyridine-2(1H)-thionato-.kappa.S]zinc	13463-41-7	236-671-3

1671	Flurochloridone (ISO); 3-chloro-4-(chloromethyl)-1-[3-(trifluoromethyl)phenyl]pyrrolidin-2-one	61213-25-0	262-661-3
1672	3-(difluoromethyl)-1-methyl-N-(3',4',5'-trifluorobiphenyl-2-yl) pyrazole-4-carboxamide; fluxapyroxad	907204-31-3	—
1673	N-(hydroxymethyl)acrylamide; methylolacrylamide; [NMA]	924-42-5	213-103-2
1674	5-fluoro-1,3-dimethyl-N-[2-(4-methylpentan-2-yl)phenyl]-1H-pyrazole-4-carboxamide; 2'-[(RS)-1,3-dimethylbutyl]-5-fluoro-1,3-dimethylpyrazole-4-carboxanilide; penflufen	494793-67-8	—
1675	Iprovalicarb (ISO); isopropyl [(2S)-3-methyl-1-[[1-(4-methylphenyl)ethyl]amino]-1-oxobutan-2-yl]carbamate	140923-17-7	—
1676	Dichlorodioctylstannane	3542-36-7	222-583-2
1677	Mesotrione (ISO); 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione	104206-82-8	—
1678	Hymexazol (ISO); 3-hydroxy-5-methylisoxazole	10004-44-1	233-000-6
1679	Imiprothrin (ISO); reaction mass of: [2,4-dioxo-(2-propyn-1-yl)imidazolidin-3-yl]methyl(1R)-cis-chrysanthemate; [2,4-dioxo-(2-propyn-1-yl)imidazolidin-3-yl]methyl(1R)-trans-chrysanthemate	72963-72-5	428-790-6
1680	Bis(α,α -dimethylbenzyl) peroxide	80-43-3	201-279-3"

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations restrict or prohibit the use of certain chemical substances in toys and cosmetic products.

Regulation 2 amends Part 3 of Schedule 2 to the Toys (Safety) Regulations 2011 to prohibit the use of specified allergenic fragrances in Toys. Regulation 2 also restricts the permitted levels of aluminium in toys and restricts the use of aniline, and formaldehyde in toys intended for use by children under 36 months or in other toys intended to be placed in the mouth.

Regulation 3 amends the technical annexes to the retained EU legislation, Regulation (EC) No 1223/2009 (the Cosmetics regulation) to prohibit or restrict the use of chemicals following advice from the Scientific Advisory Group on Chemical Safety. Regulation 3 prohibits the use of the chemicals listed in the schedule to the Regulations following their classification as carcinogenic, mutagenic or reprotoxic under the retained EU legislation Regulation (EC) No 1272/2008 and makes consequential amendments to the technical annexes of the Cosmetics regulation.

Regulation 4 creates transitional arrangements allowing toys and cosmetics products containing chemical substances detailed in the Regulations to be made available on the market the after the coming into force of the Regulations.