

Chapter 173-334 WAC Children's Safe Product Rule

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WAC 173-334-010 Purpose.

The purpose of this chapter is to regulate the content of lead, cadmium, and phthalates in children's products and product components. This chapter clarifies the application of the Children's Safe Products Act to electronic components of children's products.

WAC 173-334-100 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"**Children's cosmetics**" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve.

"Children's cosmetics" includes cosmetics that meet any of the following conditions:

- (1) Represented in its packaging, display, or advertising as appropriate for use by children;
- (2) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or
- (3) Sold in any of the following:
 - (a) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or
 - (b) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

"**Children's jewelry**" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve.

"Children's jewelry" includes jewelry that meets any of the following conditions:

- (1) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;
- (2) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;
- (3) Sized for children and not intended for use by adults; or
- (4) Sold in any of the following:
 - (a) A vending machine;
 - (b) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

“Children’s product”

(1) "Children's product" includes any of the following:

- (a) Toys;
- (b) Children's cosmetics;
- (c) Children's jewelry;
- (d) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or
- (e) Child car seats.

(2) "Children's product" does not include the following:

- (a) Batteries;
- (b) Slings and catapults;
- (c) Sets of darts with metallic points;
- (d) Toy steam engines;
- (e) Bicycles and tricycles;
- (f) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;
- (g) Chemistry sets;
- (h) Consumer electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals, and electronic components that provide functionality to children’s product, are internal to the product when it is properly assembled, and are not accessible during the intended use of the product;
- (i) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;
- (j) BB guns, pellet guns, and air rifles;
- (k) Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;
- (l) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks, and pads;
- (m) Roller skates;
- (n) Scooters;
- (o) Model rockets;
- (p) Athletic shoes with cleats or spikes; and
- (q) Pocket knives and multitools.

“Product Component” means a constituent part of a children’s product that, taken alone or when assembled with other component(s), comprises a children’s product as defined in this chapter. "Product component" does not include a constituent part of a children’s product that:

- (1) is an electronic component intended to provide functionality to the product,
- (2) is internal to the product when the product is properly assembled, and
- (3) is not accessible during the intended use of the product.

"**Cosmetics**" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

"**Department**" means the department of ecology.

"**Manufacturer**" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a children's product or an importer or domestic distributor of a children's product. For the purposes of this subsection, "importer" means the owner of the children's product.

"**Phthalates**" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

"**Toy**" means a product designed or intended by the manufacturer to be used by a child at play.

WAC 173-334-200 Lead, cadmium, and phthalates restrictions.

(1) Beginning July 1, 2009, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing the following:

- (a) Lead at more than .009 percent by weight (ninety parts per million);
- (b) Cadmium at more than .004 percent by weight (forty parts per million); or
- (c) Phthalates, individually or in combination, at more than 0.10 percent by weight (one thousand parts per million).