



Toy Industry Association, Inc.

www.toyassociation.org

May 19, 2010

Ms. Katherine Stewart
The EcoLogo Program and the Center for Clean Products
TerraChoice Group Inc.
171 Nepean Street
Ottawa, Ontario K2P 0B4

RE: TOY INDUSTRY CONCERNS WITH DRAFT ECOLOGO TOY STANDARD

Dear Ms. Stewart:

The Toy Industry Association (TIA) appreciates the opportunity to comment on the proposed criteria and statements presented in *EcoLogo Draft 1: CCD-172 for Toys*. TIA is the U.S. national not-for-profit trade association for producers and importers of toys, games and entertainment products for the youth market. The association has more than 500 member companies representing more than 80 percent of the volume of toy sales in the United States. We are committed to toy safety and environmental sustainability and have active committees and numerous initiatives in both areas.

General Comments

As written, CCD-172 is a very ambitious and broad undertaking which we do not support and encourage you to reconsider. As you may know, TIA has significant experience in developing and implementing standards for the toy industry and has an appreciation for the wide range of products and materials involved. In addition, you should be aware that most toy companies are small businesses and the costs to comply with your standard as proposed would be significant. Our own regulators also caution against overlabeling.

Some specific concerns with the proposed standard include:

Pg 5 Sec 1.0 Q1 Regarding Tiered Standard

While certain companies would be able to meet more advanced levels, a tiered standard with different criteria is overly complex -- especially for a new standard. Based on our experience, developing standards based on current practices and knowledge is most effective. The generally accepted practice is that periodic reviews of the standard are conducted by a cross-functional group of stakeholders, who then update the standard as external situations, capabilities, etc. change.

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Pg 6 Sec 2.0 Category Definition - Excluding Toys That Promote Violence

This section needs to be better defined. Does it include play sets like medieval castles or pirate ships where there are cannons, swords, etc. as part of the play experience?

Pg 6 Sec 3.0 General Requirements

What is the process for determining if all requirements are met? Will it be transparent? For example, it is unclear as to whether or not a company would have to provide an audit trail of documentation to indicate that its entire transportation loop (ground, air, sea, etc.) meets all global bylaws, regulations, etc. The administration of such a requirement would be extremely burdensome and costly.

Pg 7 Product Specific Requirements

There are several inconsistencies in the language related to product-specific requirements. On page 2 and 12 the standard refers to "adding" heavy metals but on page 7 the draft requirement states 'not contain the following heavy metals...' rather than 'not intentionally added' heavy metals. The requirement on page 7 is too restrictive and cannot be met. Language should be consistent to be clear that it only refers to intentionally added heavy metals.

Sec. 5.0 Material Specific Requirements and 6.0 Packaging

There are concerns regarding requirements for recyclable materials, such as petroleum-based plastics. This is a complex topic for toys because of reliability concerns regarding certain types of plastics and resins from a safety performance and/or product integrity perspective. Requirements around specific materials make this a prohibitive business model for most toy companies such as requirements to source from "certified" sources such as the Forest Stewardship Council (FSC) or Sustainable Forestry Initiative (SFI). These concerns also exist for requirements to source from recycled content. These requirements could potentially pose supply and quality issues within certain supply chains for both products and packaging.

Pg 7-11 Sec 5.0 Material Specific Requirements

What specific age grades are you referring to in this section? We are concerned that you are establishing different or undefined limits instead of specifying limits based on currently utilized standards. For example, on page 8 (c) "Not contain the following heavy metals..." and on page 9 "padding must not contain colorants" which includes AZO dyes which currently have limits for less than 30 ppm for under 36 months of age. All of these currently have limits based on toy standards. Does this draft standard propose that all be "non-detectable" limits?

A) vi) Paper and Paperboard -- What is the proposed verification process and who will be performing the verification? Paper and packaging sourcing in the toy industry is a

widespread process using many, many vendors. While testing to meet chemical requirements occurs, full traceability of the harvesting for all paper products is likely not currently done.

A) vii) Effluent -- Again, having documentation to prove that the effluent from every paper mill does not discharge certain materials would be almost impossible to obtain, especially for companies that use brokers to source their paper stock before it is sent to the company's specific supplier for producing the final packaging. The requirements in this document infer that you need proof, not just good manufacturing practices, approved suppliers, etc.

B) Plastic Materials -- As the draft is written, any toy made from virgin plastic that meets safety requirements qualifies for the EcoLogo. There appear to be no requirements regarding the source, environmental benefits or minimum percentage of the plastic used.

E) Metals -- The proposed requirements are unnecessarily restrictive and not verifiable. Complexity of processing metal parts (forming, plating, perhaps additional surface treatments, etc.) would make it difficult to prove you meet the criteria. Literally, every metal screw would be subject to the requirements around degreasing solvents. It would be challenging to trace every screw, to every factory, to the degreasing solvent or defoamer used in that factory. The processes described here may be in place in some factories, but proving it per item would be a complex and costly exercise. It is also required that you know the air emissions related to chrome and nickel treatment. Also, knowing the specifics of your steel 'feedstocks' would seem to be process knowledge that certainly smaller manufacturers would not have the ability to track.

F) Volatile Organic Compound (VOC) Emissions -- It is uncertain if companies have processes and controls in place to verify the specific VOC demands of the GreenGuard Emission Criteria for Low Emitting Products which is referenced in this section.

Pg 12 Sec. 6.0 Packaging

c) The draft standard specifies that at least 90 percent of the packaging must be recyclable or compostable. Note that some states do not recycle PET clamshells and non-rigid plastics even though they are recyclable, as certain Municipal Recycling Facilities may not be able to recover/recycle due to a lack of maturity in the recovery stream.

d) The draft standard specifies that packaging must include a minimum of 25 percent post-consumer recycled content. What measures will be taken to ensure this? For example, will there be FSC and/or SFI chain of custody requirements?

Also, would the EcoLogo program align with the GS1 Global Packaging Project?

Pg 13 Sec 8.0 Verification

More information is needed on how the verification process will be performed and who will be performing the verification.

Also, the draft standard states that on the occurrence of any non-compliance, the license may be suspended or terminated. What happens to product found to be non-compliant already in the marketplace carrying the EcoLogo?

Pg 14 Conditions for EcoLogo Use

There is likely little value in requiring the statement "Certified Toy CCD-172 " that must accompany the logo. The draft standard cites ensuring no ambiguity, but unless the consumer knows what CCD-172 means, it likely has no benefit. In fact, it could cause more confusion as consumers sometimes mistake eco-compliance with safety compliance. In addition, regulators warn against overlabeling to minimize consumer desensitization to labels and the possibility of missing critical warnings.

Starting off with a less ambitious program would allow those trying to comply to work out implementation issues as the program evolves. A huge barrier would be what the requirements are to prove you are eligible to use the logo. Also, as always, aligning this program with others globally is the only way global companies will be able to successfully implement a third-party requirement. If it is one process for this program and one for a European program and another for another region, etc. it simply won't work.

Summary

Thank you for the opportunity to share our thoughts. We hope that these comments will help you reconsider pursuing this project. Let us know if you have any questions.

Sincerely,



Elizabeth Borrelli
Vice President
Corporate Social Responsibility and Issues Management
Toy Industry Association