



# **Standards and Conformity Assessment – Toy Industry Perspectives**

**Al Kaufman**

**Senior Vice-President, Technical Affairs**

**The Toy Association**

**August 6, 2018 – Nashville, Tennessee**



# Regulatory Partners

- US Consumer Product Safety Commission
  - Unique Partnership with ASTM Toy Safety Subcommittee F15.22
- Food and Drug Administration
- Federal Trade Commission
- Health Canada
- Environment Canada
- PROFECO

# Standards and their Role in Consumer Protection



- Consumer product safety standards are the most effective method to improve product safety and reduce injuries
- If the relevant standard is complete and correct, **Compliance = Safety**
- Improved safety standards affect all products in a given category, not just those made by one manufacturer
- Standards have a greater impact than recalls since eliminating the unsafe product before it is produced is the most effective method in improving product safety
- Good standards are data-driven, risk-based, and focused on outcomes (i.e. performance requirements vs. design restrictions)
- Good standards are developed in a transparent manner, with input from all affected stakeholders, i.e. consensus standards
- Standards must not be more rigorous than necessary to achieve desired outcome
- Standards must be living documents and updated as needed to keep pace with newly-emerging hazards and product innovation



# Key Elements of Regulation of Toy Safety

- **Effective Safety Standard**
  - Comprehensive: covers multiple risk aspects
  - Complete
  - Data-driven
  - Risk-based
  - Focused on outcome, not process
  - Revised as needed to address innovation/emerging hazards
- **Effective Conformity Assessment Process**
  - Specifies Sampling/test procedures/frequency
  - Defines who can test (e.g. self-certification versus third-party)/accreditation requirements for testing facilities
  - Specifies conformity marking, if required
  - Must not be more complex/expensive than necessary
  - Must treat all products (e.g. import versus domestic) equally



# Benefits of Alignment

- Reduced cost of production and testing
  - Cost savings passed along to consumers
- Opens markets
  - Greater product availability across multiple markets, with reduced technical barriers to trade
- Greater coordination, simplification, understanding of standards mean **greater product safety**
  - Consistency in interpretation and comparison of results
  - Closer cooperation and enforcement across borders
  - Reduced potential for confusion and mistakes



# Guiding Principles of Standards and Conformity Assessment Alignment



- Requirements should be risk-based.
- Should be developed in an open process with input from all stakeholders.
- Aligned with international norms whenever possible.
- Uniform standards and conformity assessment facilitate compliance, making for safer products.
- Standards should meet societal and market needs and must not act as unreasonable barriers to trade
- Consistent with the globally accepted standardization principles of the **World Trade Organization Technical Barriers to Trade Agreement (WTO TBT)**

# WTO Good Regulatory Practices



WORLD TRADE  
ORGANIZATION

- Existing **international standards and accreditation schemes** should be considered and evaluated for their ability to achieve desired regulatory outcomes before other approaches are considered
- Benefits of alignment (consumer protection and other benefits, facilitation of trade, openness of markets) with existing standards either globally or regionally must be weighed against the perceived incremental benefits of adopting a differing standard
- Similarly, costs to business and consumers of demonstrating compliance (additional testing, redundant certification costs) must also be weighed against the benefits achieved

# WTO Good Regulatory Practices (cont)



WORLD TRADE  
ORGANIZATION

- Regulatory efforts must focus on *outcomes* (i.e., the protection regulations provide, not on the specific requirements or process), and should not be more restrictive than necessary to achieve the desired result
- Good regulations are developed in a transparent manner, with input from all affected stakeholders
- Regulatory actions should, wherever possible, be based on solid scientific data, and should be based on demonstrated risk
- Standards should meet societal and market needs and should not act as barriers to trade, even if this is unintentional



**Thank you!**

**Questions/Discussion?**