



August 24, 2023

Mr. Prathipan Ratnam
Senior Regulatory Policy and Risk Management Advisor,
Consumer and Hazardous Products Safety Directorate,
Healthy Environments and Consumer Safety Branch,
Department of Health
269 Laurier Avenue West,
Ottawa, Ontario,
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VIA Email: CCPSA-LCSPC@hc-sc.gc.ca

Re: CG1 consultation (June 17, 2023) amendments to *Tents Regulations* and *Toys Regulations*

Dear Mr. Ratnam,

On behalf of the Canadian Toy Association (CTA) and The Toy Association in the U.S., we are writing in response to the *Canada Gazette I* (CG1) consultation notice published on June 17 regarding Health Canada's proposed amendments to the *Tents Regulations*, which includes consequential amendments to the *Toys Regulations*. Please note, we have chosen to submit our comments via email as the new CG1 online commenting platform does not enable a joint submission to be registered to two organizations. We would suggest Health Canada recommends to Treasury Board that it amends its online platform to allow for multiple organizations to be identified with a single consultation submission.

As we have detailed to Health Canada during prior consultations on this topic (Letter to M. Korpan – March 15, 2019) the CTA and The Toy Association very much welcome the department's efforts to bolster its current flammability and labelling requirements for children play tents. We continue to support Health Canada's proposed objective to align the *Toy Regulations* with the ISO 8124-2 and EN 71-2 toy standards. However, we are concerned with the proposed deviation for the labelling of "toys intended to be entered by a child". In response, we have included below comments on the proposed amendments for consideration.

- **International Alignment to Enhance Toy Safety:** We welcome Health Canada's desired goal to enhance its regulatory alignment with other leading international toy safety standards. Our member companies recognize the importance of continual monitoring of current standards and making enhancements in toy safety when risks emerge and are committed to strengthening such standards through scientific risk-based approaches. This commitment has been well documented through the ongoing work of the of the ASTM Sub-Committee F15.22 on Toy Safety. For decades, the toy industry has worked in an ongoing partnership with consumer representatives, government officials and technical experts to ensure safety programs and toy standards incorporate the latest child development research and risk assessment techniques. We have actively contributed to the development of the ISO 8124-2 and EN 71-2 toy standards as well as ASTM F963.

- **Alignment of Definitions:** We support Health Canada's proposed amendment to the *Toys Regulations* to include the definition for a "toy intended to be entered by a child." This aligns with the approach and definition already applied under ISO 8124-2 and EN 71-2. We note that in its Regulatory Impact Analysis Statement (RIAS) Health Canada has not referred to the supporting interpretations for this definition that have already been developed by the European Committee for Standardization (CEN) and ISO Technical Committees (TC 52 and TC 181 respectively). We strongly recommend Health Canada ensures that its enforcement guidance utilizes this interpretation guideline. For greater clarity and certainty, the department should also consider referencing this guideline when it updates its *Industry Guide to Health Canada's Safety Requirements for Children's Toys and Related Products (2021)*.
- **Alignment of Labelling Requirements:** We continue to have reservations regarding Health Canada's proposed approach to implement a different labelling requirement rather than utilize the structure of warning labels as outline under ISO 8124-2 and EN 71-2. As we have communicated to Health Canada before (Letter to M. Korpan – March 15, 2019), we recommend mirroring the labelling approach taken under ISO 8124-2 and EN 71-2. Within its RIAS, Health Canada has not provided any science-based arguments or rationale for this labelling deviation. By creating a unique Canadian specific label, Health Canada will be creating a regulatory burden for manufacturers and producers of toys intended to be entered by a child, thus undermining the stated goal in the RIAS to increase the harmonization and alignment with international safety standard.

We appreciate your consideration of our comments. Our member companies remain committed to working with Health Canada to ensure that Canada's product safety regime delivers the intended health and safety benefits to consumers. If you have any questions regarding our submission, please do not hesitate to contact us.

Yours sincerely,



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About the Canadian Toy Association and The Toy Association in the U.S.

The Canadian Toy Association (CTA) supports over 100 members consisting of manufacturers, importers, and distributors of toys. Many CTA members are small and medium enterprises operating across Canada; however, the bulk of Canadian sales come from larger multinational toy companies, most of which are based in the U.S. The Toy Association is a not-for-profit trade association for producers and importers of toys and youth entertainment products sold in North America. It represents over 800 companies. The mission of our members is to bring fun and joy to children's lives and in that mission toy safety is paramount – it is our industry's number-one priority.