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January 30, 2026

Ms. Robin Christensen
Deputy Director, Safer Consumer Products Program
Submitted via online public comment portal and via email to
SaferConsumerProducts@dtsc.ca.gov

RE: Public Comments on Background Document on DTSC's Microplastics in Consumer Products

Dear Deputy Director Christensen,

On behalf of The Toy Association, thank you for the opportunity to provide comments on the November 2025 "Background Document on DTSC's Microplastics in Consumer Products Research." We appreciate DTSC's efforts to engage stakeholders early on in this process and welcome the opportunity to contribute industry perspective and technical insights.

The Toy Association is the North America-based trade association; our membership includes more than 800 businesses, from inventors and designers of toys to toy manufacturers and importers, retailers and safety testing labs, and all members are involved in bringing safe & fun toys and games to children. We are invested in bringing the benefits of play to kids and adults across the world, including California. The creative economy in California is a significant economic driver, of which toys account for nearly $30B in annual economic impact to the state.

Executive Summary:

The Toy Association and its members are strongly committed to producing safe and sustainable toys. The industry has a long history of innovation and leadership in toy safety standards and sustainable manufacturing practices, working closely with industry partners and federal and state regulators to advance product safety and environmental stewardship. Central to this effort is ASTM F963, the toy safety standard incorporated into the U.S. Code of Federal Regulations (16 CFR Part 1250) pursuant to the Consumer Product Safety Improvement Act (CPSIA). Recognized as one of the world's premier toy safety standards, ASTM F963's comprehensive requirements have been widely emulated

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internationally. This commitment reflects the core mission of the toy industry: ensuring access to safe, affordable, sustainable, and educational play for all.

The Toy Association supports policy grounded in sound research and realistic exposure considerations. Toys are designed to meet stringent safety standards and are subject to extensive material, durability, and use requirements. As DTSC continues its evaluation of microplastics, it is important that assessments reflect product design, functional necessity, existing regulatory requirements and oversight, and the actual conditions under which toys are used, to ensure that any policy outcomes are functional and appropriate.

In response to the specific inquiries regarding toys in DTSC's Background document:

- Available data demonstrates the safety of toys and does not support further unique regulations.
    - Available data on human and environmental exposure to primary microplastics from children's toys specifically is extraordinarily limited. On the other hand, existing safety standards and data points to the safety of current products on the market. Additionally, primary microplastics in toys represent a very small segment of the toys sold in California, and regulation of these products will not substantively change any exposure scenarios.
- While there are restrictions on glitter and microplastics in toys in the European Union (EU), these are narrowly tailored and would not apply to the extent described by DTSC.
    - Currently, the only global regulation on glitter and microplastics in toys is a partial ban on certain glitter products in the European Union (EU). The EU regulations are narrowly tailored, and apply only to mixtures and substances, *not articles*. Functionally, this means that, for example, loose glitter is prohibited, while glitter and other primary microplastics are permitted provided that they are part of the toy (such as glitter on doll clothing, glittery plastics, etc.). The DTSC position appears to indicate that all microplastics, including articles, may be subject to further regulation, and this is orders of magnitude beyond what is currently in place in the EU. DTSC should learn from the EU and align with those global standards only to the extent reasonable, feasible, and functional.

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- Alternatives to primary microplastics and plastic glitter in toys are a potential safety risk and are limited in their functional capability.
    - DTSC's proposed alternatives, including renewable cork, at-home recipe, and non-plastic materials, have limitations including safety concerns, as well as performance and durability limitations.

In short, available data demonstrates that toys currently on the market are safe and do not present meaningful exposure to microplastics, underscoring that additional DTSC regulation is not warranted. At the same time, existing global regulatory frameworks already restrict the use of microplastics and plastic glitter in toys and continue to drive material innovation and reformulation. Finally, many proposed alternatives raise their own safety concerns and lack the functional performance necessary to deliver safe, durable, and engaging play, reinforcing the need for DTSC to rely on sound science and existing regulatory oversight when evaluating potential policy actions.

A. Existing data establishes safety of toys, including those referenced in Table 1 of DTSC's Background Document

The Toy Association and its members are strongly committed to producing safe and sustainable toys. Toys are subject to some of the most stringent federal safety requirements of any consumer product, and our members take great care in producing toys safe for children.

While DTSC's background document suggests that certain toys may contain plastic glitter or other primary microplastics that could remain on children's hands after play, exposure assumptions should reflect actual safe use conditions. Importantly, the toys referenced in the document, including play sand, slime, putty, and polymer clay, are toys intended for use by children over 3 years of age, and are not intended to be in a child's mouth unlike toys designed for children under 3 years of age. Additionally, the majority of the components contained within the materials remain bound in the slime/putty/clay as opposed to being released in a manner similar to rinse-off cosmetics or other applications.

In light of the demonstrated safety of toys currently on the market, it is equally important for DTSC to consider the existing regulatory landscape that already governs toy materials and addresses emerging concerns related to microplastics. Toys are subject to comprehensive federal requirements and international regulations that continue to evolve

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as scientific understanding advances, including the European Union's restrictions on the intentional use of certain microplastics (including some applications of glitter). As DTSC evaluates potential policy approaches under its Safer Consumer Products framework, alignment with established regulatory requirements will be important to avoid contradicting requirements and ensuring feasibility and consistency.

B. Existing global regulations limit the use of microplastics and glitter in toys, but these regulations are not without flaws.

Toy Association members operate in a global economy, with both production and sales occurring internationally. This makes compliance within a highly regulated consumer product challenging given the multitude of requirements, some of which conflict from one jurisdiction to another. Alignment with existing standards is often helpful when exposure and risk data support, but requires due care in crafting and full consideration of existing requirements as well as proposed changes, in order to avoid unintended consequences,

In the DTSC Background Document, SCP references the European Union ban of certain microplastics and glitter in the context of the discussion regarding primary microplastics in toys, but it is important to clarify that the EU policy is limited in scope beyond what is described in the DTSC background document. Additionally, the EU standards are not without flaw, and any alignment with those standards must be carefully crafted.

Currently, regulation on glitter and microplastics in toys is in place under a ban on synthetic polymer microparticles (SPM) substances and mixtures under a 2023 revision[1] to the EU's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation[2]. The regulation (and by extension, its amendment) applies across all consumer products made available for sale in the EU, including toys. While DTSC's proposed definition for microplastics (and in several other jurisdictions) appears to be drawn directly from REACH, it is important to note that a number of additional and critical qualifiers are present in the EU requirement but have not also been incorporated into these proposed subsequent applications. As such, SPM under REACH are solid plastics that are less than 5 mm in all dimensions (DTSC's proposed regulatory definition aligns with this parameter)

[1] Regulation (EU) No. 2023/2055
[2] Regulation (EC) No. 1907/2006

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but, importantly, among other parameters[3], also only relate to polymers that are not the result of a polymerization process that is not naturally occurring, biodegradable, insoluble and organic in nature (contain carbon atoms in the chemical structure).

The REACH SPM requirement applies only to mixtures and substances, not articles. This is an important consideration when assessing the scope and application of the EU requirement, and is crucial when considering the specific regulatory impact related to glitter.

Under REACH, an article is defined as "an object which, during production, is given a specific shape, surface, or design that determines its function to a greater degree than does its chemical composition."[4]. The EU considers glitter to be a mixture as opposed to an article[5], which is why it falls under the SPM requirement, *but only in specific and limited circumstances*. Functionally, this means that, for example, loose glitter (as a mixture) is prohibited, while glitter applied to, incorporated into or fully enclosed by an article is either exempted from the REACH SPM requirement entirely (articles) or excluded ("derogated") from the ban (incorporated into a solid in its' final use) [6]. and other primary microplastics are permitted provided that they are part of the toy or consumer product (such as glitter on doll or human clothing, glittery plastics, etc.).

DTSC appears to be taking the position that *all* microplastics, including articles, fall under the scope of the proposed actions & may be subject to further regulation; this is orders of magnitude beyond what is currently in place in the EU. We recommend that DTSC further review and consider this EU regulation and align with those global standards only to the extent reasonable, feasible, and functional. As an example, sequins or beads for a bracelet may fall under the initial assessment (all dimensions under 5 mm), but since they are articles, they do not fall under the SPM ban. Similarly, the REACH SPM requirement applies to specific (synthetic & organic) polymers as opposed to all 'plastic', which includes materials that may or may not be contributing to the microplastic concern that DTSC is

[3] Regulation (EC) (EC) No. 1907/2006, Annex XVII M75
[4] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20250901
[5] On the basis that the chemical composition of the glitter (i.e., its' reflective nature) is of greater importance than the physical form/shape. See the Explanatory guide, Part II.
[6] EU REACH does consider slimes, gels and putties to mixtures, so glitter in these would not be excluded and is banned in the EU market. Some compounds that dry or set into a final solid form are, however, permitted to include glitter under the 5© derogations.

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considering. While toy manufacturers are committed to compliance and have invested substantial resources in reformulation, due to the complexity of the exemptions and derogations, the EU regulation has created uncertainty for products in which microplastics and glitter, including those in slime and toy sand that are referenced by DTSC. Although the EU SPM requirement came into force in 2023, the European Commission only recently published formal (but still unofficial) guidance. These issues underscore the functional challenge of any regulatory approach – such as those under consideration by DTSC and the Toy Association requests that DTSC considers the full scope and application of similar or adjacent regulations, and works with stakeholders to assess and address the impact areas of these changes. Any regulation must be grounded in clear, enforceable definitions, realistic exposure and release pathways, align with existing standards where appropriate, and have a corresponding environmental benefit.

C. Alternatives to primary microplastics and plastic glitter are a potential safety risk and are limited in their functional capability.

DTSC's proposed alternatives to microplastics and plastic glitter – such as toy foam made from renewable cork, at-home recipes for play sand and slime, cellulose or mica in place of plastic glitter, and non-plastic modeling materials – present significant drawbacks, including potential safety and quality concerns, and performance and durability limitations, compared to professionally manufactured toys that meet established safety standards.

Many of the alternatives proposed by DTSC lack data evidencing the safety and durability of their use in children's products. We simply do not have scientific data at this time to establish that the alternatives would be safe in children's toys, and any regulation requiring use of alternatives is premature unless and until we have robust scientific data regarding the safety and efficacy of these alternatives. Additionally, even if the alternatives are shown to be safe, they likely will be a greater cost than current products, resulting in increased cost for consumers.

Further, at-home or DIY formulations raise concerns related to ingredient contamination and safety hazards, including choking hazards and microbial growth. By directing

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consumers to at-home methods, this forgoes the rigorous and critical safety testing required for all toys sold at retail and ensures safety for children.

Lastly, the proposed alternatives may produce a worse environmental impact, since these materials often to not match the durability and functional performance of plastic-based components, leading to premature product failure, shortened product lifespan, and thus increased waste.

Collectively, these limitations underscore the importance of relying on professionally tested products, subject to rigorous testing, compliance with federal and state toy safety standards and ongoing quality assurance, rather than requiring alternatives that may compromise child safety and environmental benefit.

Conclusion

The Toy Association respectfully argues that restriction of microplastics and glitter in toys is not warranted, given the current available data and the safety concerns of alternatives. However, if DTSC intends to continue consideration of regulations related to microplastics and glitter in toys, we ask for a robust stakeholder process to ensure regulations are aligned globally where appropriate, are feasible and functional, and ensure continued safety of toys.

The Toy Association welcomes the opportunity for continued collaboration with California DTSC. Thank you again for the opportunity to submit comments. If you have any questions about this letter, please do not hesitate to reach out; we would be delighted to discuss further.

Sincerely,

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About The Toy Association and the toy industry:

The Toy Association is the North America-based trade association; our membership includes more than 800 businesses, from inventors and designers of toys to toy manufacturers and importers, retailers and safety testing labs, and all members are involved in bringing safe & fun toys and games to children. The toy sector is a global industry of more than US $90 billion worldwide annually, and our members account for more than half of this amount.

Toy safety is the top priority for The Toy Association and its members. Since the 1930s, we have served as leaders in global toy safety efforts; in the 1970s we helped to create the first comprehensive toy safety standard, which was later adopted under the auspices of ASTM International as ASTM F963. The ASTM F963 Toy Safety Standard has been recognized in the United States and internationally as an effective safety standard that has been adopted as a mandatory toy safety standard for all toys sold in the U.S. under the Consumer Product Safety Improvement Act (CPSIA) in 2008. It also serves as a model for other countries looking to protect the health and safety of their citizens with protective standards for children. The 2023 revision to ASTM F963 was accepted by the Commission and came into force in April 2024. The Toy Association continues to work with medical experts, government, consumers and industry to provide technical input to ensure that toy safety standards keep pace with innovation and potential emerging issues.

The Toy Association is committed to working with legislators and regulators around the world to reduce barriers to trade and to achieve the international alignment and harmonization of risk-based standards that will provide a high level of confidence that toys from any source can be trusted as safe for use by children. Standards alignment assures open markets between nations to maximize product availability and choice.