

Brussels, 4 February 2025

Re: Toy safety law negotiations – protecting children against harmful chemicals in toys, including PFAS and Bisphenols

Dear Minister/Permanent representative to the Council

We're writing on behalf of the Health and Environment Alliance (HEAL), an alliance of over 80 member organisations working for better health through a healthier environment.

The ongoing negotiations between Council, Parliament, and Commission on the revision of the Toy safety law are crucial to ensure the most robust provisions are adopted to protect children against exposure to harmful chemicals, including forever chemicals PFAS, and Bisphenols which are classified as toxic to reproduction and endocrine disruptors.

This revision follows findings that the current EU law does not adequately protect children from harmful chemicals in toys [1]. Children are particularly vulnerable to these chemicals as their bodies are still developing - their brain, immune and hormonal systems are very fragile and can be easily affected even by small exposure to harmful chemicals.

We call on your leadership to support the highest level of protection for our children and their families from harmful chemicals in toys.

We call on your support to ensure that the final EU regulation on the safety of toys includes the following:

- **A ban on PFAS, the 'forever chemicals'**

Member States have started banning PFAS in national laws and certain US states already phased out PFAS from toys.

Last year, co-legislators decided to ban PFAS in food packaging under the Packaging and Packaging Waste Regulation. We ask for the same approach to be applied to the Toy Safety Regulation. We do not understand why food packaging should be free of PFAS, but not toys.

Just recently, leading researchers highlighted the impacts of PFAS on the immune system and childhood metabolic health: *"Studies show that PFAS exposure weakens the immune system, leading to a reduced response to vaccines, particularly in children. This is a very alarming finding, as it leaves people vulnerable to disease. [2]"*

- **A ban on the bisphenols group**

There are around 150 worrisome bisphenols [3] and many have been found in toys - in some cases up to six different bisphenols in a single toy. European biomonitoring studies show that bisphenols have been detected in the urine of children across Europe, and their hormone disrupting effects may lead to developmental issues, obesity and cancer.

The adoption of the toys safety regulation is the fastest way to phase out bisphenols from toys without awaiting for a hypothetical REACH restriction. It is indeed unclear when further action on bisphenols will be taken under REACH. In 2023, German authorities have withdrawn their dossier for restriction of certain bisphenols that have endocrine disrupting properties to the environment while the European Commission had said it will investigate a potential restriction on bisphenols that impact human health depending on the outcome of this process. Meanwhile, a report by the European Chemicals Agency indicates that at least 34 bisphenols may need to be restricted due to their interference with the hormonal system and effects on reproduction [4]. It is therefore essential to have them banned as a group of chemicals from toys without further delay.

- **A broadening of the chemicals restriction mechanism to include all the most harmful chemicals**

Given children vulnerability to exposure to harmful chemicals, all the most harmful chemicals need to be restricted from toys, including five hazard classes that have not been included in the proposal by the European Commission or Council: chemicals that persistent, bioaccumulate, are mobile and toxic, as well as endocrine disruptors for the environment [4]. All these chemicals are defined as "most harmful chemicals" in documents by the Commission and therefore have no place in toys.

In 2021, the Council agreed in its conclusions [5] with Commission's statement that persistent, bioaccumulative and toxic (PBT) chemicals should not be present in consumers products, including toys. Therefore, we are surprised that the Council's negotiation mandate on the Toy Safety Regulation does not follow up on this line.

- **The inclusion of the precautionary principle in the operational part of the law**

This would ensure that companies and the European Commission fully take the principle into account when taking decisions.

We call on your leadership and support to uphold the highest level of protection for children, in line with the scientific evidence available [6] and children's rights against exposure to harmful chemicals.

We would like to inform you that this letter will be made public. Thank you for your attention to this matter,

Genon K. Jensen (she/her)

Executive Director

Health and Environment Alliance aisbl (HEAL)



[1] European Commission (2020), Evaluation of the Toy Safety Directive
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1852-Evaluation-of-the-Toy-Safety-Directive_en

[2] P. Grandjean, Professor of Environmental Medicine at the University of Southern Denmark
<https://www.env-health.org/heal-webinar-series-on-the-health-impacts-of-per-and-polyfluoroalkyl-substances-pfas/> -

[3] [4] European Chemicals Agency (2021), Assessment of regulatory needs
<https://echa.europa.eu/documents/10162/7de6871f-30db-9cdc-0a13-20942f511e00>

[5] Council (2021), Conclusions - Sustainable Chemicals Strategy of the Union: Time to Deliver
<https://www.consilium.europa.eu/media/48827/st06941-en21.pdf>

[6] European Society for Paediatric Endocrinology (2024), Statement in the context of the ongoing trilogue negotiations
https://www.eurospe.org/wp-content/uploads/2024/12/ESPE-Statement-Toy-Safety-Regulation_11122024-1.pdf