[redacted]

[redacted]

Thank you for sending me the appropriate forms but I have chosen to respond by email.

1] This is a response by an individual : [redacted]
2] Please acknowledge this reply
3] I would have no objection to you contacting me again.

COMMENTS on the explanatory document:

Para. 48. As you state correctly this Regulation was made to protect ADULTS and children.

Para. 49. The Toys Safety Regulations apply to toys and products for use IN PLAY by children up to the age of 14 years. With very few exceptions pens and pencils are not toys, if they were
then they would be 'CE' marked. [Some are but mainly as a safeguard less they should be incorporated into toys by others.] Hence the Toys Regs. would offer none of the protection of the 1998 Regulations it is proposed to revoke, even to children at school let alone adults.

Para. 50. The same applies to BS EN 71-3, it too only covers toys, defined as "products designed
or intended, whether or not exclusively, for use IN PLAY by children under 14 years of age."

Para. 51. There would seem to be possible savings for manufacturers and importers if the 1998
Regulations are revoked as there would be no necessity to submit their products for heavy metal
analysis or indeed to issue Product Data Safety Sheets specifying the regulations or standards with
which they conform [unless of course they intend to market them as toys].

Para. 52. If the 1988 Regulations are revoked it is difficult to visualise how the General Product
Safety Regulations 2005 could be used to deal effectively with a pen, pencil or brush with uncontrolled
levels of heavy metals if there are no Standards or Regulations with which it is obliged to comply.
[again, of course, unless it is marketed as a toy]

CONSULTATION QUESTIONS:

Q17. No, I do not agree with the proposed revocation.

Q18. One unintended consequence will be the opportunity it will offer to low cost overseas producers
of pens, pencils or brushes, which do not comply with the existing regulations, to enter the UK
market without the risk of prosecution.

Q19 See comment to Para. 51 above, the cost of the analysis involved in obtaining a certificate of
compliance from a approved test house, [for those that do not have the facilities to self certify]
are quite high, particularly for manufacturers [or importers]of coloured pencils as each

colour has
to be tested separately. Quite how a distributer would satisfy his customer that he is supplying a
safe product without a Product Safety Data Sheet is unclear.

Q20 The main cost to UK business I visualise would be the loss of sales due to a large influx of
imports. [see comment to Q19 above]

I trust you will find the above helpful and will ensure it receives due consideration.

Yours faithfully.

[redacted]