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February 4, 2014

Via Electronic (david.baram@cga.ct.gov) and U.S. Mail

The Honorable David Baram
Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Re: ASTM F2923-11: Cadmium Limits

Dear Representative Baram:

As the most recent former Chairman of the U.S. Consumer Product Safety Commission (CPSC or Commission) and a passionate advocate the safety of consumers—especially children, our most vulnerable consumers—I am writing to you to share my views about appropriate limits for cadmium in children’s jewelry. This issue was one that the CPSC technical staff studied extensively during my tenure.

When questions arose about potential safety risks associated with exposure to cadmium in children’s jewelry, I immediately directed the staff to initiate a technical review. After extensive testing of metals and plastics, including actual children’s jewelry samples, CPSC staff issued a detailed technical report on its research. Our staff concluded that a migration standard was the only appropriate way to address the potential exposure to cadmium in these components of children’s jewelry and toys. For substances like cadmium, CPSC staff determined that the recommended migration standard would appropriately assess inadvertent exposures through accidental ingestion. When the staff’s research was completed, at my urging, staff notified both the Fashion Jewelry and Accessories Trade Association (FJATA) and the Toy Industry Association (TIA) about its research. We urged each association to consider and to incorporate the staff’s technical recommendations for scientifically supportable test methods and limits in both the toy and children’s jewelry safety standards.¹

¹ Staff Report, Cadmium in Children’s Metal Jewelry, October 2010, <http://www.cpsc.gov/PageFiles/115615/cadmiumjewelry.pdf>.

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Both the jewelry and toy industries accepted the CPSC's recommendations. The cadmium provisions of ASTM F2923-11, the Standard Specification for Consumer Product Safety for Children's Jewelry, incorporate the scientific findings of the CPSC staff. Such a standard— if rigorously followed—will robustly protect children against exposure to potentially harmful levels of cadmium. Our staff also found that there was widespread industry compliance with ASTM F2923-11 during a subsequent compliance review.² As a result, the Commissioners unanimously adopted staff's recommendation to reject a petition asking CPSC to set a total content limit on cadmium in metal jewelry in 2012.

ASTM F2923-11 includes material-specific cadmium restrictions and appropriate test methods to measure those limits. In general,

- paints and surface coatings are limited to 75 mg/kg of soluble (migratable) cadmium, as tested under the methods of BS EN 71-3: 1995;
- metal and plastic substrate (or base) materials are screened for total cadmium content, and no further testing is necessary if the material does not exceed 300 ppm; and
- metal and plastic substrates that exceed 300 ppm of total cadmium content are tested for soluble cadmium content according to tests appropriate to the type of substance (plastic or metal) and size of the part.

These methods are described in ASTM F2923-11.

I remain impressed by the jewelry industry's commitment to comply with this voluntary standard and the process that lead to its creation. The jewelry industry worked with CPSC staff to ascertain appropriate limits and tests to ensure the safety of children's jewelry, agreed to adopt staff's recommendations, and shepherded ASTM F2923 through the development process. FJATA continues to promote compliance. The strong performances of both CPSC staff and industry deserve praise and support, and adoption of this standard nationally will protect children and promote harmonization objectives. The CPSC staff applies the cadmium requirements of ASTM F2923-11 in its ongoing children's jewelry safety enforcement activities, including testing for compliance of products being imported into the U.S. with the requirements of ASTM 2923-11. All ASTM standards are subject to a three-year review cycle; as was recently announced in the CPSC Public Calendar, the CPSC's technical staff is participating in the 2014 review of ASTM 2923-11.

As legislators in Connecticut consider the risks of cadmium and appropriate responses to this scenario, I strongly encourage you to follow the CPSC's example and adopt the technical requirements for cadmium in ASTM F2923-11. If you have any questions, please contact me at 803.255.9243 or inez.tenenbaum@nelsonmullins.com. The Commission's

² See Letter to Sierra Club *et al*, August 9, 2012, <http://www.cpsc.gov/PageFiles/143937/cadmiumdenial.pdf>.

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technical work on cadmium in children's jewelry was led by Dr. Kristina Hatlelid, who also participated in the ASTM subcommittee. Dr. Hatlelid can be reached at 301.987.2558 or khatlelid@cpsc.gov.

Very truly yours,



Inez M. Tenenbaum

cc: Brent Cleaveland, Executive Director
The Fashion Jewelry & Accessories Trade Association