



The Fashion Jewelry & Accessories Trade Association
25 Sea Grass Way, N. Kingstown, RI 02852
P: (401) 667 - 0520 | F: (401) 267 - 9096
<http://fjata.org>

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To: Committee on Children

IN OPPOSITION TO CT HB 6741

AN ACT CONCERNING CADMIUM IN CHILDREN'S JEWELRY.

On behalf of the children in Connecticut, the Fashion Jewelry and Accessories Trade Association (FJATA)¹ would like to submit this statement in opposition to HB 6741, An Act Concerning Cadmium in Children's Jewelry. First, there has not been a US jewelry recall since 2012 according to CPSC data at saferproducts.gov and second, the trend is for FJATA members and other fashion jewelry and accessories companies to reduce cadmium use regardless of any legislation.

One feature of the bill that we oppose is the requirement for companies to register with a state agency and pay a fee simply because they sell children's jewelry. This appears punitive, considering that there are no other industries with this same obligation. Adding administrative costs associated with filing compliance forms places an undue burden on business and feels like a tax. Further, adding a substantial fine for non-compliance does not acknowledge that the real motivation for a company to comply is avoiding recalls, which can be very expensive and damaging to a brand.

We are also concerned that the task force recommendations are not included in this bill to the extent that cadmium in substrates is limited to 100ppm by weight. Our continuing message, one we are disappointed that the task force rejected, is that a product that contains cadmium is not hazardous. What is hazardous is a product that releases harmful quantities of cadmium, which is the reason FJATA supports migration testing as the only assessment of risk.

In November 2014, ASTM F2923-14, the Children's Jewelry Safety Standard was reviewed through a consensus process by committee members that included jewelry producers, retailers, testing laboratories and consumer groups, as well as representatives from the U.S. Consumer Product Safety Commission (CPSC). There were no proposed, significant changes from the earlier version developed in 2011 indicating that it is working well. This comprehensive safety

¹ FJATA's membership includes in excess of 230 companies, from large multi-national corporations to small family businesses that manufacture and distribute jewelry internationally.

standard addresses all known hazards for jewelry designed and intended primarily for children 12 and under, including lead, cadmium, nickel release, magnets, batteries, and other heavy metal limits. The standard specifically incorporates limits on cadmium derived from the CPSC Staff Report on Cadmium in Children’s Metal Jewelry (October 2010)². This peer-reviewed standard represents the most extensive review of cadmium in children’s jewelry conducted to date and is considered the authority on the topic.

A Historical Review of CPSC’s Technical Research and Actions on Cadmium

When reports suggested that cadmium might be present in children’s jewelry, both CPSC and FJATA began conducting tests to assess the potential for children to be exposed to harmful levels of cadmium. CPSC also received a petition requesting that it adopt a total content limit of cadmium on “toy jewelry” filed by a coalition of environmental groups in May, 2010³. In the meantime, the state of Connecticut enacted a 75 ppm total content limit before the CPSC’s extensive technical work was completed, with an effective date of 2014 in anticipation that additional technical data might become available prior to the effective date.

The CPSC report rejected a total content cadmium limit for risk assessment in children’s jewelry. This report on cadmium in metal and plastic components of children’s jewelry establishes that a total content limit is not scientifically valid since “soluble cadmium migration is not generally proportional to cadmium content” and “product composition factors such as element content and coatings have a larger effect on cadmium migration than does total cadmium content.”⁴ Instead, the CPSC recommended migration testing to correctly assess exposure to cadmium. It expressly urged the jewelry and toy industries to consider the agency’s technical input and recommended migration testing on separate ASTM standards for children’s jewelry and toys (ASTM F2923-11 and ASTM F963-11, respectively). Notably, CPSC’s test results were consistent with test results commissioned by FJATA, which also failed to show a reliable link between total cadmium content and migration⁵.

The children’s jewelry safety standard adopted the CPSC’s recommendation for a total content screening limit of 300 ppm for cadmium in substrate (75 ppm in plastics) with a migration option. Although jewelry containing less than 1.5% cadmium was not found to have the potential for harmful exposure in CPSC’s tests, the standard adopted this lower screening limit of 300 ppm to provide added assurance that products would never result in adverse health effects to children. The migration standard assures that in the rare instances where items exceed the limit, migration testing could assure safety in accordance with CPSC’s research.

² Staff Report, Cadmium in Metal Jewelry, October, 2010, attached to letter to Brent Cleaveland, Executive Director, FJATA, October 19, 2010, available at <http://www.cpsc.gov/PageFiles/115615/cadmiumjewelry.pdf>.

³ Citizen Petition Regarding Cadmium in Children’s Products, Especially Toy Metal Jewelry, May 28, 2010, available at <http://www.cpsc.gov/LIBRARY/FOIA/FOIA10/petition/cadmium.pdf>.

⁴ Memo to Kristina Hatlelid from Ian A. Elder, Assessment of Cadmium Migration from Materials, June 3, 2010, contained in CPSC Report: Cadmium in Children’s Metal Jewelry, October, 2010, p. 55. See footnote 2, *supra*.

⁵ Exponent Technical Report, Evaluation of Cadmium in Metal Jewelry, November, 2010, available at <http://www.fjata.org/wp-content/uploads/EXPONENTcadmiuminjewelryreport2011.pdf>.

The ASTM F2923-11 approach to managing potential risks of cadmium exposure in children's jewelry has the support of the CPSC. The agency, in considering whether ASTM F2923-11 would adequately address potential exposure risks to children due to cadmium in children's jewelry, reiterated its findings, namely, that there was "no clear relationship between the extractability of cadmium from children's metal jewelry"⁶ and its likelihood of producing harmful levels of exposure. CPSC staff also noted that the 300 ppm screening limit "represents a relatively low cadmium concentration that, in staff's experience, is not expected to be associated with harmful exposure or subsequent adverse health effects."⁷ In a bipartisan vote, the four sitting CPSC Commissioners adopted the staff's recommendation that the standard was health-protective and was widely adhered to, and unanimously denied a petition seeking a mandatory total content limit on cadmium in "toy jewelry" in July, 2012⁸. The CPSC staff and Commissioners have recognized the scientific adequacy of the jewelry safety standard in addressing all potential risks of cadmium in children's jewelry.

Conclusion

The CPSC Commissioners have recognized and supported the cadmium protocol authorized in the scientifically-reviewed international safety standard for children's jewelry, ASTM F2923-11. FJATA urges Connecticut to reject HB 6741, a bill that would fail to harmonize cadmium restrictions in this state with CPSC data, as well as existing state and international requirements.

Best Regards,

Brent Cleaveland

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Chairman ASTM F15.24

Executive Director

The FJATA

⁶ Staff Briefing Package, Staff Update Petition HP 10-2 Requesting Restriction on Cadmium in Toy Jewelry, June 29, 2012, at p. 9, available at <http://www.cpsc.gov/PageFiles/91376/cadmium.pdf>.

⁷ Id at p. 9.

⁸ See Record of Commission ballot vote at <http://www.cpsc.gov/library/foia/ballot/ballot12/cadmiumpet.pdf>.