

TASK FORCE ON CADMIUM IN CHILDREN'S JEWELRY

MEETING MINUTES

Monday, January 5, 2015

2:00 PM IN ROOM 2D OF THE LOB

I. CONVENE MEETING

- a. The meeting was called order at 2:18 P.M.

II. REMARKS BY THE CHAIRS

- a. Rep. David Baram made opening comments regarding the structure of the meeting due to a vote occurring by the end of the meeting. Rep. Baram concluded his remarks with an overview of the task force's proposal, other recommendations, and the legislative process once a final recommendation has been voted upon.
- b. Rep. Diana Urban noted her desire for a lower number than the lead proposal, a desire for random testing of distressed jewelry, and raised questions about DCP's ability to engage in the testing discussed in the proposal.

III. TO ADOPT RECOMMENDATIONS

- a. Rep. Baram opened the floor to discussion and questions regarding the proposed recommendations. Brent Cleaveland raised concerns about the proposed testing, the level of parts-per-million, state registration fees, penalties and enforcement of prison sentence. Rep. Baram responded to Brent Cleaveland by addressing some of the concerns he raised in his statement. Brent Cleaveland interjected to note the ASTM standard covers cadmium in plastic and metal components, as those are the only areas where cadmium is found in these products. Rep. Baram thanked Brent Cleaveland for his remarks and expressing his concerns, however Rep. Baram stated he is not fully familiar with the scope of the ASTM standards and is hesitant to incorporate it. Rep. Baram continued with his response to Brent Cleaveland's concerns, noting conversations with DCP lacking clarity on the final cost of a registration fee would be and that it should not be considered a tax or punitive fee, but like any other registration fee. His final comment regarding migration tests, it was noted as important to the industry but Rep. Baram had difficulty embracing it and Rep. Baram indicated many of the recommendations in this document match California's policies on this issue.
- b. Dr. Gary Ginsberg provided comments detailing the parts-per-million range of numbers and changing science that brought him to agree with the proposed number. Dr. Ginsberg provided additional comment on the solubility testing have issues of allowing products that would fail other tests as well as concerns surrounding accuracy for any simulated distressed product tests. He reiterated the difficulty in testing to establish a solid line and number that will please everybody.
- c. Richard Maloney commented that testing has not been done yet on cadmium but has been done with lead. Richard Maloney added other tests re done in partnership with DPH and the Department of Agriculture depending on the item and the test. Rep. Urban asked Richard Maloney for clarification on the interagency testing process. Mr. Maloney clarified the testing process to Rep. Urban.
- d. Kathleen Queen asked about manufacturer safety certifications prior to public sale and agency testing, noting that California law has language regarding this topic. She asked in addition if this would be required of manufacturers in Connecticut or placed solely on the agencies and industry officials. Rep. Baram deferred to Brent Cleaveland to provide a response. Brent Cleaveland responded that as a result of the Consumer Product Safety Act of 2006, every single child item in circulation has a label with a tracking number that goes back to the manufacturer. Brent Cleaveland asked if this satisfied her question. Kathleen Queen responded that it did not because it fails to state what is in the product or that a safe level and whether the manufacturer, distributor, or whoever is responsible to certify it based on state law. Brent Cleaveland noted that under federal law the manufacturer has to perform the tests and store the results of those tests for five years. This policy is the same in California for certification forms. Rep. Baram asked Richard Maloney and Dr. Ginsberg if the information is available through federal requirements if it would be appropriate for either agency to store these certification tests. Richard Maloney stated the proposal would likely need to be studied to determine the cost associated with that process and ensure it is effective. Dr.

Ginsberg raised a concern that if it is not unique then it becomes a more duplicitous process. Richard Maloney added that DCP does engage in lot of labeling requirements and it is a part of credentialing of a manufacturer.

- e. Rep. Baram asked Richard Maloney that if DCP were conducting these tests, they would have the right to ask for verification from prior tests that were done for certification. Richard Maloney stated he felt those would be considered two separate proposals. From an enforcement point of view, the current proposal provided would give DCP the authority to seize any documents or tests in order to confirm and verify what they are seeing. Secondary to that, Richard Maloney stated a proactive registration test up front would allow for credentialing. Each idea, however, should be viewed as a separate proposal.
- f. Anthony DéGeorge provided comments regarding certificates of compliance regarding lead, stating that they also have certificates that cover cadmium. Rep. Baram asked for further clarification regarding certifications and whether it could be transmitted from a company to the state. Anthony DéGeorge responded that the certificate could be transmitted to the state, with test results coming from an accredited, third party lab and not their own in-house lab.
- g. Rep. Dan Carter commented on the access to the certifications from products being shipped into the U.S. as well. Anthony DéGeorge elaborated on Rep. Carter's comments, stating the manufacturers have to test their products by component on their own before their company does testing and sends the components to an independent lab. Anthony DéGeorge asked Rep. Baram about the coating parts-per-million (PPM) requirements. Rep. Baram deferred to Dr. Ginsberg. Dr. Ginsberg responded that the surface coating has proven to be more completely bioavailable compared to the solid total content piece of jewelry. Dr. Ginsberg added that it is important have stronger standards for components that can be dislodged or scratched off a surface and ingested. He stated the 75PPM standard on the surface comes from ASTM standards. Anthony DéGeorge asked whether the proposal was for total content or soluble testing. Dr. Ginsberg responded that it is total. He stated 75PPM soluble is from the 1995 E.U. standard. Dr. Ginsberg stated that the total content standard for the coating is appropriate. Anthony DéGeorge thanked Dr. Ginsberg for his comments, as he was questioning the difference between having the 75 and 300 PPM standards on different aspects of the item versus a single number for both components. Dr. Ginsberg noted Anthony DéGeorge's question is good to ask, but that two numbers makes sense from a bioavailability perspective and to simplify things.
- h. Rep. Carter indicated his support of the recommendations to move them forward, but hoped his concerns regarding fines and state regulations and the concerns raised by others could be further addressed during the legislative session to avoid any confusion and adhere to ASTM standards.
- i. Brent Cleaveland noted the biggest fear for manufacturers when it comes to compliance and enforcement is the risk of recall. He went on to discuss the manufacturing costs of children's jewelry in China and the complexity of establishing agreements for production.
- j. Anne Hulick stated that she still struggles with the ASTM standard in relation to cadmium's bioavailability and that the ingestion or wear and tear caused by a child chewing/sucking on jewelry is not a one-time incident.
- k. Kathleen Queen provided comment about the debate's similarity to lead when it became a rising public health issue. She added that research around cadmium in products has concluded lower levels are consistently better towards reducing health risks. Dr. Ginsberg clarified policies being enacted in other countries based on a potential exposure rate. Dr. Ginsburg then discussed the bioaccumulation of chronic ingestion or exposure versus a one-time or very limited occurrence of ingestion.
- l. Rep. Vargas provided his comments regarding the proposed recommendations, noting continued concern over the risk of chronic exposure. He went on to discuss the risks that are inherent with products produced in China, noting examples of imported products being knock-offs and failing to meet standards only after it has entered the marketplace.
- m. Rep. Baram asked Dr. Ginsberg regarding solubility whether any language needs to be added prior to approving the proposed recommendation. Dr. Ginsberg responded that the language regarding total content as it stands is a bit vague and it would be better clarify that for the surface coating testing standards. Dr. Ginsberg added that it would be an easy check for DCP credentialing

or certification if the manufacturer has done the testing and is readily available. He indicated fines would only need to be considered if the results are not readily available.

- n. Rep. Baram proposed a short list of technical amendments to the task forces recommendation. He proposed there be a divided set of votes, the first being the proposal with the amendments, then a brief discussion of the parts-per-million, and then a final vote with those numbers included.
- o. Rep. Vargas made a motion to approve the recommendations as amended. The motion to approve the recommendations as amended was seconded by Rep. Lou Esposito.
- p. Rep. Esposito asked for clarification on the vote. Rep. Baram referred to the LCO for clarification. The LCO provided clarification that the first vote would be to adopt the recommendations, minus those sections that would be covered in the second vote, but with amendments. The proposed numbers would be decided upon by the second vote. Rep. Baram then reiterated prior to calling a roll call vote. The proposal as amended without a specified PPM limit passed unanimously 12 Yea, 0 Nay, and 1 Abstention.
- q. Rep. Baram then called on Rep. Esposito to make a motion regarding the final numbers in sections two and three. Rep. Esposito made the motion to adopt the 300 parts-per-million standard for sections two and three. The motion was seconded by Tim Phalen. The motion passed on a vote of 8 Yea, 4 Nay, and 1 Abstention.
- r. Rep. Vargas proposed an amendment to adopt a 100 parts-per-million standard for sections two and three. The motion was seconded by Rep. Urban. Rep. Baram called for a roll call vote on the amendment. The amendment failed on a vote of 5 Yea, 7 Nay, and 1 Abstention.
- s. Tim Phalen asked Rep. Baram what happens to the proposal after this vote. Rep. Baram indicated that the General Law Committee Clerk would draft the recommendations. The LCO added that the report would be submitted to the General Law Committee, Public Health Committee, and Committee on Children.

IV. ADJOURNMENT

- a. The meeting was adjourned at 4:00 P.M.