



Brent Cleaveland – Executive Director
Fashion Jewelry & Accessories Trade Association
25 Seagrass Way
Wickford, RI 02852
(401)667-0520

August 24, 2011

Via Electronic Mail

Honorable Assemblymembers
State Capitol
Sacramento, CA

Re: Comments on California Senate Bill 646

Dear Assemblymembers,

The Fashion Jewelry and Accessories Trade Association (FJATA) would like to take this opportunity to comment in opposition to CA SB 646 as it approaches its third reading in the assembly. FJATA is the national association representing the interests of the fashion jewelry and accessories industry in the U.S. Our goal is to promote the safety of our products and to support industry standards and government policies based on science and sound public policy.

CA SB 646 would eliminate the protection of the Burlington Coat Factory Consent Agreement (Agreement) from all signatories upon passage. Additionally, “tie clips” would be included on the list of items classified as jewelry and compliance certification would need to be supplied with all products. We believe these changes to existing law are unwarranted for the following reasons.

First, while we appreciate and share the California legislature’s desire to ensure the safety of products sold within the state through certification requirements and inclusion of new products, i.e. tie clips, there is no indication that signatories to the Burlington agreement are hiding behind the Agreement to offer non-compliant products. The companies who signed the Consent Agreement paid significant fines at the time and are extremely conscientious about compliance. We have reports from members indicating that their annual testing costs are as much as \$1 million. They recognize that apart from the need to adhere to their Consent Agreement commitments, their reputations and business will suffer if they do not meet these requirements.

Second, this Metal-Containing Jewelry Law will be duplicative of Federal standards for children's jewelry, defined to include children 12 and younger. Now, per the Consumer Product Safety Improvement Act (CPSIA), throughout the United States jewelry importers, manufacturers and distributors are required to meet a 100ppm lead limit on all new children's jewelry manufactured after August 14, 2011, a more stringent standard than California requires for lead. Moreover, CPSIA requires third party testing of lead in children's jewelry, which effectively provides the safety net of certification. CPSC enforces this provision and administers penalties to non-compliant companies. Recent amendments to CPSIA do not alter third party testing requirements for children's jewelry.

FJATA, representing the jewelry and accessories industries, is a recognized leader in promoting science-based standards for children's jewelry. The ASTM 15.24 Children's Jewelry Safety Standard, currently being balloted, will apply to all jewelry for children 12 and younger. The standard adopts the CPSIA's stringent lead requirements, limits cadmium, restricts migratable nickel, and addresses certain mechanical hazards in children's jewelry, like magnets and batteries. In setting the cadmium limits, the 15.24 Subcommittee relied heavily on research by the Consumer Product Safety Commission (CPSC), at the CPSC's request. That research concluded that cadmium does not migrate easily from metal and that migratable cadmium is not proportional to total content. This allowed the Subcommittee to approve an initial screening limit of 300ppm which is the level prescribed by CA SB 929. Additionally, if a product fails the 300ppm total cadmium level, it would be subjected to a migration test that must yield below 200µg, which has been established by the CPSC as a safe acute exposure level. Once the ASTM Children's Standard is approved, expected in September 2011, there will be national limits on lead and cadmium in all jewelry products for children under 12. The standard details the required test methods to demonstrate compliance. We believe that the California requirements for cadmium should in fact be modified to reflect this science-based approach grounded in CPSC research.

Burdening companies that have spent historic amounts on safety assurance with these new regulations that do nothing additional to ensure the safety of children's products will needlessly increase costs and cost our industry jobs.

FJATA, for these reasons, OPPOSES California SB 646 and recommends that it be rejected or amended. Thank you for your consideration.

Sincerely,

Brent Cleaveland
FJATA Executive Director