



The Fashion Jewelry & Accessories Trade Association  
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## MEMORANDUM IN OPPOSITION

HB 145 (Hubbard)

AN ACT concerning Health- Cadmium in Children's Jewelry- Prohibition

This bill would prohibit a person from manufacturing, selling, offering for sale, or distributing children's jewelry that contains a certain amount of cadmium.

The Fashion Jewelry & Accessories Trade Association (FJATA), the not for profit, member-owned national trade association formed to promote and protect the interests of suppliers and retailers offering fashion jewelry and accessories to consumers, while ensuring the public's safety, **OPPOSES** this legislation for the reasons contained herein.

FJATA is in the unique position to present the science, corroborated by the Consumer Products Safety Commission (CPSC) findings and test results, supporting a standard that ensures the safety of our products and is also business friendly. As the Chairman of the ASTM International Subcommittee F15.24 writing the Children's Jewelry Safety Standard, we enjoy the unquestioned credibility as the expert in the field.

One of the overarching goals of FJATA is the protection of public health and safety from harmful substances that may be contained in jewelry & accessories or other items of personal adornment and consumer products. FJATA works with state legislatures across the country, as well as the U.S. Congress and the federal Consumer Products Safety Commission (CPSC) to ensure that cadmium, lead and other heavy metals do not migrate out of jewelry and accessories or other products resulting in significant exposure to consumers that could potentially cause harm.

Harm can only occur if a heavy metal is released from an item to result in frequency of exposure over time, in sufficient dosage amounts with actual uptake in the body. Further, the mere presence of a substance in the body is not indicative of risk to human health.  $RISK = HAZARD \times EXPOSURE$ , or RISK (adverse health effects) is the product of HAZARD (inherent harm) times EXPOSURE (magnitude, frequency and duration of exposure pathways to heavy metal). As such, hazard without exposure or exposure without hazard, contains no risk to human health.

Unfortunately, this bill would ban the sale or distribution of novelty products containing more than 75 parts per million (ppm) of cadmium by weight. A far better approach would be to institute a solubility standard for cadmium release that would utilize the ASTM F-963 solubility standard of 75 ppm of cadmium released from a product. ASTM F-963,

which is equivalent to the European Union EN-71 solubility standard, utilizes an aggressive hydrochloric acid solution to measure extractable heavy metals via a 2-hour exposure time (1 hour shaking / 1 hour static) to mimic transit through the human stomach. This is a suitable test to evaluate cadmium released by potential ingestion of an item of jewelry, accessory or a novelty product in a simulated gastric solution.

Walmart has transmitted a product safety and regulatory notice to merchants and suppliers of children's products, toys, children's and adult costume jewelry and jewelry-making craft kits requiring heavy-metals baseline audits of such products, including cadmium. These laboratory audits are to be conducted on mouthable components and components capable of being ingested. Laboratories will measure the release of heavy metals by employing the EN-71 solubility standard and test methods described above. Moreover, Walmart specifically states that if the CPSC issues regulations that limit heavy metals content in children's or novelty products that differ from the above, Walmart will adopt the CPSC final rule.

To this end, FJATA offers the attached amendments to the bill to incorporate the ASTM F-963 (equivalent to EN-71) solubility standard of 75 ppm of cadmium released, to conform to federal standards administered by CPSC and being driven in the marketplace by major retail distributors.

Maryland should not enact a state-specific ban of cadmium in novelty products, as this is better accomplished under federal rules adopted pursuant to the federal Consumer Product Safety Improvement Act of 2008 (CPSIA) as administered by the federal Consumer Product Safety Commission (CPSC).

Unless MD HB 145 is amended to adopt the ASTM F-963 solubility standard of 75 ppm of cadmium released as outlined herein, the Fashion Jewelry & Accessories Trade Association and its member companies, are constrained to **OPPOSE** the bill and **URGE ITS DEFEAT**.

Respectfully submitted,

Brent R. Cleaveland  
Executive Director