



The Fashion Jewelry & Accessories Trade Association

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To: The Joint Committee on Consumer Protection and Professional Licensure
Re: Written Testimony in Support of H.253

January 19th, 2016

Comments in Support of H.253,
an Act Relative to the Sale of Children's Jewelry.

The Fashion Jewelry & Accessories Trade Association (FJATA) supports H.253, an act that would regulate the sale of children's jewelry. FJATA is the voice of the jewelry and accessories industries, representing over 225 manufacturers, suppliers, and retailers, from small independent businesses to large multi-national corporations. FJATA supports national, uniform safety standards that are based on sound science and reflect peer-reviewed approaches to accessing risk. We are pleased to comment on H.253, and share important information that promotes science-based standards ensuring safe children's jewelry and accessories nationwide.

FJATA supports science-based standards for children's jewelry. We agree that solubility testing is key because that reflects what could be potentially absorbed upon accidental ingestion or mouthing. We therefore support this bill which is based on extensive recent technical research conducted by the Consumer Product Safety Commission (CPSC), as well as research sponsored by our industry. This research represents the best available science on which technical requirements for children's jewelry safety should be based. The ASTM F2923-14 International Children's Jewelry Safety Standard establishes requirements based on this research.

Many of our members and their customers distribute children's jewelry in Massachusetts and thus are vitally interested in assuring that legislation reflects best available technical data.

Our Commitment to Product Safety: The ASTM Children’s Jewelry Safety Standard

FJATA chairs the ASTM International F15.24 Subcommittee on Children’s Jewelry Safety. We are proud that a broad group of stakeholders’ came together and developed a standard that addresses all known hazards and risks found in the use and abuse of children’s jewelry and accessories. Throughout the development process the committee worked closely with consumer groups, industry members, retailers, CPSC staff, testing laboratories and other stakeholders. Balloting and a thorough peer review was completed and the standard is now known as ASTM F2923-14. This Children’s Jewelry Safety Standard includes provisions that establish the following requirements for children’s jewelry:

- Limits on lead in paint/surface coatings and substrate, consistent with current federal law and requirements of the Consumer Product Safety Improvement Act passed by Congress in 2008.
- Migration limits for heavy metals (except lead) in paint and surface coatings, identical to those in the ASTM F-963 toy safety standard, as mandated by Congress.
- A total content screening limit for cadmium in all metal (including precious metal) and plastic components of jewelry, coupled with migration standards for plastic or metal components that exceed the screening limit. The migration tests vary depending on whether potential exposures relate to possible ingestion (in which case acid extraction tests are required), or to mouthing (in which case a simulated saliva test is required).
- Exemptions from the cadmium limits for all other materials (crystal, glass, gemstones, natural materials, etc.) given the absence of data suggesting an exposure risk.
- Limits on nickel migration, consistent with international jewelry standards.
- Requirements for magnets and batteries in jewelry.
- Guidelines on identifying children’s jewelry.

The technical basis for the proposed cadmium limits in the ASTM Children’s Jewelry Safety Standard includes research conducted by the CPSC and described in its report.¹ Notably, this research failed to identify a relationship between total cadmium content and migratable cadmium. In fact, the CPSC concluded that “soluble cadmium migration is not generally proportional to cadmium content” and that “product composition factors such as element content and coatings have a larger effect on cadmium migration than does total cadmium content.”

The CPSC requested that the ASTM Children’s Jewelry Committee carefully consider this technical research. In doing so, the committee was able to derive an extremely conservative screening level of 300 ppm based on assumptions derived from worst-case migration rates from metal jewelry subjected to a 24-hour acid extraction test simulating accidental ingestion. The CPSC has acknowledged that there is no reason to believe that metal or plastic components that contain less than 300 ppm cadmium are likely to present an exposure risk. Under the standard, migration testing is required for plastic or metal components that exceed the screening limit using test methods appropriate for the material and type of exposure involved.

The approach reflected in the Children’s Jewelry Safety Standard for cadmium – a total content screening limit for accessible metal or plastic components, coupled with migration testing –

¹ See CPSC Staff Report, Cadmium in Metal Jewelry, October, 2010, available at <http://www.cpsc.gov/library/foia/foia11/os/cadmiumjewelry.pdf>.

provides a common-sense risk-based approach to addressing potential risks while avoiding bans on safe products while reducing testing costs.

The Need for Nationally Consistent Standards

FJATA members are strongly committed to protecting the safety of their customers, especially children. We have always supported national, risk-based standards for safe children's jewelry based on its view that science and facts should form the basis for national product safety standards. The ASTM Children's Jewelry Safety Standard reflects the best available science for jewelry and enjoys strong stakeholder support. We therefore urge you to recognize the ASTM Children's Jewelry Safety Standard F2923-14 and vote in support of H.253.

Adopting our recommendations as outlined here will protect consumers with tough, strong standards that are based on science, reduce burdens on industry, protecting jobs and employment, and promote both interstate commerce and international trade. FJATA and its members have a unique perspective on how H.253 affects the jewelry and accessories industries, and appreciates the opportunity to provide you with this information.

Sincerely,

Brent Cleaveland

Brent Cleaveland
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