

SPC&B Update

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Maine & Albany Target Products Containing Certain Heavy Metals and Chemicals

Tired of waiting for the state legislature to act, the County of Albany enacted a law to ban the sale of children's products (products for children aged twelve and under) containing any or all of six heavy metals and benzene. Effective one year after the law is filed with the Office of the New York State Secretary of State, benzene, antimony, arsenic, cadmium, cobalt, lead and mercury will be banned in all children's products, except for batteries, consumer electronics or electronic components, paper products, or a drug, biological, medical device, food or food additive regulated by the U.S. Food & Drug Administration (FDA), sold in Albany County. The law will be enforced by the Albany County Department of Health, which is directed to issue rules and regulations necessary for such enforcement.

Meanwhile, the state of Maine announced a proposal to designate formaldehyde and four phthalates as Priority Chemicals under its Toxic Chemicals in Children's Products' law, which was enacted in 2008. If the proposals are adopted, formaldehyde and DEHP, DBP, BBP and DEP, would be subject to reporting if used in children's products, along with previously designated chemicals arsenic, bisphenol A (BPA), cadmium, mercury, nonylphenol and nonylphenol ethoxylates.

Foreign Countries Issue New and Revised Standards

Several countries have amended standards or implemented new standards affecting consumer products.

Japan recently issued a revised care labeling standard, harmonizing its basic washing, bleaching, drying, ironing and dry cleaning symbols to the ISO international care labeling system.

The European Union has revised its standard for cords and drawstring on children's clothing. While the basic requirements remain the same in the revised standard, the scope and several

requirements are clarified. For example, the standard specifies that certain products, such as bibs and aprons worn for limited periods of time under supervision are not within the scope. The standard now has additional diagrams to illustrate the text, and the general requirements include information on belt loops and zipper pulls. The standard provides expanded information on the designs and permitted lengths for shoulder straps, halter necks and decorative bows in the hood and neck area. There are new treatments for tied belts at the waist and descriptions of permitted cord lengths on sleeves.

A new standard for children's footwear will go into effect in China on January 1, 2016. The standard specifies certain physical and mechanical properties, including for accessible sharp edges or points, heel height, etc., and restricts certain substances in footwear designed for children up to 14 years old.

Finally, Canada has implemented regulations governing mercury in consumer products. For most products, the regulation imposes a general ban on mercury limiting its presence to less than 0.1%, which goes into effect on November 7, 2015. For certain exempt products, mainly electrical and electronic components, the regulation requires a label indicating the presence of mercury and other warning language, and provides for maximum concentrations of mercury for such products.

For further details on local and foreign regulations and standards, please contact Gail T. Cumins at gcumins@spcblaw.com, Alli Baron at abaron@spcblaw.com, or Donna Shira at dshira@spcblaw.com, or call us at 212-425-0055.

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