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# ❖ SPC&B Safety News ❖

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A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

October 7, 2010

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## ***I. California Limits Cadmium in Children's Jewelry Beginning January 1, 2012***

## ***II. CPSC Publishes Final Rule on Definition of "Children's Product"***



**I.** California recently joined Illinois, Connecticut and Minnesota in limiting cadmium in children's jewelry. The new limit of 300 ppm will go into effect for such products manufactured, shipped, sold, or offered for sale in California as of January 1, 2012, and applies to jewelry made for, marketed for use by, or marketed to, children 6 and younger. Manufacturers or suppliers of children's jewelry sold or offered for sale in California will be required to provide a certification (as currently required for lead in children's jewelry), to the person who sells the jewelry in the state. Another way to comply with the certification requirement is to display it prominently on the shipping container or on the jewelry packaging. The certification attests that the jewelry does not contain a level of lead or cadmium that would prohibit the jewelry from being sold or offered for sale in California.

Civil penalties for violations would not exceed \$2,500 per day for each violation. Criminal penalties for knowing or intentional violation would be subject to fines of between \$5,000 to \$100,000, imprisonment for not more than one year, or both.

While cadmium is only regulated on the federal level in surface coatings for children's toys, the Consumer Product Safety Commission (CPSC) has indicated an interest in limiting cadmium in children's jewelry in the future.

**II.** As discussed in our *Safety News* of March 31, 2010, the Consumer Product Safety Commission (CPSC) issued a proposed interpretative rule on the definition of "children's product" for purposes of the Consumer Product Safety Improvement Act (CPSIA). The final rule, to be published in tomorrow's Federal Register, includes a few minor changes to the initial proposal. A copy of the final rule is available upon request.

Anyone with concerns about compliance with state safety requirements or wishing for more information on the definition of children's products should contact Gail Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com) or Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com), or call us at 212-425-0055.

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