
❖SPC&B Safety News❖

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

March 28, 2011

Prop 65 Fashion Accessories Phthalates Settlement Expanded to Industry-Wide “3P Standard,” Opt-In Available



In our October 19, 2010, Safety News, we alerted you to a recent California Proposition 65 settlement agreement to limit the amount of DEHP (one type of phthalate) in fashion accessories and footwear to no more than 1000 ppm (0.1%). In a recent amendment to the settlement, the parties agreed to expand the settlement to set an industry-wide “3P Standard,” in accessible components of fashion accessories.

The new 3P Standard limits the maximum concentration of 1,000 ppm each of three different phthalates — DEHP, BBP, and DBP — in each accessible component. Accessible components are defined as polyvinyl chloride (PVC) or other soft plastic, vinyl, or synthetic leather component that could be touched by a person during reasonably foreseeable use.

The fashion accessories included in this expanded settlement include:

- Wallets and other coin or bill holders
- Handbags, purses, clutches, and totes
- Belts
- Footwear
- Apparel, including gloves and headwear (excluding sauna suits)
- Jewelry
- Key holders, keychains, and key caps
- Luggage tags and ID cases
- Bag charms and zipper pulls
- Eyeglass cases
- Coverings/cases for mobile electronic devices
- Coverings for journal/address books
- Cosmetic cases/bags
- Toiletry cases/bags

For initial settling defendants, the 3P standard goes into effect on December 15, 2011, although extensions

75 Broad Street
New York, New York 10004
Phone: 212-425-0055
Fax: 212-425-1797
212-742-2180

SHARRETTS, PALEY, CARTER & BLAUVELT, P.C.

www.spcblaw.com

Email: customs@sharretts-paley.com

1660 L Street, N.W.
Washington, D.C. 20036
Phone: 202-223-4433
Fax: 202-659-3904

can be granted to participating defendants until December 15, 2012 for most fashion accessories, and until December 15, 2013 for footwear, if they are willing to pay more penalties. There is an opt-in provision in the settlement, allowing other companies who have received Prop 65 60-day notices to be subject to its provisions, within 60 days of the amended settlement. We note that this agreement does not apply to products primarily intended for children under 12 years of age.

If you have concerns about how your company can protect itself from Proposition 65 claims, you should contact Gail Cumins at gcumins@spcblaw.com, Donna Shira at dshira@spcblaw.com, or Alli Baron at abaron@spcblaw.com, or call us at 212-425-0055, for further information.
