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# ❖SPC&B Safety News❖

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

October 1, 2012

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## *California Proposition 65 Settlements Cover New Products and Substances*



In a recent Proposition 65 settlement agreement, arsenic and formaldehyde were included with the list of usual suspects (lead, cadmium, and phthalates) in Halloween costumes, Halloween costume accessories, and Halloween indoor/outdoor décor and games, adding to the headaches for companies selling consumer products in the state of California. While the agreement relates to Halloween products, there is nothing preventing other apparel and accessory products from being targeted for containing these chemicals.

In this regard, consumer advocates continue to search for new and different product categories and chemicals to target, resulting in additional testing requirements for manufacturers, importers and distributors, for both adult and children's products, absent Proposition 65 warning labels.

In this most recent action, the following limits were established for the Halloween products listed above:

### Arsenic

- 25 ppm for all accessible components

### Cadmium

- 300 ppm for components designed for children under 12 that can be placed in a child's mouth
- 75 ppm for all other accessible components

### Formaldehyde

- 20 ppm for accessible fabric or textiles in products intended for children under 3
- 75 ppm for accessible fabric or textiles in products intended for children 3 and up and/or for adults

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Lead

- 90 ppm for accessible paint and/or surface coatings
- 100 ppm for accessible substrates in products intended for children under 12
- 300 ppm for accessible substrates in products intended for children 12 and up and/or for adults

Phthalates (DEHP, DBP, and BBP)

- 1000 ppm of each of the 3 named phthalates for all accessible components

If you have concerns about your company's compliance with applicable consumer product safety rules and regulations, please contact Gail Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com), Alli Baron at [abaron@spcblaw.com](mailto:abaron@spcblaw.com), or Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com), or call us at 212-425-0055.

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