

Jewelers want states to replace limits on cadmium

September 26 2011, By JUSTIN PRITCHARD , Associated Press



This undated file photo provided by the U.S. Consumer Product Safety Commission shows three sizes of "Best Friends" charm bracelets, which were sold by Claire's Boutiques and recalled in 2010 because of high levels of cadmium, which is a known carcinogen. Efforts by the jewelry industry to voluntarily limit the toxic metal cadmium in children's trinkets are finally coming together, but because the limits are voluntary, there is no automatic penalty if jewelry exceeds them. Federal regulators will, however, use the limits in deciding whether to pursue recalls. (AP Photo/U.S. Consumer Product Safety Commission, File)

(AP) -- The U.S jewelry industry wants states to overturn laws that limit the toxic metal cadmium in children's trinkets and adopt new voluntary

guidelines it helped create, saying stricter rules in several states create chaos for manufacturers and importers.

Persuading legislators to reopen the issue won't be an easy sell: Many consumer and environmental advocates say the new guidelines weaken protection of children's health.

While the voluntary rules have the support of federal regulators, states that passed much stricter limits over the past year would have to backtrack and allow higher levels of a metal that can cause cancer.

That didn't sound likely Monday.

"Maryland ought to set whatever standard we feel is correct," said Delegate James Hubbard, a Democrat who successfully sponsored the nation's toughest cadmium-in-jewelry limits this spring. "We made a judgment call based on what we felt was in the best interest of the people we represent."

A [jewelry](#) industry that has been hammered by more than a year of recalls and legal setbacks does have some momentum, now that the rules it drafted were passed last week by the respected organization ASTM International, which sets voluntary rules for a range of goods. Industry's goal is to replace the current patchwork of regulation with a unified standard.

"Our whole mission in this is to have standards that are not floating in quicksand," said Brent Cleaveland, head of the ASTM subcommittee that wrote the rules and executive director of the Fashion Jewelry and Accessories Trade Association. He described the limits he oversaw as "way more conservative than necessary" to protect kids' health.

Cleaveland says his next move is to press legislatures in states that have

set limits to reopen the issue and adopt the voluntary standards. If that succeeds, Cleaveland would then ask Congress to pass legislation to make the voluntary standard national law.

If the industry lobbying effort fails, state limits that are much tougher than the voluntary rules will effectively remain the national standard. That's because manufacturers that sell in places like California and Maryland would need to comply with limits there, and wouldn't create different products for the rest of the country.

Mandatory limits adopted over the past year already deter use of the heavy metal, which over time can also cause bone and kidney diseases, though there have been no documented deaths or serious injuries.

While the voluntary standards don't trump limits from states and legal settlements, they do create a consensus national standard that jewelry manufacturers and importers endorse.

Because the limits are voluntary, there is no automatic penalty for jewelry sold with cadmium levels exceeding them. The U.S. Consumer Product Safety Commission will, however, use the limits in deciding whether to pursue product recalls.

The agency has argued that voluntary limits were the appropriate - and fastest - way to create a common understanding of what constitutes a problem piece of jewelry. The agency said that unless it finds widespread failure to comply, it will not seek mandatory rules.

In response to an Associated Press investigation, the Consumer Product Safety Commission helped recall about 300,000 pieces of high-cadmium necklaces, bracelet and rings last year. The AP reported that some of the jewelry contained more than 90 percent cadmium and would release alarmingly high levels of the metal into stomach acid if swallowed.

Problem jewelry, typically made in China, was available across the marketplace, from Walmarts to chain stores specializing in jewelry to dollar-type shops.

Five recalls were done before the agency decided how to handle the problem. By last fall, guidelines were in place for how to identify a hazardous piece of jewelry based on lab testing that mimicked how much cadmium would enter a child's body from jewelry that was licked or swallowed. In that process, the agency more than tripled its estimate of how much cadmium a child could safely ingest.

Jewelry test results above those levels may - or may not - trigger the agency to ask businesses to yank an item from their shelves.

It wasn't just fuzzy federal guidelines that drove the jewelry industry to seek predictable rules. Importers and manufacturers had to comply with new testing demands from retailers, the varying limits imposed by California, Maryland and three other states, as well as a limit that was established when major retailers recently settled a lawsuit with environmentalists.

Aside from California and Maryland, there are cadmium laws in Connecticut, Illinois and Minnesota. Legislation is pending in other states, including Massachusetts, New York and Florida.

A compromise approach was overwhelmingly endorsed by the panel Cleaveland led, which included consumer advocates, retailers and representatives of testing labs.

The full ASTM committee on consumer products approved the standard, which also addresses other potential jewelry hazards, such as lead and magnets.

Under the ASTM approach, children's jewelry - defined as items "primarily intended" for kids 12 and under - would first be lab tested to see whether it contains more than 0.03 percent cadmium.

Items that failed the "total content" test could be scrapped or sent for further analysis. For smaller pieces, a second test gauges how much cadmium would dissolve into stomach acid a day after the jewelry was swallowed; for larger pieces, an additional test measures how much cadmium escapes under conditions that simulate licking.

The Consumer Product Safety Commission supports this approach - indeed, the ASTM standard borrows heavily from the agency's safety levels and test methods.

"ASTM's approval of a new cadmium standard for children's jewelry is a positive step forward," the agency's chairman, Inez Tenenbaum, said in a written statement. "It is very important for ASTM to also complete their work and publish the new cadmium standard for toys as soon as possible."

The standard may take effect by early November.

Industry had wanted the stomach acid test to last just two hours, but eventually agreed to the 24 hours the Consumer Product Safety Commission advocated. On the other side, the CPSC rejected the approach preferred by environmentalists and consumer advocates, who favor a standard based solely on how much cadmium jewelry contains, not how much it might release.

Total content is how the agency currently regulates lead, the metal that some jewelry makers abandoned in favor of cadmium after Congress passed strict lead limits in 2008.

While the ASTM committee resoundingly endorsed the new voluntary limits, there were dissenters.

The principal one was Caroline Cox, research director at the Center for Environmental Health. Her Oakland-based organization found cadmium in jewelry at dozens of stores, and earlier this month settled legal cases against chains including Target Corp. and Gap Inc., which agreed not to sell jewelry with more than 0.03 percent cadmium, even if very little leached out.

Cox argued that pieces of new jewelry that might fare fine in an initial stomach acid test might prove far more dangerous if swallowed following months of wear and tear. Testing has shown that as electroplating wears down, or if a piece of jewelry's surface is punctured, cadmium inside can leach out at much greater levels.

If the standard were based solely on a limit of 0.03 percent cadmium, "We don't want to have to worry about all that," Cox said. "Let's just set a total content standard from the beginning that takes care of the problem."

Maryland and Connecticut based their limits on total content; in both states, children's jewelry which exceeds 0.0075 percent cadmium would be illegal based on laws that go into effect in 2012 and 2014 respectively.

"When we've passed something, there's a hesitancy to go back and change it, particularly when you are the most strict," said Conn. Rep. Pam Sawyer, a Republican and co-sponsor of the state's legislation. For Connecticut to begin allowing jewelry with [cadmium](#) levels that are four times higher than current law, she said, would "raise some eyebrows."

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Citation: Jewelers want states to replace limits on cadmium (2011, September 26) retrieved 12 June 2026 from <https://medicalxpress.com/news/2011-09-jewelers-states-limits-cadmium.html>

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