

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDGOODS, TOYS & JUVENILE PRODUCTS, SOFTLINES, ELECTRICAL & ELECTRONICS

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CALIFORNIA PROP 65 - REFORMULATION OF LEAD AND PHTHALATES IN CONSUMER PRODUCTS

Recent Prop 65 settlements mandate reformulation of lead and phthalates in a significant number of consumer products. The range of products is from accessories to food contact to other household products. In many settlements, the reformulation for lead involves both lead content and extractable lead.

Proposition 65 is the 'Safe Drinking Water and Toxic Enforcement Act of 1986'¹, a ballot initiative passed overwhelmingly by Californian residents in November 1986. It allows Californian residents to eliminate chemicals that are known to cause cancer or birth defects or other reproductive harm from consumer products and industrial activities. Since its enactment there have been numerous lawsuits which resulted in the reduction of toxic chemicals and reformulations of consumer products containing such chemicals.

Prop 65 is administered by the Office of Environmental Health Hazard Assessment (OEHHA); part of the California Environmental Protection Agency (Cal / EPA). Persons, unless otherwise exempted, doing businesses with ten or more employees may not expose individuals to chemicals known to cause cancer or reproductive toxicity without first giving clear and reasonable warning, nor discharge such chemicals into drinking water. Warnings for consumer products can either be located directly on the label of the product or displayed prominently near the product in the store (Table 1). Representative examples of Prop 65 warnings are in Table 1.

TABLE 1.

EXAMPLE OF WARNING	
1	2
WARNING: This product contains a chemical known to the State of California to cause cancer	WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm

Proposition 65 contains a current list of more than 800 chemicals identified by the state of California as causing cancer or reproductive toxicity. The list contains a wide range of chemicals which may be used in manufacturing and construction, or they may be by-products of chemical processes. Examples of listed chemicals include heavy metals (e.g. lead, cadmium and nickel) and organic chemicals (e.g. phthalates: BBP, DBP, DEHP, DIDP and DnHP), and flame retardants such as TCEP² and TDCPP³. Once a chemical is incorporated into the Prop 65 list, manufacturers and distributors have 1 year to implement warnings and 20 months to cease all discharges to sources of drinking water. After this date, the government or private enforcers, including individuals or organisations acting in the interest of the public, can initiate legal proceedings.

The logo for SGS, consisting of the letters 'SGS' in a bold, sans-serif font. A vertical line is positioned to the right of the letters, and a horizontal line is positioned below the letters, forming an L-shape around the text.

Of the more than 800 listed chemicals, lead-containing consumer products have been consistently targeted since the addition of lead as a reproductive toxin in 1987 and as a carcinogen in 1992. In the last few years, phthalates in consumer products have also been consistently targeted⁴.

Highlights of recent consent agreements on the reformulation of lead or phthalates in a wide range of consumer products are summarised in Table 2.



TABLE 2.

ITEM	SUBSTANCE	PRODUCT	REFORMULATION
1	DBP Lead	Tote Bags	≤1000 ppm (0.1%) DBP < 1.0 µg lead (NIOSH 9100) and ≤100 ppm lead
2	DEHP	Anti-theft device for bicycles Steering wheel lock	< 1000 ppm
3	DEHP	Automobile document holder	< 1000 ppm
4	DEHP	Beverage/wine chiller bags	≤1000 ppm
5	DEHP	Business card holder with vinyl/PVC covers Notepad holder with vinyl/PVC covers Vinyl/PVC kit bags	≤1000 ppm
6	DEHP	Cases for mobile electronic devices	< 1000 ppm
7	DEHP	Chair with Vinyl Seats	≤1000 ppm
8	DEHP	Clothesline	≤1000 ppm
9	DEHP	Exercise balls	< 1000 ppm
10	DEHP	First aid cases	≤1000 ppm
11	DEHP	Mini day pack	≤1000 ppm
12	DEHP	Planners / calendars with covers	≤1000 ppm
13	DEHP	Pen pouches and all accessible components including markers, pens and pouches	< 1000 ppm
14	DEHP Lead	Belts	≤1000 ppm DEHP and ≤1.0 µg lead (NIOSH 9100) and < 50 ppm lead
15	DEHP Lead	Flashlight / Lanterns Headphones / ear buds Radios	< 100 ppm Lead < 1000 ppm DEHP
16	DEHP Lead	Hammer Tape measures with hand straps	≤1000 ppm DEHP and < 1.0 µg lead (NIOSH 9100) and < 100 ppm lead

To be con'd

Con'd

ITEM	SUBSTANCE	PRODUCT	REFORMULATION
17	DEHP Lead	Laptop and tablet computer cases with vinyl / PVC components	≤ 1000 ppm DEHP and ≤ 100 ppm lead and ≤ 1.0 µg lead (NIOSH 9100)
18	Lead	Aluminium water bottles	≤ 90 ppm
19	Lead	Beanbag Chairs	≤ 100 ppm
20	Lead	Car charging products Cases Ear buds Home charging products Splitters Travel charging products	≤ 100 ppm
21	Lead	Combo bags Construction bags Tool bags/holders Tote bags Other bags used to carry tools or other objects	< 1.0 µg (NIOSH 9100) and < 90 ppm
22	Lead	Folding Chairs	≤ 100 ppm
23	Lead	Galvanised Products e.g. decorative galvanized metal letters Leaded Brass or Bronze Alloy Product e.g. <ul style="list-style-type: none"> • Bottle openers • Cabinet and door knobs • Decorative items • Other products made of brass or bronze alloys Painted Glassware e.g. Drinking vessels painted with leaded paint	Galvanised products or leaded brass products ≤ 300 ppm Painted glassware ≤ 300 ppm
24	Lead	Glassware with coloured artwork or designs on the exterior	Lip and rim area of the product (the top 20 mm of the products) Prohibited Exclusive of lip and rim area ≤ 50 ppm Residual surface ≤ 1 µg (NIOSH 9100)

To be con'd

Con'd

ITEM	SUBSTANCE	PRODUCT	REFORMULATION
25	Lead	Light sets with cords	≤ 1.0 µg lead (NIOSH 9100) and < 50 ppm lead
26	Lead	Steering wheel covers (sold individually or in kits)	≤ 100 ppm
27	Lead Phthalates	Luggage tags and tape measures Tools with handles	Grips that may be handled, touched or mouthed by a consumer < 300 ppm lead < 100 ppm lead (after 1 Nov 2013) Pliable plastic, soft grip or poly vinyl chloride components that may be handled, touched or mouthed by a consumer ≤ 1000 ppm each of DEHP, BBP and DBP
28	Lead Phthalates	Table tennis sets	< 50 ppm lead and < 1.0 µg lead (NIOSH 9100) and < 1000 ppm each of DEHP, BBP, DBP, DIDP and DnHP
29	Phthalates	Kitchen tools with grips (Stainless Steel Tong)	≤ 1000 ppm each of DEHP and DBP
30	Phthalates	Telescopic magnetic pickup tool with grips Telescopic inspection mirror with grips	≤ 1000 ppm each of DEHP, DBP and BBP

Throughout our global network, SGS offers consultation and comprehensive testing services covering the full spectrum of international product safety and regulatory standard for a wide range of consumer products. To know more about our services, please [visit our website](#)



Reference:

¹ [Office of Environmental Health Hazard Assessment](#)² Tris-(2-chloroethyl) phosphate (CAS 115-96-8)³ Tris-(1,3-dichloro-2-propyl) phosphate (CAS 13674-87-8)⁴ [SGS-SafeguardS 147/12](#) and references therein

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WHEN YOU NEED TO BE SURE