

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

NO. 056/15 APRIL 2015

CALIFORNIA PROP 65 REFORMULATION OF CHEMICALS IN CONSUMER PRODUCTS

Proposition 65 (Prop 65) is the 'Safe Drinking Water and Toxic Enforcement Act of 1986', a ballot initiative passed overwhelmingly by California residents in 1986. Since its enactment, there have been numerous lawsuits which resulted in the reduction of carcinogenic and reproductive chemicals by reformulations of consumer products containing such chemicals.

Prop 65 is now more than 28 years old and has been effective in reducing exposures to toxic chemicals. Of the 850 or so listed chemicals, consumer products containing lead, phthalates and flame retardants have been consistently targeted over the years. The phthalate DINP was added onto the Prop 65 list of chemicals on 20 December 2013. From 20 December 2014, businesses are required to provide a 'clear and reasonable warning' (Prop 65 warning label) before knowingly and intentionally exposing anyone to DINP.

Since late 2014, a number of Prop 65 settlements have been reached for the reformulation of lead, phthalates and flame retardants in a wide range of consumer products. A Prop 65 settlement is a consent agreement between the parties named in the settlement and a party not named in a settlement is not bound by that settlement. Highlights of these consent agreements are summarised in Table 1. It is interesting to note that the parties in Entry 18 agreed to reformulate the DEHP-containing vinyl / PVC tapes to less than 0.1% for each of the Prop 65 phthalates, including DINP, and less than 100 ppm lead content.



TABLE 1.

ENTRY	SUBSTANCE	PRODUCT	REFORMULATION
1	DEHP	Back scratchers with vinyl / PVC grips	≤ 1000 ppm
2	DEHP	Hearing protection with vinyl / PVC components	< 1000 ppm
3	DEHP	Medical devices including but not limited to elbow support	≤ 1000 ppm
4	DEHP	Slingshots	≤ 1000 ppm

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5	DEHP	- Suction hooks - Products containing suction hooks	≤ 1000 ppm
6	DEHP	Tile flooring	≤ 1000 ppm
7	DEHP	Vinyl / PVC solar chargers with key chain	≤ 1000 ppm
8	DEHP Lead	Drum thrones with vinyl / PVC upholstery	≤ 1000 ppm DEHP and ≤ 90 ppm lead and ≤ 1.0 µg lead (NIOSH 9100)
9	DEHP Lead	Nylon zippered cases with Vinyl / PVC components	≤ 1000 ppm DEHP and ≤ 100 ppm lead and ≤ 1.0 µg lead (NIOSH 9100)
10	DEHP Lead	Shot glasses	≤ 1000 ppm DEHP and ≤ 100 ppm lead and ≤ 1 µg lead (NIOSH 9100)
11	Flame retardants	Children's travel beds with fabric	≤ 25 ppm each of TDCPP and TDBPP
12	Lead	Adjustable pressure regulators	≤ 100 ppm otherwise warning
13	Lead	Bar clamps with painted handles	≤ 90 ppm (paint or similar surface coating)
14	Lead	Clothing made with leather, vinyl, or imitation leather materials	≤ 90 ppm (paint or other surface coating on accessible components) ≤ 200 ppm (PVC) ≤ 300 ppm (all other accessible components) Exemption Cubic zirconia, crystal, glass or rhinestones
15	Lead	Glass containers for reed diffusers with exterior designs	≤ 1 µg (NIOSH 9100) and ≤ 90 ppm and ≤ 0.99 ppm (ASTM C 927-99, corrected internal volume)
16	Lead	Razors and disposable razors	≤ 100 ppm
17	Lead	Water sprayers with metal nozzles	≤ 90 ppm and ≤ 1.0 µg (NIOSH 9100) Otherwise warning
18	Lead Phthalates	Vinyl / PVC Tape	< 100 ppm lead and < 1000 ppm each of DEHP, BBP, DBP, DIDP, DINP and DnHP
19	Lead Phthalates	Vinyl / PVC Tape	≤ 1000 ppm each of DEHP, BBP and DBP and ≤ 90 ppm lead or ≤ 1.0 µg lead (NIOSH 9100) otherwise warning
20	Phthalates	Eyeglass cases with vinyl / PVC materials	≤ 0.1 each of DEHP, DBP and BBP otherwise warning
21	Phthalates	Toy dart guns	< 1000 ppm each of DEHP and DBP
22	Phthalates	Vinyl / PVC wire mesh gates	≤ 1000 ppm each of DEHP, DBP and BBP

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for lead, phthalates and flame retardants in consumer products for California and international markets. Please do not hesitate to contact us for further information.



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