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US CALIFORNIA AMENDS METAL-CONTAINING JEWELLERY LAW

The state of California recently amended the Metal-Containing Jewellery Law to include tie clips in the definition of jewellery. The new law also mandates a certification from the manufacturer or supplier. The certification can be displayed on the shipping container or on the jewellery package.

In 2006, the California legislature enacted the lead-containing jewellery law (AB 1681, 2006)¹. The list of jewellery items defined under the scope was later expanded to include, amongst others, certain watch-related products and attachments to shoes or clothing that can be removed and may be used as ornaments ([AB 2901, 2008](#)). In September 2010, California extended the restriction to cadmium in children's jewellery ([SB 929, 2010](#)).

The Metal-Containing Jewellery Law regulates lead and cadmium content in jewellery products by specifying the materials that can be used and the restrictions on lead and cadmium in materials as well as the types of jewellery³.

On 4 October 2011, the Governor of California signed SB 646 'Toxics: Enforcement: Lead and Cadmium Jewellery' into [law](#). The new law amended Sections 25214.1, 25214.3 and 25214.3.1 of the Health and Safety Code. The amendment by SB 646 does not specify the effective date and can be considered as immediate. The amendments are as follows:

- Scope of jewellery is expanded to include tie clips
- Manufacturer or supplier shall prepare and, at the request of the Department of Toxic Substance Control (DTSC), submit to the department no more than 28 days after the date of the request, technical documentation or other information to demonstrate that the jewellery is in compliance with the provisions in the new law
- Manufacturer or supplier shall prepare a certification to a person who sells or offers for sale that manufacturer's or supplier's jewellery or to display the certification prominently on the shipping container or on the packaging.



¹ [An act to add Article 10.1.1 \(commencing with Section 25214.1\) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to toxic substances, AB 1681, Chapter 415, 2006 Safeguard 067/06](#)

² [Metal-Containing Jewellery Law, California Department of Toxic Substances Control, and references therein](#)

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Under the new law, a jewellery is defined as any of the following ornaments worn by a person:

1. Anklet, arm cuff, bracelet, brooch, chain, crown, cuff link, hair accessory, earring, necklace, pin, ring, tie clip, body piercing jewellery and jewellery placed in the mouth for display or ornament
2. Any bead, chain, link, pendent, or other component of an ornament in 1 above
3. A charm, bead, chain, link, pendant, or other attachment to shoes or clothing that can be removed and may be used as a component of an ornament in 1 above.
4. A watch in which a timepiece is a component of an ornament in 1 above, excluding the timepiece itself if the timepiece can be removed from the ornament.

The types of jewellery, specifications for lead and cadmium and classes of materials for the [Metal-Containing Jewellery Law](#) are summarised in Table 1. Further details can be obtained from the Department of Toxic Substances Control³.



TABLE 1.

ITEM	JEWELLERY TYPE	MATERIAL TYPE / SPECIFICATION
1	Jewellery for children up to the age of 6	<ul style="list-style-type: none"> • Non-metallic Class 1 material (see table 2) • Non-metallic Class 2 material (see table 2) • Metallic component that is either Class 1 material (see table 2) or contains < 0.06 % (600 ppm) lead • Glass or crystal decorative components that weigh in total no more than 1.0g, excluding any such glass or crystal decorative components that contain < 0.02% (< 200 ppm) lead and have no intentionally added lead • Printing inks or ceramic glazes that contain < 0.06% (600 ppm) lead • Class 3 material (see table 2) that contains < 0.02% (200 ppm) lead
		<ul style="list-style-type: none"> • ≤300 ppm cadmium (all components or materials)
2	Body-piercing jewellery (part of jewellery that is manufactured or sold for placement in a new piercing or a mucous membrane)	<ul style="list-style-type: none"> • Surgical implant stainless steel • Surgical implant grade of titanium • Niobium (Nb) • Solid 14K or higher white to yellow nickel-free gold • Solid platinum • Dense low-porosity plastic, including but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if plastic contains no intentionally added lead
3	Jewellery other than items 1 and 2 above	<ul style="list-style-type: none"> • Class 1 material (see table 2) • Class 2 material (see table 2) • Class 3 material (see table 2)

³ [Department of Toxic Substance Control, Fact Sheet, May 2011](#), and references therein

TABLE 2: MATERIAL CLASS

MATERIAL CLASS
<p>CLASS 1</p> <ul style="list-style-type: none"> Stainless or surgical steel Karat gold Sterling silver Platinum, palladium, iridium, ruthenium, rhodium, or osmium ('Platinum group metals') Natural or cultured pearls Glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, including cubic zirconium or CZ, rhinestones, and cloisonné A gemstone that is cut and polished for ornamental purposes except aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite. Elastic, fabric, ribbon, rope, or string, unless it contains intentionally added lead and is listed as a class 2 material All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, or wood, that is in its natural state and is not treated in a way that adds lead Adhesives <p>CLASS 2</p> <ul style="list-style-type: none"> < 6% lead (electroplated metal) < 1.5% lead (unplated metal) < 200 ppm lead (plastic or rubber including acrylic, polystyrene, plastic beads and stones and PVC) < 600 ppm lead (dye or surface coating) <p>CLASS 3</p> <p>< 600 ppm lead (not a Class 1 or Class 2 material)</p>

In addition to the state of California legislation, manufacturers and importers of children's jewellery are also reminded to comply with the existing Federal legislation, Consumer Product Safety Improvement Act of 2008 (CPSIA), Under the CPSIA, lead content in paint and similar surface coating materials must not be more than 90 ppm (16 CFR 1303) and must not be more than 100 ppm for accessible substrates in children's products including jewellery for children up to the age of 12⁴.



⁴ [Public Law 110-314 \(CPSIA\), 110th Congress, 14 August 2008](#)
[Safeguard 132/11](#), Jul 2011

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