

## Williams, John (ECY)

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**From:** FJTA@aol.com  
**Sent:** Thursday, June 10, 2010 2:01 PM  
**To:** Williams, John (ECY)  
**Cc:** millar@khlaw.com  
**Subject:** Re: WA Children Safe Product Act

John R. Williams Jr.  
Department of Ecology  
Olympia, WA

Dear John

On behalf of the Fashion Jewelry and Accessories Trade Association (FJATA), thank you for asking for our input on substances used in jewelry as part of your efforts under the Children Safe Product Act. Our association and our members have been studying this issue and report that there are no generally accepted “trigger” values used to benchmark substances used in children’s jewelry. Instead, based on an analysis of published literature, experts agree that there is no correlation between levels at which most substances might migrate out of a consumer product such as jewelry and total content levels of most substances. Consequently, we believe that no sound technical basis exists on which either FJATA or anyone else could recommend a total content limit for materials in children’s products. Indeed, we strongly oppose arbitrary limits of such a nature as they would almost assuredly result in broad bans on both fashion and fine jewelry.

The law itself focuses on evaluating exposure of children from various substances or chemicals. We have closely examined the toy safety standards in the U.S. (ASTM F-963) and Europe (EN-71-3), which address potential exposure to certain substances by adoption of migration limits. Like our industry, the toy industry incorporates metals, plastics, surface coatings and other materials in its products. Reliance on this type of migration standard has helped establish the safety of toys in Europe and in other parts of the world. Many members also apply European migration tests to evaluate nickel in jewelry. Exposure to nickel has been related to allergies in some sensitive individuals. We note in this regard that European safety authorities modified an earlier content limit applicable to nickel in favor of a migration standard because the earlier standard resulted in unnecessary restrictions on stainless steel, commonly recognized as a very safe material for use in jewelry.

We are continuing to evaluate the peer-reviewed methods and approaches used under EN-71 and also other approaches as part of a broad standards initiative on jewelry recently launched through ASTM International. The ASTM committee includes a variety of stakeholders, including representatives of the Consumer Product Safety Commission, consumer organizations, suppliers and retailers. In a meeting yesterday, stakeholders generally agreed that there is no available technical data on which to base a total content limit for substances used in jewelry.

FJATA looks forward to continuing to work with the state to promote sound technical standards.

Sincerely,  
Michael Gale  
Executive Director, FJATA