



The Fashion Jewelry & Accessories Trade Association  
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March 12, 2014

**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT,**  
**HOUSING, AND GENERAL AFFAIRS**

**MEMORANDUM IN OPPOSITION**

**S. 239 (Lyons, Mullin, Ashe, Pollina)**

AN ACT Relating to the Regulation of Toxic Substances

FJATA appreciates the opportunity to comment on proposed bill VT S. 239. As background, FJATA represents the interests of manufacturers, suppliers and retailers of jewelry and accessories. With over 225 member companies, from small independent businesses to large multi-national corporations, our members represent a highly dynamic and competitive segment of the fashion industry that provides safe and attractive, high-quality jewelry and accessories worldwide. FJATA works with state legislatures across the country, as well as the U.S. Congress and U.S. Consumer Product Safety Commission (CPSC), to develop sensible, science-based protocols for jewelry and accessories sold worldwide.

With respect to the above-mentioned bill, FJATA is **OPPOSED** for the reasons contained herein. First, S. 239 lacks a scientific foundation. There is no indication that reporting of this nature advances any essential safety purpose or provides useful information from a risk standpoint.

The U.S. Consumer Product Safety Commission (CPSC) and the U.S. Environmental Protection Agency (EPA) are the two bodies best-equipped to perform risk assessment due to their larger budgets and status as representing the national interest. Thus, chemical regulation would best be undertaken through reform of the Toxic Substances Control Act (TSCA). When it comes to products, potential risks of exposure to chemicals in those products is best handled through CPSC, applying relevant provisions of the Consumer Product Safety Act (CSPA) and Federal Hazardous Substances Act, as amended by the Consumer Product Safety Improvement Act (CPSIA).

S. 239 stipulates that documentation of data about toxics may be forwarded from other state agencies should a company have already submitted this information as part of a pre-existing chemical initiative. The state already

can consult information on chemicals in products available through the Interstate Chemicals Clearinghouse (ICC) without any additional state legislation. The state does not need to add new requirements through legislation.

The jewelry and accessories industries have worked collaboratively with the CPSC, Health Canada, consumer organizations, testing labs, and industry stakeholders to develop two comprehensive safety standards for children's and adult jewelry, ASTM F2923-11 (*Standard Specification for Consumer Product Safety for Children's Jewelry*) and ASTM F2999-13 (*Standard Consumer Safety Specification for Adult Jewelry*). These ASTM International (ASTM) standards represent voluntary industry guidance that ensure the safety of compliant products. The Children's Jewelry Safety Standard adopts requirements for chemicals like cadmium, for example, applying a migration standard that was recommended and supported by CPSC. CPSC, by the way, rejected a petition asking it to set a total content limit for cadmium in children's jewelry because such a limit could not be supported by its testing data. The toy industry has had an ASTM standard in place (ASTM F963-11) for over 30 years, and the most recent revision (2011) adopts similar requirements for cadmium. Both standards also adopt migration limits for other specific heavy metals in paint and surface coatings.

Voluntary activities have proven effective. CPSC field testing has shown that the fashion jewelry industry is in full compliance with ASTM F2923: there were no safety failures found in 2012 testing of over 700 products. **FJATA OPPOSES** this bill, but supports state and federal agendas promoting the use of voluntary standards that establish scientifically appropriate and health-protective standards for products. This bill fails to meet that test.

Rather than force companies to spend dollars on unnecessary reporting, we believe the state should encourage companies to develop appropriate standards that are geared to limiting exposure, and to fundamental chemical safety research. In so doing, the State of Vermont will be supporting job retention and a cost-effective and harmonized way to promote the safety of consumer products.

For all of the reasons described herein, FJATA, representing the interests of its members, **STRONGLY OPPOSES S. 239** and **URGES YOU TO VOTE NO**.

Sincerely,

*Brent Cleaveland*

Brent Cleaveland  
Executive Director,  
The Fashion Jewelry & Accessories Trade Association