



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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CHAIRMAN INEZ M. TENENBAUM

**September 6, 2011**

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM  
ON THE COMMISSION DECISION TO GRANT THE PETITION REQUESTING  
REGULATION OF CADMIUM IN CHILDREN'S JEWELRY UNLESS ACTION IS TAKEN  
EXPEDITIOUSLY BY THE ASTM VOLUNTARY STANDARDS SUBCOMMITTEES**

Since January of 2010, I have been abundantly clear with manufacturers, importers, and distributors of children's products that I would not allow cadmium to replace lead as the next children's product safety scare for parents. Cadmium is a toxic heavy metal for which exposure in large amounts can have acute adverse effects on children. Cadmium's primary damage occurs to the kidneys. The effects of cadmium ingestion are cumulative and can lead to chronic effects later in life. It is important to point out, however, that through the proactive approach taken by the U.S. Consumer Product Safety Commission ("CPSC"), we have prevented a wave of children's products containing harmful cadmium from reaching the hands of children in the United States.

In late spring of 2010, the CPSC received a petition ("Petition") filed jointly by the Empire State Consumer Project, the Sierra Club, the Center for Environmental Health, and the Rochesterians Against the Misuse of Pesticides ("Petitioners"). The Petitioners requested that the Commission adopt regulations declaring children's jewelry containing cadmium in greater than trace amounts to be a banned hazardous substance within the meaning of the Federal Hazardous Substance Act ("FHSA"). In a move to establish additional safeguards to protect children from cadmium, I voted today to grant this petition. Through our vote, the Commission has directed CPSC staff to proceed with mandatory rulemakings to regulate the cadmium levels in children's jewelry and in children's toy jewelry, unless ASTM International publishes new and improved voluntary standards within three months of publication of this decision in the *Federal Register*.

On February 16, 2011, the Commission had voted unanimously to defer, for six months, the decision on whether to grant the Petitioners' request and directed staff to work with ASTM International, Inc., a voluntary standards organization, to develop voluntary standards that govern the allowable levels of cadmium in children's jewelry and children's toy jewelry and also to outline appropriate cadmium testing measures. At the end of this six month period, CPSC staff was directed to update the Commission on the status of the work of the ASTM subcommittees tasked with addressing this issue.<sup>1</sup>

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<sup>1</sup> The ASTM F15.24 subcommittee has been tasked with developing a voluntary standard to address accessible cadmium from children's metal jewelry. The ASTM F15.24 subcommittee is working with the ASTM F15.22 subcommittee for the ASTM F-963 Standard Consumer Safety Specification for Toy Safety (ASTM F-963) to also address toy jewelry. It is important to note that any new cadmium standard incorporated into the ASTM F-963 toy standard through the voluntary standards process will also become a part of the federal toy safety rule, meaning that third party testing and certification to the new cadmium standard would also be mandatory for toys, unless the Commission determines that the new standard does not improve the safety of consumers.

The six month deferral period has ended, and while the children's jewelry and toy subcommittees have made progress in their work to finalize a voluntary standard for cadmium, their work is not complete. Although I appreciate the efforts of ASTM, I cannot ignore the known toxic effects of cadmium on children. It is for that reason that the Commission has made clear by its vote today that we stand ready to begin a mandatory rulemaking seeking to limit the levels of cadmium in children's jewelry and toy jewelry, if the work of the ASTM subcommittees is not completed and published expeditiously.

My concerns about the presence of cadmium in children's product are longstanding. In January 2010, I sent a strong message to foreign regulators attending the Asian-Pacific Economic Cooperation meetings in Hong Kong warning against substituting cadmium and other toxic metals in place of lead:

*I would highly encourage all of you to ensure that toy manufacturers and children's product manufacturers in your country are not substituting cadmium, antimony, barium, in place of lead. All of us should be committed to keeping hazardous or toxic levels of heavy metals out of surface coatings and substrates of toys and children's products.*

My warning not to substitute cadmium in place of lead was restated to Chinese manufacturers in a February 2010 emergency notice from the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), CPSC's counterpart agency in Beijing. Especially considering the mandated reduction for the lead limits in children's products and toys to 100 parts per million, these warnings for manufacturers to guard against the substitution of cadmium for lead are particularly important.

From January through July of 2010, CPSC monitored the presence of cadmium in children's jewelry and announced five recalls of jewelry that contained high levels of cadmium. In addition to conducting recalls, CPSC enforcement staff, working with U.S. Customs and Border Protection, has turned away potentially dangerous children's jewelry with cadmium at U.S. ports and has conducted marketplace surveillance of children's products for lead and cadmium.

In October of 2010, CPSC staff issued a report on the testing of jewelry and metal to evaluate the potential for chemical exposure in case an item containing cadmium was swallowed by a child. Staff concluded that it had information sufficient to deem cadmium to be toxic under the FHSA due to impacts on multiple organ systems and toxic endpoints. Staff developed acceptable daily intake levels for chronic exposure (i.e., repeated exposures over long periods) and acute exposure (i.e., single exposure or exposures that occur over a limited period of time) and identified the need for the development of appropriate tests to prevent dangerous levels of cadmium exposure to children from jewelry and metal alloys. At that time, I repeated calls for foreign and domestic manufacturers not to use cadmium and, specifically, not to substitute cadmium for lead in children's products.

Now is the time for the Commission's call to keep harmful levels of cadmium out of children's products to be addressed with strong safety standards for toys and children's jewelry. Our children deserve nothing less, caregivers expect nothing less, and I will accept no further delays.