

# fashion jewelry

## trade association

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Mr. Chairman, members of the committee, thank you for inviting the Fashion Jewelry Trade Association (FJTA) to discuss how to ensure that jewelry for children – indeed, for all consumers – adequately limits lead exposure.

The FJTA represents 250 manufacturers and suppliers of children's and adult jewelry to retailers. Our members range from small family owned firms, some doing less than \$1 million annually, to large branded national firms supplying department stores, chain stores and specialty chains. Trade press reports estimate that the fashion jewelry industry was an \$8.3 billion industry in the U.S. in 2005.

Let me start by describing what we mean by fashion jewelry. Fashion jewelry is not trinket jewelry – jewelry sold through vending machines or given away as premiums. Our members do not make trinket or give-away jewelry. It is not fine jewelry, or jewelry made primarily of precious or semi-precious metals and gemstones. Fashion or costume jewelry is an everyday fashion item. Fashion jewelry can be made from a variety of materials. Most often, the metal components of jewelry are made from a base metal that is plated with copper, nickel or another metal, and a finish coat of silver or gold. Glass, crystal, ceramic, plastic, wood, and other natural and synthetic components are also frequently used. Fashion jewelry can be embellished with paints, enamels, and other such materials. Products include bracelets, charms, cuffs, earrings, hair pieces, necklaces, pins, rings, and other fashion accessories.

FJTA and its members care deeply about all consumers and support a national preemptive standard for lead in jewelry components based on an existing, comprehensive California law. This law was adopted in the aftermath of a Proposition 65 lawsuit. The standards were agreed to by the California Attorney General, environmental groups and industry after exhaustive testing, detailed assessments of testing methodologies, and discussions about the role of lead in various components of jewelry. The California law, known as AB 1681, establishes specific limits on lead in the various components used in fashion jewelry for young children, and different, sometimes higher limits, for materials used to fabricate jewelry intended for other consumers.

The standard for metal used in children's jewelry, for example, is 0.06%. That limit is based on longstanding toxicological decisions about the risks of lead exposure. In contrast, the lead limit for metal used in jewelry not intended for young children varies depending on whether the metal is properly plated. The attached chart provides an overview of the California law on a material by material basis applicable to jewelry materials intended for use in children's jewelry and in jewelry intended for adults.

There are two basic reasons that separate standards were adopted for the different materials, and for children's versus other jewelry, in California.

First, there is a recognized difference in risk between adults and children. The generally agreed-upon concept of accessibility has been a foundation of decisions about how to reduce or limit children's exposure to lead. In other words, whether because lead is encapsulated in a material (for example, glass), or access to lead is restricted through other barriers, as is the case when metal is properly plated, differences in the limits of allowable lead are justified based on accepted science. Intensive testing and analysis have shown that the levels adopted in A.B. 1681 are safe for children's and other jewelry. We attach for the record a copy of an analysis conducted by a toxicologist who has extensive experience in the issue.

Second, as we have seen, there are differences in the materials used in jewelry. A one-size-fits-all standard for lead was agreed to be inappropriate during the California discussions. Lead imparts useful and desirable properties to metal used in fashion jewelry. It allows for improved flow properties at lower temperatures, facilitating casting, especially of intricate parts, and of finishing. The total elimination of lead in jewelry, particularly jewelry that is not intended for young children, would impose difficulties and costs on the industry and adversely affect quality and costs to consumers. Reducing the lead content in metal too much can result in higher rejection rates for intricate cast pieces, a shorter useful life of molds (due to casting at higher temperatures), higher breakage because of increased brittleness in the metal, and potentially higher consumer complaints because of poorer quality, to name a few.

The standards reflected in A.B. 1681 have been adopted as a model by our industry. We are proactively supporting a common national standard, educating our members to expand awareness about the issue. Indeed, we have reached out to the international fashion jewelry community as well.

- We have been participating in the CPSC's proceeding on children's jewelry and support a national, preemptive standard. We met recently with the CPSC staff to provide further background information on our industry, including describing why lead is used in metal components and discussing plating best practices.
- We held a forum in May in conjunction with a major industry trade show that includes participants from around the world to highlight the need for compliance with U.S. laws on lead content.
- Proper plating of metal components will limit accessible lead, as evidenced by the agreed-to higher standards in California for properly plated metal in adult jewelry. Plating "best practices" were included in the Proposition 65 Consent Agreement mentioned earlier. FJTA is working with the Manufacturing Jewelers and Suppliers of America, a 2000 member association of material suppliers, platers and equipment manufacturers, to refine and expand plating and testing protocols for

metal components used in our industry. We expect a final report in 4-6 weeks.

- China is a major supplier of fashion jewelry to U.S. firms. FJTA has met with the Chinese Consul for economic and commercial matters in New York. We encouraged the Chinese government to embark on an education program for jewelry manufacturers who produce both children's and adult jewelry. The goal of this program is to insure the Chinese manufacturers understand the US standards and the tests necessary to insure the component materials they use meet the U.S. standards.
- We have met with the Hong Kong Trade Development Council and are planning a videoconference with them to educate their trading company members about U.S. standards for jewelry.
- We have worked with an international testing agency to obtain special pricing for FJTA members on testing of jewelry components.

The California law establishes safe standards for jewelry. The standards protect both health and the environment while still allowing our industry to meet the public's quality and fashion needs without disrupting trade. Some states, like Minnesota and Illinois, have adopted versions of AB 1681. Other states have legislation pending or are studying legislation at this time. As an industry that includes many small businesses, even slight variations between applicable laws create serious problems for manufacturers, suppliers and retailers in our industry. Manufacturers are uncertain which standards apply to orders as suppliers sell nationally. National retailers supply their stores from central warehouses. Their inventory cannot be segregated by state or city. A national standard is needed, but it must be science-based, reflecting differences between materials and differences in risks to adults and young children. This approach will advance safety, create a level playing field that allows for design flexibility, and help assure consumer satisfaction for our primary adult market.

Our industry needs a national, risk-based standard, one that can not be preempted by any state or local law or regulation, if we are to maintain our competitiveness in a global marketplace, assure that compliant materials are available throughout our international supply chain, and maximize our industry's ability to protect consumers, especially children. Our industry stands ready to work with the Congress and the CPSC in making this goal a reality.