TRAVELSMITH

# CA Prop 65

## Compliance Requirements for Apparel, Accessories and Footwear

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# INTRODUCTION

## California Proposition 65 Background

- In 1986, California enacted the Safe Drinking Water and Toxic Enforcement Act, which is also as Proposition 65.
- It's initial focus was on limiting and prohibiting certain chemicals in California's drinking water, but it's scope has expanded significantly to include jewelry, lead crystal, handbags, wallets, belts, footwear, and many other products.
- Over the last few years, there have been several Proposition 65 enforcement actions brought by the State of California and private entities against manufacturers, importers, and retailers of fashion accessories, footwear, jewelry and other consumer goods. Most of these manufacturers, importers, and retailers have entered into agreements to reformulate their products to comply with Prop 65.

# COMPLIANCE LIMITS

## Outerwear and Apparel Trim

The following table outlines the effective dates for compliance with lead limits.

### Lead Content Limits

| Components/Materials | Limits:<br>Effective April 1, 2012* |
|---|---|
| Accessible Leather | 300 PPM |
| All Accessible Hardware[1] (excluding cubic zirconia, glass or rhinestones) | 300 PPM |

## Gloves, Hats and Scarves

The following table outlines the effective dates for compliance with lead limit requirements.

### Lead Content Limits

| Components/Materials | Limits:<br>Effective April 1, 2012* |
|---|---|
| Accessible Leather | 300 PPM |
| All Accessible Hardware[1] (excluding cubic zirconia, glass or rhinestones) | 300 PPM |

[1] "Accessible Hardware" means a zipper, snap, button or embellishment of the item that could be touched by a person during normal and reasonably foreseeable use.

# COMPLIANCE LIMITS

## Handbags, Purses, Clutches, Totes, Wallets, Cosmetics & Toiletries Bags

The following table outlines the effective dates for compliance with lead limit requirements.

### Lead Content Limits

| Components/Materials | Limits:<br>Effective August 1, 2011* |
|---|---|
| Paint or Surface Coatings[1] on Accessible Components[2] | 90 PPM (parts per million) |
| Accessible Leather | 300 PPM |
| Polyvinyl Chloride (PVC) | 200 PPM |
| All Other Accessible Components[2] (excluding cubic zirconia, glass or rhinestones) | 300 PPM |

[1]"Paint or Surface Coating" has the meaning defined by the Consumer Product Safety Commission (CPSC) in 16 C.F.R. §1303.2(b):

http://edocket.access.gpo.gov/cfr 2011/janqtr/pdf/16cfr1302.2.pdf

[2]"Accessible Components" means a component of the item that could be touched by a person during normal and reasonably foreseeable use.

# COMPLIANCE LIMITS

## Footwear/Belts

The following table outlines the effective dates for compliance with lead limit requirements.

Lead Content Limits

| Components/Materials | Phase 1 Limits: Effective August 1, 2011* | Phase II Limits: Effective August 1, 2012* |
|---|---|---|
| **Paint or Surface Coatings[1] on Accessible Components[2]** | 90 PPM (parts per million) | 90 PPM |
| **Leather** | 600 PPM | 300 PPM |
| **Polyvinyl Chloride (PVC)** | 300 PPM | 200 PPM |
| **All Other Accessible Components[2] (excluding cubic zirconia, glass or rhinestones)** | 300 PPM | 300 PPM |

[1]"Paint or Surface Coating" has the meaning defined by the Consumer Product Safety Commission (CPSC) in 16 C.F.R. §1303.2(b):

http://edocket.access.gpo.gov/cfr 2011/janqtr/pdf/16cfr1302.2.pdf

[2]"Accessible Components" means a component of the item that could be touched by a person during normal and reasonably foreseeable use.

# COMPLIANCE LIMITS

## Jewelry

The following table outlines the effective dates for compliance with cadmium and phthalates limit requirements.

### Key Compliance Limits (Lead & Cadmium)

| COMPONENT MATERIAL | ADULT JEWELRY LIMITS | | CHILDREN'S JEWELRY LIMITS (12 AND YOUNGER) | |
|---|---|---|---|---|
| CLASS | *LEAD | ‡CADMIUM | *LEAD | ‡CADMIUM |
| Class 1: | | | | |
| Stainless & surgical steels, karat gold, sterling silver, platinum group metals, pearl, natural decorative materials not treated in a way that adds lead | Exempt | Exempt | Exempt | Exempt |
| CZ, crystal, glass, ceramic | Exempt | Exempt | 0.03% (300 ppm) | Not Detectible |
| Class 2: | | | | |
| Electroplated metal | 6.0% (60,000 ppm) | 0.03% (300 ppm) | 0.01% (100 ppm) | Not Detectible |
| Un-plated metal | 1.5% (15,000 ppm) | 0.03% (300 ppm) | 0.01% (100 ppm) | Not Detectible |
| Plastic, acrylic, rubber, PVC | 0.02% (200 ppm) | 0.03% (300 ppm) | 0.01% (100 ppm) | Not Detectible |
| Dyes, surface coatings (paint, enamel, epoxy) (CPSC 16CFR1303.2) | 0.06% (600 ppm) | 0.03% (300 ppm) | 0.009% (90 ppm) | Not Detectible |
| Class 3: | | | | |
| All other components (not Class 1 or Class 2) | 0.06% (600 ppm) | 0.03% (300 ppm) | 0.02% (200ppm) | Not Detectible |

*Items containing >40ppm lead must be labeled with the following warning statement: "WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."
‡Cadmium limits are effective for all Purchase Orders issued on or after 2/1/12

### Key Compliance Limits (Phthalates)

| MATERIAL | SUBSTANCE | LIMIT | EFFECTIVE DATE |
|---|---|---|---|
| accessible polyvinyl chloride (PVC) or other soft plastic, vinyl or synthetic leather component | Phthalates<br>DEHP (diethylhexyl phthalate)<br>DBP (dibutyl phthalate<br>BBP (benzyl butyl phthalate) | 0.1% (1000 ppm) | July 1, 2012<br>(PO issuance date) |

## EXEMPT MATERIALS

The table below documents the materials that do not require Prop 65 Lead Testing. This list only applies to materials that have not been treated or adulterated in any way. Under the terms of the agreement with the CEH, leather is not an exempt material and is subject to testing.

The non-suspect materials list can also be referenced in the final rule set forth by CPSC at 16 C.F.R. §1500.91(d and (e):

http://edocket.access.gpo.gov/cfr 2011/janqtr/pdf/16cfr1500.91.pdf

| Materials | Examples |
|---|---|
| Precious Gemstones | Diamond, ruby, sapphire, emerald |
| Semiprecious Gemstones and Minerals | Aragonite, bayldonite, boleite, cerusite, crocoite, galena, linarite, mimetite, phosgenite, vanadinite, wulfenite, etc. |
| Cubic Zirconia, Glass, Crystals, Rhinestones | N/A |
| Natural or Cultured Pearls | N/A |
| Wood | Cork, Oak, Pine |
| Paper and similar materials made form wood or other cellulosic fiber | Paper board, chip board |
| Natural Fibers (dyed or un-dyed) | Cotton, kapok, flax, linen, jute, ramie hemp, kenaf, bamboo, coir, sisal, silk, wool (sheep), alpaca, llama, goat (mohair, cashmere), rabbit (angora), camel, horse, yak, vicuna, qiviut, guanaco, etc. |
| Manufactured Fibers (dyed or un-dyed) | Rayon, azlon, lyocell, acetate, triacetate, rubber, polyester, olefin, nylon, acrylicmodacrylic, aramid, spandex, etc. |
| Other plant-derived and animal-derived materials | Animal glue, beeswax, seeds, nut shells, flowers, bone, sea shell, coral, amber, feathers, fur |
| Metals and Alloys Surgical steel and stainless steels (UNS S13800 – S66286) EXCEPT stainless steel designated as 303Pb (S30360) | N/A |

# TESTING PROCESSES AND PROCEDURES

## TravelSmith Test Method Requirements

TravelSmith requires that third party testing results be conducted by one of CPSC's accredited testing laboratories.

## Lead Testing

- The testing conducted by the laboratory is a destructive testing method using acid to "digest" the component for analysis. The "digested" sample is then analyzed by a testing instrument, spectrophotometer, to detect and measure lead.

- The product can be submitted for testing either as individual components or as a finished sample. TravelSmith strongly recommends submitting the materials as individual components prior to beginning production. This will enable the supplier to change materials and re-test prior to producing the finished goods if one of the components fails to meet the required lead limits.

- If the same material (e.g. same color, leather, surface coating, metal type, etc.) is being used on several different styles, one report can be submitted to certify compliance. However, the goods must be made with the same lot of the material, and, if treated or colored, must evidence those same characteristics.

## Testing Labs

TravelSmith requires that third party testing results be submitted from on of CPSC's accredited third party testing laboratories, such as:

- UL-STR – this is our designated testing laboratory for Prop 65
- Bureau Veritas
- SGS
- Intertek

A complete list of accredited labs can be referenced on CPSC's website:

http://www.cpsc.gov/cgi-bin/labsearch/

## QA Submission Process

The following steps outline the typical procedures for submitting testing results to TravelSmith:

1. Complete the test request form (TRF) and include samples being sent to the lab.
2. Inform the lab that you are supplying the product to be tested to TravelSmith and need the samples tested for lead level compliance with CA Prop 65.
3. Ensure all samples are packaged in separate, clear plastic bags with the component ID and/or description written on the bag.
4. Once you receive the completed test report, send to your TravelSmith Merchant or Quality Control Manager.

## CA Prop 65 Testing Cost

Please be advised that you can submit samples directly to UL-STR for Prop 65 testing for Lead & Phthalates.

One sample of each style will need to be submitted for review of components.

Note: All colors must be represented

The cost to conduct testing per component is as follows:

**Lead** **US Pricing: $75/component** **Asia Pricing: $19/component**

**Phthalates** **US Pricing: $150/component** **Asia Pricing: $122.50/component**

A submittal form which includes the lab locations, is available for you to complete and enclose with each style.

Upon receipt of your samples, a formal quote will be issued for your review and approval, prior to beginning testing.

If you have any questions, you may contact :

Chuck Galuska
Sr. Client Services Manager
Chuck.B.Galuska@ul.com
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UL-STR
10 Water St
Enfield, CT 06082 USA
P:860.749.8371 ext 236
F:860.749.0196
www.STRQuality.com

CA Prop 65 Jewelry Testing Costs

| | | |
|---|---|---|
| UL-STR – US Canton JEWELRY<br>(Lead and Cadmium package price)<br>$40 for 7-10 business days | UL-STR – Hong Kong JEWELRY<br>(Lead and Cadmium package price)<br>$30 for 7 business days<br>$42 for 3 day turn time (rush)<br>$62 for 1 day turn time (rush) | UL-STR – Shenzhen JEWELRY<br>(Lead and Cadmium package price)<br>$30 for 7 business days<br>$42 for 3 day turn time (rush)<br>$62 for 1 day turn time (rush) |
| UL-STR – Shanghai JEWELRY<br>(Lead and Cadmium package price)<br>$30 for 7 business days<br>$42 for 3 day turn time (rush)<br>$62 for 1 day turn time (rush) | UL-STR Asia (HK, SZ, SH) JEWELRY<br>Phthalates (3P)<br>$85.40 for 7 business days<br>$119.50 for 3 day turn time (rush)<br>$170.80 for 1 day turn time (rush) | UL-STR-US Canton JEWELRY<br>Phthalates (3P)<br>$160 for 7-10 business days<br>$320 for 3 day turn time (rush) |