



**CALIFORNIA PROPOSITION 65  
COMPLIANCE REQUIREMENTS**

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# INTRODUCTION

## California Proposition 65 Background

- In 1986, California enacted the Safe Drinking Water and Toxic Enforcement Act, which is also known 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 consumer products.
- In 2010, there was a Proposition 65 enforcement action brought against manufacturers, importers, and retailers of fashion accessories. Several major companies in the fashion industry entered into an agreement to reformulate their products to significantly reduce lead levels.
- In 2011, there was a there was a Proposition 65 enforcement action brought against manufacturers, importers, and retailers of jewelry products. Several major companies in the jewelry industry entered into an agreement to reformulate their products to significantly reduce cadmium levels.
- In 2012, there have been multiple Proposition 65 enforcement actions brought against manufacturers, importers, and retailers of footwear, apparel, fashion accessories, luggage and other flexible plastic products. Settlement agreements require that companies reformulate their products to significantly reduce phthalate levels.

## California Metal Containing Jewelry Law Background

- California's "Metal Containing Jewelry Law" outlines limits pertaining to lead content in adult and children's jewelry. This document provides specific lead content limits and appropriate test methods to ensure compliance in Division 20 of the California Health and Safety Code, Chapter 6.5, Article 10.1, Sections 215214.1 through 25214.4.2, at <http://www.dtsc.ca.gov/LeadInJewelry.cfm>
- Adult and children's items (ages 12 and under), items which are NOT entirely made from precious metals (karat gold, sterling silver, platinum, or stainless steel), require lead ,cadmium and phthalates testing.
- All covered jewelry and watch items (including earring stoppers) must comply with these limits. HSN Partners must provide approved third-party laboratory testing reports with each item submission to QA. The test report should include the HSN item number, VPN number, and photo of the item and must be uploaded into the product specification sheet.
- In addition, TravelSmith Partners are required to provide a Certificate of Compliance with California's Metal Containing Jewelry Law for each covered jewelry and watch item.

## COMPLIANCE LIMITS

### Outerwear and Apparel Trim

#### Lead Content

Components/Materials	Compliance Limits
<b>Accessible Leather</b>	300 ppm
<b>All Accessible Hardware<sup>1</sup> (excluding cubic zirconia, glass or rhinestones)</b>	300 ppm

#### Phthalates (DEHP, DBP, BBP) Content

Components/Materials	Compliance Limits
<b>Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components<sup>3</sup></b>	<b>**1000 ppm (parts per million) total phthalates</b> DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

\*\*Effective March 15, 2013

### Compliance Failures

Products that DO NOT MEET the stated compliance limits will be rejected by TravelSmith QA and cannot be sold.

\*\* TravelSmith effective dates for compliance are based upon Purchase Order (PO) issuance date. When no date is noted, limits are in-effect as of the date of this document

<sup>1</sup> "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.

<sup>2</sup> "Paint or Surface Coatings" 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](http://edocket.access.gpo.gov/cfr_2011/janqtr/pdf/16cfr1302.2.pdf).

<sup>3</sup> "Accessible Component" means a component of the item that could be touched by a person during normal and reasonably foreseeable use

**COMPLIANCE LIMITS (CONTINUED)****Gloves, Hats and Scarves****Lead Content**

Components/Materials	Compliance Limits
Paint or Surface Coatings <sup>2</sup> on Accessible Components <sup>3</sup>	**90 ppm
Accessible Leather	300 ppm
Polyvinyl Chloride (PVC)	**200 ppm
All Other Accessible Components <sup>3</sup> (excluding cubic zirconia, glass or rhinestones)	300 ppm

\*\*Effective March 15, 2013

**Phthalates (DEHP, DBP, BBP) Content**

Components/Materials	Compliance Limits
Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components <sup>3</sup>	**1000 ppm (parts per million) total phthalates DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

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<sup>3</sup> "Accessible Component" means a component of the item that could be touched by a person during normal and reasonably foreseeable use

**COMPLIANCE LIMITS (CONTINUED)****Handbags, Purses, Clutches, Totes, Wallets, Cosmetics & Toiletries Bags**  
(including zipper pulls and bag charms)**Lead Content**

Components/Materials	Compliance Limits
Paint or Surface Coatings <sup>1</sup> on Accessible Components <sup>3</sup>	90 ppm
Accessible Leather	300 ppm
Polyvinyl Chloride (PVC)	200 ppm
All Other Accessible Components <sup>3</sup> (excluding cubic zirconia, glass or rhinestones)	300 ppm

**Phthalates (DEHP, DBP, BBP) Content**

Components/Materials	Compliance Limits
Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components <sup>3</sup>	**1000 ppm (parts per million) total phthalates DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

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[http://edocket.access.gpo.gov/cfr\\_2011/janqtr/pdf/16cfr1302.2.pdf](http://edocket.access.gpo.gov/cfr_2011/janqtr/pdf/16cfr1302.2.pdf).

<sup>3</sup> "Accessible Component" means a component of the item that could be touched by a person during normal and reasonably foreseeable use

**COMPLIANCE LIMITS (CONTINUED)****Footwear and Belts****Lead Content**

Components/Materials	Compliance Limits
Paint or Surface Coatings <sup>2</sup> on Accessible Components <sup>3</sup>	90 ppm
Accessible Leather	300 ppm
Polyvinyl Chloride (PVC)	200 ppm
All Other Accessible Components <sup>3</sup> (excluding cubic zirconia, glass or rhinestones)	300 ppm

**Phthalates (DEHP, DBP, BBP) Content**

Components/Materials	Compliance Limits
Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components <sup>3</sup>	<b>**1000 ppm (parts per million) total phthalates</b> DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

\*\*Effective March 15, 2013

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<sup>3</sup> "Accessible Component" means a component of the item that could be touched by a person during normal and reasonably foreseeable use

## COMPLIANCE LIMITS (CONTINUED)

## Luggage, Luggage Tags, ID Cases, Eyeglass Cases, Key Chains, Covers for Mobile Electronic Devices, Journals, Books

## Lead Content

Components/Materials	Compliance Limits
Paint or Surface Coatings <sup>2</sup> on Accessible Components <sup>3</sup>	**90 ppm
Accessible Leather	**300 ppm
Polyvinyl Chloride (PVC)	**200 ppm
All Other Accessible Components <sup>3</sup> (excluding cubic zirconia, glass or rhinestones)	**300 ppm

\*\*Effective March 15, 2013

## Phthalates (DEHP, DBP, BBP) Content

Components/Materials	Compliance Limits
Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components <sup>3</sup>	**1000 ppm (parts per million) total phthalates DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

\*\*Effective March 15, 2013

## Compliance Failures

Products that DO NOT MEET the stated compliance limits are required to include a Proposition 65 warning with each selling unit. The required warning label must state:

**Proposition 65 Warning:** This product contains chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm. Wash hands after handling

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<sup>1</sup> "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.

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<sup>3</sup> "Accessible Component" means a component of the item that could be touched by a person during normal and reasonably foreseeable use



## COMPLIANCE LIMITS (CONTINUED)

### Jewelry and Watches

#### Lead and Cadmium Content

Component Material	Adult Compliance Limits		Children's Compliance Limits (12 And Younger)	
Class	Lead	Cadmium	*Lead	Cadmium
<b>Class 1:</b>				
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
<b>Class 2:</b>				
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
<b>Class 3:</b>				
All other components (not Class 1 or Class 2)	0.06% (600 ppm)	0.03% (300 ppm)	0.02% (200ppm)	Not Detectible

\*Children's Jewelry 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."

#### Phthalates (DEHP, DBP, BBP) Content

Components/Materials	Compliance Limits
<b>Polyvinyl Chloride (PVC) or other soft plastics, vinyl or synthetic leather on Accessible Components<sup>3</sup></b>	0.1% (1000 ppm) total phthalates DEHP (diethylhexyl phthalate) DBP (dibutyl phthalate) BBP (benzyl butyl phthalate)

### Compliance Failures

Products that DO NOT MEET the stated compliance limits will be rejected by TravelSmith QA and cannot be sold.

**CERTIFICATE OF COMPLIANCE (CA METAL-CONTAINING JEWELRY LAW)****Sample Certificate of Compliance with California's Metal-Containing Jewelry Law**

In addition to providing test reports evidencing compliance lead, cadmium and phthalates limits, all Jewelry and Watch items submitted to TravelSmith QA must include a declaration of compliance with California law. This certificate must be on your company letterhead and submitted to TravelSmith QA or your merchant. A sample of the required certificate of compliance language is below:

[COMPANY LETTERHEAD]

Certificate of Compliance with California's Metal-Containing Jewelry Law

We [NAME OF MANUFACTURER OR SUPPLIER] certify that the jewelry [PROVIDE COMPLETE DESCRIPTION OF THE JEWELRY REFERRED TO] does not contain a level of lead, cadmium or other materials that would prohibit the jewelry from being sold or offered for sale pursuant to Article 10.1.1, Chapter 6.5, Division 20, of the California Health and Safety Code [sections 25214.1 - 25214.4.2].

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CERTIFIED BY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE & DATE: \_\_\_\_\_

## EXEMPT MATERIALS (LEAD TESTING)

### “Non-Suspect Materials” List

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](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, polyester, olefin, nylon, acrylic, modacrylic, 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 CPSC accredited testing laboratories.

#### Lead and Cadmium 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 and/or cadmium.
- 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 using the same lot of material, and, if treated or colored, must evidence those same characteristics. The same report can be uploaded with each of your different product specification sheets.

#### Phthalate Testing

- The testing conducted by the laboratory is a destructive testing method using solvent to “digest” the component for analysis. The “digested” sample is then analyzed by a testing instrument (gas chromatograph-mass spectrometer (GC-MS)), to detect and measure phthalates.
- 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 using the same lot of material, and, if treated or colored, must evidence those same characteristics. The same report can be uploaded with each of your different product specification sheets.

## TESTING PROCESSES AND PROCEDURES (CONTINUED)

### Testing Laboratories

- TravelSmith requires that third party testing results be conducted by CPSC accredited testing laboratories such as:
  - UL – current testing agreement, please ask for test request form
  - Intertek – current testing agreement, please ask for test request form
  - Bureau Veritas
  - SGS
  - Mutual Cornell
- 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 a test request form and include with the samples being sent to the lab.
  2. Inform the lab that you are supplying the product to TravelSmith and need the samples tested for compliance with 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. Send the completed test report to TravelSmith QA or your merchant. The report must include a photograph, description, and part number for each component.