CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA'S LEAD-CONTAINING JEWELRY LAW
QUESTIONS AND ANSWERS
May 2009

Q. Why is lead used as an ingredient in jewelry?
A. Lead is used in jewelry-making for several reasons. First, it makes the base metal easier to shape and form. Second, it makes jewelry heavier, so it seems more substantial. Lastly, lead is cheaper to use than other metals, such as zinc. Lead is also sometimes used as a stabilizer in some plastics, such as polyvinyl chloride (PVC), which is often incorporated into children's jewelry items.

Q. Why is lead-containing jewelry a concern?
A. Excessive exposure to lead can cause many health effects, ranging from behavioral problems and learning disabilities to organ failure and even death. Children 6 years old and younger are more susceptible to adverse health effects because their bodies are growing quickly and their brains are still developing. Lead-containing jewelry poses a particular concern because children often place jewelry in their mouths, which can result in lead absorption at dangerous levels or very serious health effects if the jewelry is accidentally swallowed.

Q. What is being done to prevent jewelry containing high levels of lead from entering the marketplace?
A. California's Lead-Containing Jewelry Law places limitations on the lead content of jewelry. Anyone who manufactures, ships, sells or offers for sale jewelry for retail sale or promotion in California must comply with the restrictions specified in the law. This law incorporates the terms of a consent judgment resulting from a 2006 Proposition 65 lawsuit regarding lead in jewelry, applying the requirements of that judgment to all parties that manufacture, ship, sell or offer for sale jewelry for retail sale or promotion in California.
Other states and cities have also enacted legislation and/or regulations to limit the lead content in jewelry, or propose to do so in the future. As of February 10, 2009, the federal Consumer Product Safety Improvement Act (CPSIA) has new limits for lead in consumer products intended for children 12 years old and under. The U.S. Consumer Product Safety Commission (CPSC) has also issued a number of recalls recently for children's jewelry containing lead.

Q. How does the California Department of Toxic Substances Control (DTSC) intend to enforce the Lead-Containing Jewelry Law?
A. DTSC intends to respond to complaints of jewelry suspected to be out of compliance with the law, in addition to conducting marketplace surveillance. DTSC's enforcement of the law is primarily limited to those who were not signatories to a 2006 Proposition 65 settlement involving a large number of jewelry retailers and businesses (see http://ag.ca.gov/prop65/pdfs/amendedConsent.pdf).

Q. How does jewelry containing high levels of lead make its way into the marketplace?
A. Jewelry containing high levels of lead is often manufactured in other countries and imported into the United States. Most of the jewelry subject to recent U.S. Consumer Product Safety Commission (U.S. CPSC) recalls was manufactured in China, although some recalled jewelry was manufactured in India and other foreign countries.

Q. How widespread is jewelry containing high levels of lead?
A. In the past few years, the U.S. Consumer Product Safety Commission (U.S. CPSC), which is the federal agency charged with protecting the public from unreasonable risks of serious injury or death from consumer products, has announced numerous jewelry recalls, mainly for jewelry manufactured in China. These recalls were initiated because the U.S. CPSC determined that the jewelry contained dangerous levels of lead, thus posing a risk of lead poisoning in children. In the recent past, one or more jewelry recalls were announced nearly every month, indicating that the prevalence of lead-containing jewelry is widespread.

Q. How do stores know if their vendors are providing jewelry containing high levels of lead?
A. California's Lead-Containing Jewelry Law requires that manufacturers provide certification that their jewelry meets the requirements of the law either by:

- Providing such certification, upon request, to a person selling the manufacturer's jewelry; or
- Prominently displaying the certification on the shipping container or the jewelry packaging.

Q. How should I dispose of jewelry if it contains lead and I no longer want it?
A. Parents should immediately take jewelry believed to contain lead away from their children. DTSC has not yet determined if jewelry containing lead above the levels allowed under the Lead-Containing Jewelry Law would be considered a hazardous waste if it is disposed. Until this determination is made, DTSC recommends that all suspected lead-containing jewelry be disposed of in a manner that eliminates any access by children.

Q. How do I know if my jewelry is safe?
A. You cannot tell if a piece of jewelry contains lead just by looking at it. A lead measurement (using a chemical or spectroscopic test) must be performed. A lead swab test, such as those purchased from a hardware store for lead paint detection, might indicate if the surface of the jewelry contains lead, but it will probably not detect lead present beneath the surface coating. In any case, if parents allow their children to wear jewelry, they should monitor their children to ensure jewelry is not placed in their mouths.

Q. Can lead be absorbed through the skin?
A. Exposure to lead occurs mainly from ingestion, such as eating or putting objects into the mouth, putting young children particularly at risk. Exposure to lead can also occur from inhalation, such as breathing lead that is scattered in the air as dust, fume or mist. Absorption of lead through the skin from wearing jewelry is not likely to pose as large a risk.

Q: What can I do if I believe my child has put lead-containing jewelry into his/her mouth?
A: You should consult your health care provider and request a blood test to determine whether your child has been exposed to lead recently. A blood lead test is the only way you can find out if your child has an elevated blood lead level; however, an elevated blood lead level will not tell you if the lead exposure came from lead-containing jewelry or another source of lead.

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