



*Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.*

Fact Sheet, May 2009

## California's Lead-Containing Jewelry Law

*The Department of Toxic Substances Control (DTSC) is responsible for enforcing California's law to protect children and adults from exposure to lead in jewelry.<sup>1</sup> The law restricts the amount of lead in jewelry by identifying what materials may be used, as well as establishing lead concentration thresholds that may not be exceeded. This Fact Sheet has been developed to help consumers and people in the jewelry industry understand the law and its requirements.*

### Background

Jewelry, including inexpensive children's jewelry, can contain dangerously high levels of lead. Lead is a toxic metal that can cause serious health effects ranging from behavioral problems and learning disabilities to organ failure, and even death. Children six years old and under are most at risk, because their bodies are growing quickly. Lead-containing jewelry poses a particular concern because children are prone to placing jewelry in their mouths, which can result in dangerous amounts of lead getting into their bloodstreams. Recalls of lead-contaminated jewelry sold in places such as discount stores, gift shops and vending machines have increased people's awareness of the health hazards associated with lead in jewelry. The tragic death of a four-year-old child in Minnesota after he swallowed a jewelry charm containing lead underlines the importance of taking immediate action to ensure the public is protected from this danger.

Due to growing concerns about the risks of lead exposure, California has enacted laws that restrict the lead content in jewelry, both for children and adults. These laws together comprise California's Lead-Containing-Jewelry law.<sup>2</sup> This law prohibits persons from manufacturing, shipping, selling, or offering for sale jewelry for retail sale, or for promotional purposes, in California unless certain lead-restricting requirements are met. For example, the law requires manufacturers to use specific classes of materials in jewelry that do not typically contain lead, or which contain limited amounts of lead.

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<sup>1</sup> Starting February 10, 2009, the Federal Consumer Product Safety Improvement Act (CPSIA) has new lead restrictions for children's consumer products. Please note that all children's products, including jewelry, are subject to the [CPSIA](http://www.cpsc.gov/about/cpsia/cpsia.html), which defines "children" as 12 years old and younger. For more information about the Federal lead requirements for children's products please visit the following website: <http://www.cpsc.gov/about/cpsia/cpsia.html>. For a summary of the CPSIA requirements pertaining to lead in children's products, including lead in paint, go to <http://www.cpsc.gov/ABOUT/Cpsia/summaries/101brief.html>.

<sup>2</sup> [Health and Safety Code sections 25214.1-25214.4.2](#)



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A number of jewelry manufacturers, distributors, and retailers agreed to comply with these restrictions on lead in jewelry as signatories to a 2006 consent judgment resulting from a Proposition 65 lawsuit filed by the California Attorney General's Office and two environmental groups.<sup>3</sup> California's lead-containing-jewelry law extends the restrictions to all other businesses. [Note: The [Office of Environmental Health Hazard Assessment \(OEHHA\)](#) implements Proposition 65 (California's Safe Drinking Water and Toxic Enforcement Act of 1986). For [information on Prop 65](#), please go to [www.oehha.ca.gov/prop65.html](http://www.oehha.ca.gov/prop65.html) or call (916) 445-6900.]

## **Applicability**

This law applies to those who manufacture ship, sell, or offer for sale jewelry for retail sale, or offer jewelry for promotional purposes, in California.

## **Definitions**

- "Jewelry" means: (1) Any of the following ornaments worn by a person: anklet; arm cuff; bracelet; brooch; chain; crown; cuff link; hair accessory; earring; necklace; pin; ring; body piercing jewelry; jewelry placed in the mouth for display or ornament; (2) any bead, chain, link, pendant or other component of an ornament specified in (1) above; (3) a charm, bead, chain, link or pendant attached to shoes or clothes, that can be removed; or (4) a watch in which a timepiece is a component of an ornament specified in (1) above, excluding the timepiece itself if the timepiece can be removed from the ornament.
- "Children's Jewelry" means jewelry made for, marketed for use by, or marketed to children ages six and younger.
- "Body Piercing Jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry not placed within a new piercing or a mucous membrane.

Note: for the purposes of this law, the parts of body piercing jewelry not placed within a new piercing or a mucous membrane are considered to meet the more general definition of "jewelry" and are regulated as such.

## **Requirements**

### **Materials**

A person must not manufacture, ship, sell, or offer for sale jewelry for retail sale in California unless it is made entirely from one or more of the materials specified in the following table:

<sup>3</sup> <http://ag.ca.gov/prop65/pdfs/amendedConsent.pdf> .



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<b>MATERIALS REQUIRED FOR JEWELRY</b>	
<b>Jewelry Type</b>	<b>Type of Material Required--<i>Jewelry Must Be Made Entirely From One or More of the Materials Listed for Each Jewelry Type</i></b>
Children's jewelry ( <i>Made for, marketed for use by, or marketed for children ages 6 and younger.</i> )	<ul style="list-style-type: none"> <li>• A nonmetallic class 1 material*</li> <li>• A nonmetallic class 2 material*</li> <li>• A metallic material that is either a class 1 material* or contains &lt;0.06% (600 ppm) lead by weight.</li> <li>• Glass or crystal decorative components that weigh in total no more than 1 gram, excluding any glass or crystal decorative component that contains &lt;0.02% (200 ppm) lead by weight and has not intentionally added lead.</li> <li>• Printing ink or ceramic glaze that contains &lt;0.06% (600 ppm) lead by weight.</li> <li>• Class 3 material* that contains &lt;0.02% (200 ppm) lead by weight.</li> </ul>
Body Piercing Jewelry ( <i>Any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane</i> )	<ul style="list-style-type: none"> <li>• Surgical implant stainless steel</li> <li>• Surgical implant grade of titanium</li> <li>• Niobium (Nb)</li> <li>• Solid 14 karat or higher white or yellow nickel-free gold</li> <li>• Solid platinum</li> <li>• Dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.</li> </ul>
All other jewelry	<ul style="list-style-type: none"> <li>• Class 1 material*</li> <li>• Class 2 material*</li> <li>• Class 3 material*</li> </ul>

*\* Jewelry Material Classes*

Class 1 Materials:

- Stainless or surgical steel; karat gold; sterling silver; platinum, palladium, iridium, ruthenium, rhodium, or osmium;
- Natural or cultured pearls;
- Glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, cubic zirconium (CZ), rhinestones, and cloisonné;
- Gemstones cut and polished for ornamental purposes (excluding aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite);
- Elastic, fabric, ribbon, rope, or string (unless it contains intentionally added lead and is listed as a class 2 material);
- All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead; and
- Adhesive.

Class 2 Materials:

- Electroplated metal:
  - On and before August 30, 2009, a metal alloy <10% lead by weight electroplated with suitable under and finish coats.
  - After August 30, 2009, a metal alloy <6% lead by weight electroplated with suitable under and finish coats;
- Unplated metal <1.5% lead not otherwise listed as a class 1 material;
- Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC):
  - On and before August 30, 2009, <0.06% (600 ppm) lead by weight
  - After August 30, 2009, <0.02% (200 ppm) lead by weight; and
- A dye or surface coating containing <0.06% (600 ppm) lead by weight.

Class 3 Materials: Any portion of jewelry that meets both of the following criteria:

- Not a class 1 or class 2 material
- Contains <0.06% (600 ppm) lead by weight



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## ***Certification***

A manufacturer or supplier of jewelry subject to this law must provide certification that the jewelry is in compliance with the law's lead restrictions. The manufacturer or supplier must either provide this certification to the person who sells this jewelry, or display the certification prominently on the shipping container or on the jewelry packaging. Additionally, the manufacturer or supplier of jewelry subject to this law must, upon request from DTSC and within 28 days, provide to DTSC technical documentation or other information showing that the jewelry is in compliance with the law.

## ***Inspections***

Under California's Lead-Containing-Jewelry Law, DTSC has the authority to enter and inspect a factory, warehouse, or other establishment where jewelry is manufactured, packed, held or sold, or a vehicle used to transport, hold, or sell jewelry. DTSC is also authorized to obtain a sample, in exchange for a receipt for the item, and to review all relevant records.

## ***Penalties***

A person who violates the law is subject to civil penalties up to \$2,500 per day per violation. A manufacturer or supplier who intentionally manufactures, ships, sells, offers for sale, or offers for promotion jewelry in violation of the law, can be fined between \$5,000 and \$100,000, or imprisoned up to a year, or both. A manufacturer or supplier who intentionally falsifies any document or certificate required by the law can be fined up to \$50,000, or imprisoned up to a year, or both.

## ***Test Methods for Determining Compliance***

- EPA Methods 3050B, 3051A, or 3052 – the manufacturer or supplier must use the most appropriate test method for total digestion of the sample.
- The law specifies additional sample preparation and testing procedures for certain materials.

A list of certified environmental laboratories is provided on the Department of Public Health website at <http://ww2.cdph.ca.gov/certlic/labs/Documents/ELAPLablist.xls>.

### **Caution:**

This fact sheet does not replace or supersede statutes or regulations. All jewelry manufacturers, distributors, suppliers, and retailers must follow the hazardous waste control statutes and any implementing regulations applicable to their activities.



# DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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**For more information:**

Please visit our Web site at:

<http://www.dtsc.ca.gov/leadinjewelry.cfm>

or email us at:

[leadinjewelry@dtsc.ca.gov](mailto:leadinjewelry@dtsc.ca.gov)

*You may also contact the DTSC office nearest you,  
or call or email the Regional Regulatory Assistance Officers at*

*(800) 72-TOXIC (800-728-6942)*

or [RAO@dtsc.ca.gov](mailto:RAO@dtsc.ca.gov).

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**Berkeley Office**

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**Chatsworth Office**

9211 Oakdale Avenue  
Chatsworth, CA 91311  
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**Cypress Office**

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