

## Vermont Passes Lead in Consumer Products Law

On June 7, 2008, Governor Douglas signed into law Senate Bill 152, (Act No. 193), An Act Relating to Prevention of Lead Poisoning by Exposure to Lead in Consumer Products. This law establishes lead limits for children's products as well as other consumer products.

This law prohibits the manufacture, sale and distribution of any children's product any component part of which "contains lead," which, under this law, means containing or having a surface coating containing the following amount of lead by weight of lead or lead compound:

0.06 percent (600 ppm) as of October 1, 2008;  
0.03 percent (300 ppm) as of July 1, 2009; and  
0.01 percent (100 ppm) as of January 1, 2010

"Children's product" means any consumer product marketed for use by children under the age of 12, or whose substantial use or handling by children under 12 years of age is reasonably foreseeable, including toys, furniture, jewelry, vitamins and other supplements, personal care products, clothing, food, and food containers and packaging.

Also prohibited under this law is the manufacture, sale and distribution of jewelry or any other metal decorative item containing lead that is *not* a children's product if the item or any detachable part of the item is the size of a small part as defined by the Consumer Product Safety Commission (CPSC) in 16 CFR 1501, unless the item is expressly and prominently advertised as adult jewelry, the item is not commonly understood to be for use by a child under the age of 12, and the item is accompanied by a point-of-sale disclosure and a hand-out, as prescribed by the attorney general, stating that the item may contain lead at or above the prevailing legal limit for children's products.

The disclosures must state, in plain English, (1) that the products in question do or may contain lead (as the case may be), and (2) that lead is harmful to humans, especially children. Stores will have some leeway in crafting their own disclosures, but a disclosure must communicate these two points in order to be in compliance with the law. Disclosures should also be printed in easy-to-read type and displayed either in an easily-seen place near the products in question or near the checkout or cash register.

For Internet sales into Vermont, the same disclosures should appear on the checkout or order screen or on a separate screen accessible by a prominent link labeled "Vermont residents click here" or the equivalent. In addition, online advertising of small-part jewelry as "adult" jewelry should clearly identify such items as "adult." For catalog sales into Vermont, the same disclosures should appear on the checkout or order page, with prominence equal to other items on that page.

The text of any required hand-outs will be posted by the Attorney General's website, <http://www.atq.state.vt.us/>, before the regulations take effect.

The prohibitions under this law *do not* apply to the following:

1. Any part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product. A component part is not accessible under this section if it is not physically exposed by reason of a sealed covering or casing. Paint, coatings, and electroplating are *not* considered barriers to lead in the substrate;

2. Any component that is intended for children age eight and under, that complies with any more stringent federal or European Union standard for lead and that is contained within a battery compartment that cannot be opened without a coin, screwdriver, or other common household tool;

3. Any power cord, USB cable, audio-visual cable, jack, connector, or similar device or component used in connection with or attached to a children's product that: conducts electric current; is not a small part, as defined by the CPSC in 16 CFR 1501; does not have a casing or coating that contains lead; and complies with the most stringent standard for lead in consumer products adopted by federal law, by states with total population of at least 25 million, or by the European Union.

Other restrictions imposed by this law concern motor vehicle wheel weights, plumbing fixtures and related supplies, nonresidential paints and primers, and salvage building materials. For more details on these restrictions, consult the full text of the law at the following:

**[Lead in Consumer Products Act](#)**

A guidance document for businesses regarding the regulations under this new law can be viewed here:

**[Lead in Consumer Products Guidance Document](#)**

STR offers analytical expertise in lead content testing. Our hazard prevention program for toys includes comprehensive safety testing, audit, inspection as well as responsible sourcing services. For more information, contact us at [inquiry@strus.com](mailto:inquiry@strus.com).