

International Cadmium Association

North American Regulatory Affairs Committee

Webconference and Teleconference

Thursday, April 28, 2011 @ 9 AM EDT

Web Connection: <https://www2.gotomeeting.com/join/910473618>

Telephone Connection:

Meeting Agenda

- Welcome and Introduction – Max Cossette
- Compliance with Association Law – Hugh Morrow
- Toxic Substances Control Act (TSCA)
 - Revision of TSCA: Safe Chemicals Act of 2011
 - Enhancement of TSCA: Section 8(d) Cadmium Rule
- Cadmium in Children’s Jewelry
 - Proposed State Legislation
 - Consumer Product Safety Commission Actions
- Cadmium in Glassware Enamels
 - ICdA Position on Enamels vs. Jewelry
 - Total Cadmium Content vs. Extracted Cadmium Levels

STATEMENT OF COMPLIANCE

- The purpose of the meeting is to address, under the applicable confidentiality rules, issues concerning Cadmium and Cadmium compounds producers and importers and more particularly their obligations under the several regulations.
- The minutes kept during the meeting will have to reflect all significant matters discussed during the meeting.
- No discussions will be held, formally or informally, during specified meeting times or otherwise, involving, directly or indirectly, express or implicit agreements or understandings related to: (a) any company's price; (b) any company's terms or conditions of sale; (c) any company's production or sales levels; (d) any company's wages or salaries; (e) the division or allocation of customers or geographic markets; or (f) customer or suppliers boycotts; or (g) any disclosure of information which may affect applicable rules on Competition Law.
- The International Cadmium Association (ICdA), as a group will make no recommendations of any kind and will not try to reach any agreements or understandings with respect to an individual company's prices, terms or conditions of sale, production or sales levels, wages, salaries, customers or suppliers.

Toxic Substances Control Act (TSCA)

- Revision of TSCA
 - Require Industry to Provide Minimum Data Set
 - Require EPA to Prioritize Chemicals Based on Risk
 - Reduce Risk from Chemicals of Highest Concern
 - Require Further Evaluation of Chemicals That Could Pose an Unacceptable Risk
 - Provide Broad Public Access to Chemicals Data
- Enhancement of Existing TSCA
 - EPA Plans to Invoke TSCA Section 8(d) to Require Cadmium Health and Safety Data by Early 2012

Cadmium Health and Safety Data Reporting under TSCA Section 8(d)

- “On August 30, 2010, EPA granted a request from the Sierra Club to use Section 8(d) of TSCA to require producers, importers, and processors of cadmium and cadmium compounds to submit to EPA lists or copies of ongoing and completed **unpublished health and safety studies** concerning cadmium and cadmium compounds that are reasonably **likely to be incorporated into consumer products**. Sierra Club made this request through a Citizen’s Petition filed under TSCA Section 21.”

Cadmium Health and Safety Data Reporting under TSCA Section 8(d)

- “The petition also asked that the Consumer Product Safety Commission (CPSC) take certain actions, including the establishment of standards restricting cadmium in children’s products, especially metal jewelry. The health and safety studies that EPA would require under this rule would be used to help determine if a potential hazard exists from cadmium or cadmium compounds and whether a product should be banned as a hazard substance under guidelines established by CPSC.”
 - From EPA’s March 2011 Action Initiation List

ICdA Action Options on TSCA

- TSCA Revision
 - Legislation Unlikely to be Completed in 2011
 - Endorse NAMC and AAI Positions on TSCA Revision
 - File Cadmium-Specific Comments If Required
 - Do Not Respond Except to Cadmium-Specifics
- TSCA Enhancement
 - Accept the Proposed Section 8(d) Cadmium Rule and Submit Any Unpublished Cadmium Studies. We May Have to Submit Confidential Business Information.
 - Oppose the Proposed Section 8(d) Cadmium Rule and Force EPA to Issue Notice of Proposed Rulemaking

Existing or Proposed State Legislation on Cadmium in Children's Jewelry

- Existing: MN, CT, IL, CA
- Proposed: FL, HI, KY, MA, ME, MI, MS (Died in Committee), NJ, NY, SD, TN, WA
- All Based on Total Cadmium Content Except
 - IL: 75 ppm soluble cadmium using ASTM F963
 - NY: 0.5 ppm leachable cadmium pending determination
- Differences in the Proposed Legislation
 - Total Product, Surface Coating or Accessible Substrate
 - Cadmium Level Restricted: 0.5, 40, 75 or 300 ppm
 - Definition of Children's Age Cutoff: <6 to <13 years
 - Proposed Enforcement Dates: July 1, 2011 to July 1, 2013

Consumer Product Safety Commission's Actions

- CPSC Warns Chinese Manufacturers Against Use of Cadmium in Children's Products
- CPSC Deferred Decision on Sierra Club Petition for Six Months, Provide Update in August 2011
- CPSC Staff Briefing Packaging on Sierra Club Petition Issued on February 9, 2011
- CPSC Staff to Work with ASTM Subcommittees on F963 Standard and Test Method for Toy Jewelry to Develop Voluntary Standards on Cd

ICdA Positions on Cadmium in Jewelry vs. Cadmium in Enamels

- Position Already Taken on Cadmium in Jewelry
- Technical Arguments on Different Positions
 - Complete Insolubility of Cadmium Sulfide-Based Pigments in Plastics, Glasses, Ceramics and Enamels
- Political Difficulties of Different Positions
- ICdA Course of Action
 - Restrict Cadmium in All Children's Products?
 - Restrict Extractable Cadmium in Children's Products in Cooperation with CPSC?
 - Take No Further Position on Cadmium in Enamels

Summary of ICdA Actions

- Toxic Substances Control Act
 - TSCA Revision: Monitoring & NAMC Cooperation
 - TSCA Section 8(d) Rule: **Decision Required**
- Cadmium in Children's Jewelry
 - Cooperation with the CPSC and ASTM to Develop Voluntary Standards Based on Solubility
- Cadmium in Glassware Enamels
 - **Decision Required**