

Minnesota Provides Guidance on their Lead and Cadmium in Consumer Products Law



**BUREAU
VERITAS**

Minnesota Pollution Control Agency (MPCA) has developed additional guidance for their Lead and Cadmium in Consumer Products law that became effective August 1, 2023. The law restricts the manufacture or sale of certain adult and children's products containing more than 90 ppm lead or 75 ppm cadmium. A summary of the law is provided below in the link for the Bureau Veritas bulletin #23B-046.

Highlights of the Guidance

- The law includes:
 - any of the 15 products specifically listed and the different forms they may take
 - 15 products: jewelry; toys; cosmetics and personal care products; puzzles, board games, card games, and similar games; play sets and play structures; outdoor games; school supplies; pots and pans; cups, bowls, and other food containers; craft supplies and jewelry-making supplies; chalk, crayons, paints, and other art supplies; fidget spinners; costumes, costume accessories, and children's and seasonal party supplies; keys, key chains, and key rings; clothing, footwear, headwear, and accessories
 - any combination or set of products which includes one of the listed products
 - accessories sold together with a listed product
 - accessories sold separately from a listed product if the accessory also fits in the category of listed product.
- The MPCA places the highest priority on components which may be mouthed, sucked on, or ingested by children or which may be coated with a finish that does not itself include lead or cadmium, but may break down to expose underlying materials that contain lead or cadmium when ingested by a child.
- The law covers potentially accessible components. Besides visible components, it also includes parts which are not immediately visible (e.g., hidden by another material).
- The law covers components not typically accessible except by destruction or separation using tools or heavy objects. Circuitries, batteries and complex inner workings that require intentional opening or disassembly are covered.
- The MPCA considers not typically accessible components to be less of a priority for monitoring and replacement than mouthable or ingestible components. However, as they remain a life-cycle environmental concern they recommend removing the chemicals as soon as possible to come into compliance with the law.
- All natural or synthetic materials must comply with the limits.
- Sunglasses and other eyewear without corrective lenses are included within the scope and fall under the clothing or costume accessories category.
- Products are only exempt under the federal preemption clause if there is a specific preemption in the federal law that says state limits cannot be more stringent than the federal limits. Just the existence of a federal limit or law does not preempt this law.
- Additional information is provided in the below link of the guidance.

Link to the Guidance: <https://www.pca.state.mn.us/air-water-land-climate/protecting-children-and-families-from-lead-and-cadmium#guidance>

Related Bulletin: #23B-046 Minnesota Signs Lead and Cadmium Bill into Law
<https://www.cps.bureauveritas.com/newsroom/minnesota-signs-lead-and-cadmium-bill-law>

How Does this Impact You? Contact Us to Discuss

If you have any questions, please contact your customer service representative or email: info@us.bureauveritas.com

Bureau Veritas Consumer Products Services, Inc. ("BVCPS") provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided "as is." BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.

Copyright © 2024 Bureau Veritas Consumer Products Services, Inc. All Rights Reserved. May 2024, Bulletin 24B-031