

California Proposition 65 Settlement for Hexavalent Chromium in Leather



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A settlement has been approved between the Center for Environmental Health (CEH) and a number of brands and retailers for alleged exposure to hexavalent chromium in leather gloves and footwear. Companies may voluntarily opt into the settlement until May 21, 2024.

Background

- Chromium exists in different oxidation states: trivalent chromium Cr(III) and hexavalent chromium Cr(VI). Only Cr(VI) is on the California Proposition list.
- Often times leather product manufacturers use Cr(III) in the tanning process to preserve hides.
- However, under certain environmental conditions (such as temperature, humidity, pH) Cr(III) can oxidize into Cr (VI) and Cr(VI) can also reduce to Cr(III) under certain conditions.

Settlement Agreement

- Product scope: Footwear and gloves which have chrome-tanned leather components that have direct contact with the skin when worn.
- Exemption: Leather from exotic animals such as alligators, crocodiles, sharks, lizards, snakes and ostriches is not within the scope.
- Participating companies must source leather or ensure leather products purchased from suppliers were sourced from a certified tannery.
- Testing of leather for Cr(VI) is not required.
- Product from a certified tannery does not require a Prop 65 warning.
- A Certified Tannery is one that either
 - certifies compliance with the approved tanning protocol; or
 - is Gold metal certified under the Leather Working Group (LWG) Audit Protocol (P7.2.2 or higher) or in the Restricted Substances, Compliance & Chromium VI Management module of the LWG Audit Protocol
- The tannery must provide transport and storage instructions specifying recommended temperature, humidity, and light conditions sufficient to maintain physical and chemical properties of the leather relevant to Cr(VI) formation.
- Records demonstrating compliance with the Reformulation Protocol must be retained for at least five years and provided upon written request.
- The requirements of the settlement are phased in, starting with at least 50% of covered product in compliance by one year after the court approves the opt-in; at least 75% by June 21, 2025; and 100% compliance by the December 31, 2025. There is a limited exemption for the final compliance date for products where it is not feasible to contain skin contact leather from a certified tannery. If non-compliance is before the final compliance date a report must be sent to the CEH detailing the circumstances. Non-compliance after the final compliance date requires a Prop 65 warning for a limited number of products as defined in the settlement along with a detailed written report to the CEH each calendar year.

Link to the Settlement: <https://oag.ca.gov/system/files/prop65/judgments/2019-01258J5172.pdf>
Information to Opt-in: <https://www.prop65hexchromesettlement.com>

How Does this Impact You? Contact Us to Discuss

If you have any questions, please contact your customer service representative or email:

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