The Illinois Lead Poisoning Prevention Act (LPPA) is a labeling law that covers children’s jewelry (surface coatings and substrate), toys (surface coatings only), and child care articles (surface coatings and substrates), among other things, sold in the State of Illinois. If the total lead content of an applicable component is more than 40 ppm but less than 600 ppm or a lower Federal requirement the children’s product requires a warning label.

Senate Bill 1943 amending LPPA was signed by Governor Pat Quinn on August 26, 2011. Following are the revisions to the LPPA:

- The requirements are applicable only to an accessible component(s) of children’s jewelry, child care article and toys.
  - Accessibility will be determined by use and abuse testing methods defined by the Consumer Product Safety Commission (CPSC).
- The bill further provides clarification on the scope by clearly defining the terms: children's jewelry, jewelry, child care article and toys. It should be noted that these definitions differ from the ones in Consumer Product Safety Improvement Act of 2008 (CPSIA).
- The warning label section is revised. Revised verbiage is provided in Annex II. Also, a warning label is not required for following cases:
  - Component(s) containing lead is inaccessible, or
  - The material has been exempted, by CPSC, from Third-party testing requirement to support the Certification for lead content in CPSIA.

The bill provides criteria for determining whether a children’s product is a toy, which are similar to the ones provided by the CPSC. Subsequently, the bill goes on to restrict the applicability of regulation only to accessible components with external coatings for toys. It should be noted that paint, ink, lacquer and screen print are listed as examples for coatings.

The bill clarified that the scope of LPPA covers only the child care articles that may be mouthed, chewed, sucked or licked. Prior to this amendment there was no such limitation. Following is an excerpt from the bill.

“An item meets this definition if it is

(i) designed or intended to be used directly in the mouth by the child or

(ii) is used to facilitate sleep, relaxation, or feeding of children under the age of 6 or help with children under the age of 6 who are sucking or teething and, because of its proximity to the child, is likely to be mouthed, chewed, sucked, or licked.”

Annex I – Definitions:

"Child care article" means an item that is designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children under the age of 6 or to help with children under the age of 6 who are sucking or teething.

"Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of 12 and includes jewelry that meets any of the following conditions:

(5) represented in its packaging, display, or advertising as appropriate for use by children under the age of 12;

(6) sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children under 12;

(7) sized for children and not intended for use by adults; or

(8) sold in any of the following places: a vending machine; a retail store, catalogue, or online Web site in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or a discrete portion of a retail store, catalogue, or online Web site in which a person offers for sale products that are packaged, displayed or advertised as appropriate for use by children.

"Jewelry" means any of the following ornaments worn by a person:

a. Ankle bracelet.
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d. Brooch.
e. Chain.
g. Cuff link.
h. Hair accessory.
i. Earring.
j. Necklace.
k. Decorative pin.
l. Ring
m. Arm cuff.
n. Bracelet.
o. Body piercing jewelry. ("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
that is not placed within a new piercing or a mucous membrane.)
p. Jewelry placed in the mouth for display or ornament.
q. Any charm, bead, chain, link, pendant, or other component of the
items listed in this definition.
r. A charm, bead, chain, link, pendant, or other attachment to shoes or
clothing that can be removed and may be used as a component of an
item listed in this definition.
s. A watch in which a timepiece is a component of an item listed in this
definition, excluding the timepiece itself if the timepiece can be
removed from the ornament.

"Toy containing paint" means a toy with an accessible component containing
any external coating, including, but not limited to, paint, ink, lacquer, or screen
printing, designed for or intended for use by children under the age of 12 at play.
For the purposes of this Section, "toy" is any object designed, manufactured, or
marketed as a plaything for children under the age of 12 and is excluded from
the definitions of "child care article" and "jewelry".
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Annex II – Warning Labels:

The verbiage of the warning label, if required to be placed on product, is revised to read:

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH FEDERAL STANDARDS." Instead of

"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."

The Solution:

Intertek, through our extensive global network, has a variety of services available to help you overcome the challenges related to complying with the Illinois – Lead Poisoning Prevention Act and its requirements. Besides keeping you updated on any new developments from time to time, Intertek provides legal, regulatory and strategic consulting, testing, and implementation programs for compliance to the new regulations, enabling you to meet your business objectives.

Should you have any queries on the above news, please contact Dr. Pratik Ichhaporia at: Tel.: +1.630.481.3174 / Email: pratik.ichhaporia@intertek.com