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Prop 65 Settlement Agreed for Nylon Cooking Utensils

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Agreement Limits for Content and Migration of 4,4 -MDA

A Prop 65 settlement has recently been reached for 4,4 -methylenedianiline (4,4 -MDA) in nylon cooking utensils. The parties agreed to reformulate both 4,4 -MDA content and specific migration of 4,4 -MDA in these products. California Proposition 65 (Prop 65) [1] is the Safe Drinking Water and Toxic Enforcement Act of 1986, a ballot initiative passed overwhelmingly by California residents in November 1986. It requires the State to publish a list of chemicals [2] that are known to cause cancer, birth defects or reproductive harm. The list was first published in 1987 and is updated at least once a year.

Prop 65 Targets Hazardous Substances

Prop 65 [3] places two responsibilities on companies doing business in California. These are:

- Providing a clear and reasonable warning [4] before knowingly and intentionally exposing anyone to a listed chemical. Once a chemical is listed, businesses have 12 months to comply with this requirement

- Prohibiting the discharge of a listed chemical into sources of drinking water. Once a chemical is listed, businesses have 20 months to comply with this requirement

Businesses with less than 10 employees and government agencies are exempt from these 2 provisions. Businesses are exempt from these provisions if exposure to the listed chemical creates no significant risk of cancer, birth defects or other reproductive harm.

Toxic Chemical Exposure Reduced

Prop 65 is now almost 30 years old and has been effective in reducing exposure to toxic chemicals. Since its enactment, there has been a single enforcement action for nylon cooking utensils containing 4,4 -MDA [5], a substance that has been listed as a chemical known to the State of California to cause cancer since January 1, 1988. Under the terms of that consent agreement, the parties agreed to reformulate 4,4 -MDA content to no more than 200 ppm.

In February 2016, a second consent agreement was reached for 4,4 -MDA in nylon cooking utensils. It is noteworthy that the parties agreed to reformulate the product based on both 4,4 -MDA content, and specific migration of 4,4 -MDA in 3% acetic acid under defined conditions for time and temperature.

Highlights of this new Prop 65 settlement are summarized in [Table 1](#) of the latest Safeguards bulletin.

References:

[1] [California Proposition 65](#)

[2] [State of California Environmental Protection Agency Office of Environmental Health and Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity, December 4, 2015](#)

[3] [California Proposition 65 in plain language](#)

[4] [Title 27, California Code of Regulations, Article 6: Clear and Reasonable Warnings](#)

[5] [SGS Safeguards, April 2015](#)

About SGS Services for the Consumer Goods and Retail Industry

Throughout its global network of laboratories, SGS can offer comprehensive testing, product assessments and consultancy services related to [California Proposition 65](#) to assist companies with risk management in their supply chains for consumer goods such as DIYs, electrical and electronics, hardgoods products, juvenile products, and textile & toy products.

For further information, please contact an SGS expert.

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