

# Consumer Product Safety Alert

FROM THE U.S. CONSUMER PRODUCT SAFETY COMMISSION, WASHINGTON, D.C. 20207

## Law Requires Review and Labeling of Art Materials

### Including Children's Art and Drawing Products

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On November 18, 1988, the President signed into law the Labeling of Hazardous Art Materials Act (Public Law 100-695). This law requires that all art materials be reviewed to determine the potential for causing a chronic hazard and that appropriate warning labels be put on those art materials found to pose a chronic hazard. The term "art material"

includes "any substance marketed or represented by the producer or repackager as suitable for use in any phase of the creation of any work of visual or graphic art of any medium." (15 U.S.C. 1277(b)(1)). The law applies to many children's toy products such as crayons, chalk, paint sets, modeling clay, coloring books, pencils, and any other products used by children to produce a work of visual or graphic art.

The "Labeling of Hazardous Art Materials Act" (LHAMA) amended the Federal Hazardous Substances Act (FHSA) by adding Section 23 and designating the ASTM Standard Practice for Labeling Art Materials for Chronic Health Hazards (ASTM D-4236-88) as a regulation under Section 3(b) of the FHSA. The requirements of the LHAMA became effective on November 18, 1990. These requirements apply to art materials that are intended for use in the household or by children, which are initially introduced into interstate commerce on and after November 18, 1990.

The Commission believes that under the broad statutory definition of "art material" three general categories can be seen:

1. Those products which actually become a component of the work of visual or graphic art, such as paint, canvas, inks, crayons, chalk, solder, brazing rods, flux, paper, clay, stone, thread, cloth, and photographic film.
2. Those products which are closely and intimately associated with the creation of the final work of art, such as brush cleaners, solvents, ceramic kilns, brushes, silk screens, molds or mold making material, and photo developing chemicals.
3. Those tools, implements, and furniture that are used in the process of the creation of a work of art, but do not become part of the work of art. Examples are drafting tables and chairs, easels, picture frames, canvas stretchers, potter's wheels, hammers, chisels, and air pumps for air brushes.

The CPSC does not believe that Congress intended products in the third category to be considered "art materials."

Therefore, as an enforcement policy, the CPSC is not requiring that products falling in this third category comply with the standard for art materials. However, manufacturers still have the responsibility under the FHSA to assure that these products comply with any FHSA labeling or other requirements due to chronic toxicity or other hazards.

Parents and others buying art materials, school supplies and toys such as crayons, paint sets, or modeling

clay should be alert and purchase only those products which are accompanied by the statement "Conforms to ASTM D-4236."

The LHAMA does not change the fact that products which are hazardous are banned for distribution to young children, whether the hazard is based on chronic toxicity,

acute toxicity, flammability, or other hazard identified by the FHSA. There is an exception for art materials if they meet all three of the exemption criteria of Section 2(q) of the

FHSA in that they: (1) require the inclusion of the hazardous substances for their functional purpose, (2) bear

labeling giving adequate directions and warnings for safe

use, and (3) are intended for use by children who have

attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

For more information on the requirements for art materials, contact the U.S. Consumer Product Safety Commission, Division of Regulatory Management, Office of Compliance and Enforcement, Washington, DC 20207, telephone: 301 - 504-0400.