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Director, Regulatory Affairs

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November 14, 2008

Terri Roggenkamp  
Engineering/Safety  
Malloy, Inc.

RE: Consumer Product Safety Improvement Act (CPSIA) of 2008 – Lead Standard

Dear Terri Roggenkamp:

INX INTERNATIONAL INK CO complies with federal and international standards for lead and other heavy metal content concerning high toxicity metals; such as cadmium, hexavalent chromium, and mercury that are listed hereunder. Additionally, INX takes a very proactive position with its suppliers of pigments and other chemical raw materials that potentially could become contaminated with these substances. Specifically, suppliers of these materials certify that their products comply with these applicable standards for which they are supplying, both through their independent analysis and with their company certification. Additionally, INX has taken the additional proactive measure to verify these certifications and independent analysis are valid by having our own independent third party analysis performed on their materials. INX will communicate any non-conformances of these standards if that ever should happen.

**CONEG (Coalition of North Eastern Governors Model Toxics Legislation) / TPCHE (Toxics in Packaging Clearinghouse)**

The products supplied by INX International Ink Co. (INX) are formulated from ingredients whose chemistry excludes cadmium, hexavalent chromium, lead, and mercury. However, like all synthetic and naturally occurring chemical substances, raw materials as received from our suppliers may conceivably contain trace amounts of these metals. INX does not intentionally add these heavy metals to any of its ink products, and therefore INX complies with that portion of the legislation prohibiting the use of such metals. Based on random tests of ink products produced by INX in the last two years and results of investigation or review of the information as provided by our suppliers, we can therefore certify that any such metals that are incidentally present in our ink products meet the 100 ppm maximum limit as specified in the CONEG toxics model legislation.

**Consumer Product Safety Improvement Act (CPSIA) of 2008 – Lead Standard**

INX International Ink Co, along with its trade association and member companies, are in agreement that the CPSIA of 2008 lead standard, including its specific testing protocol requirements, do not apply to printing inks that become part of the substrate. This is specifically dictated in the regulation 16 CFR 1303, as shown below (emphasis added):

**§ 1303.2 Definitions.**

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) shall apply to this part 1303.

(b) For purposes of this part:

(1) *Paint and other similar surface-coating materials* means a fluid, semi-fluid, or other material, with or without a suspension of finely divided coloring matter, which changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. **This term does not include printing inks** or those materials which

actually become a part of the substrate, such as the pigment in a plastic article, or those materials which are actually bonded to the substrate, such as by electroplating or ceramic glazing.

Notwithstanding that the product INX supplies is not regulated by this standard, INX is confident that our product remains in compliance with the packaging standards already in place as specified in the aforementioned CONEG TPCH standard. INX is committed to its continued supply of high quality printing inks that comply with existing heavy metal legislation.

Additional FAQs concerning this exemption of printing inks are found here

<http://www.cpsc.gov/about/cpsia/faq/sec101FAQs2.pdf>

*Q: Although it is clear that the new lead standards for children's products cover components as well as the final product, how will CPSC consider borosilicate enamels that are vitrified with the substrate to form a product such as a children's mug? Would the borosilicate enamel need to meet the standard as if it were a component that is a distinct separate part of that product? Or would the standard apply only to the finished glass or ceramic item where the borosilicate enamel has been vitrified with the item itself?*

*A: 16 C.F.R. § 1303.2 (b)(1) provides that paint and other similar surface-coating materials **does not include printing inks** or those materials which actually become a part of the substrate, such as the pigment in a plastic article, or those materials which are actually bonded to the substrate, such as by electroplating or ceramic glazing. In most instances, when vitrification has occurred, the materials would be considered to be part of the substrate of the product as one whole part for testing purposes.*

Please contact me at 630-382-1859 if you require additional information or clarification.

Sincerely,  
Kevin G. Facklam  
Director, Regulatory Affairs