



Polyvinyl Chloride Cables and Cords
Requirements for Demonstrating Compliance with California Proposition 65

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Introduction

1. Scope

1.1 Abstract

IBM and many other companies have entered into a settlement agreement describing processes through which the companies can demonstrate compliance with the requirements of California's Safe Drinking Water and Toxic Enforcement Act of 1986 for products containing electronic cords with Polyvinyl Chloride (PVC) insulation or jacketing. Under the agreement, the companies have agreed in specific cases to undertake certain warnings as part of this demonstrated compliance, including warnings required from the suppliers of certain parts subject to the settlement agreement. This notice describes the requirements necessary for products IBM purchases from you to ensure IBM's compliance with the settlement agreement.

1.2 Objective

California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code s. 25249.5, et seq. ("Proposition 65") requires that, "No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual."

It has been asserted that handling electronic cables, wires and cords with polyvinyl chloride (PVC) insulation or jacketing (defined as Cords in Section 5) may result in exposure to lead or other substances identified by the state of California to cause cancer or reproductive toxicity.

Without regard to the validity of this assertion, IBM and many other companies have entered into an agreement under which the companies can demonstrate compliance with the requirements of California's Safe Drinking Water and Toxic Enforcement Act of 1986 for products containing Cords. Under the agreement, the companies have agreed in specific cases to undertake certain warnings as part of this demonstrated compliance. This document describes the warning requirements necessary for IBM to comply with the agreement.

1.3 Application

The requirements of this notice apply to all products which are or may be sold and/or distributed by IBM, or by third parties on behalf of IBM, in the State of California, including both IBM Products and Non-IBM Products (as defined in Section 5).

1.4 Effective Date

The requirements of this notice shall be implemented as quickly as practical. However, all Covered products sold or distributed to or on behalf of IBM in the State of California after September 3, 2003, must be in compliance with the requirements of this notice and must include the appropriate warnings on the products or in product documentation.

2. Document Administration

2.1 Compliance

Compliance is required for all products which are or may be sold to and/or distributed by IBM, or by third parties on behalf of IBM, in the State of California, including both IBM Products and Non-IBM Products (as defined in Section 5). Property Statement

2.2 Property Statement

This document is the property of IBM. Its use outside IBM is authorized only to ensure supplier compliance with the requirements of this notice. All supplier questions must be referred to the IBM purchasing department and/or your specific IBM buyer personnel.

3. Related Documentation

3.1 Referenced External Standards

California Proposition 65

Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code s. 25249.5, et seq.

Proposition 65 Settlement Agreement for Cords

3.2 Copyright Permission

Not applicable.

Requirements

4. External Standards

This notice is written to ensure IBM's compliance with the settlement agreement entered into by IBM in order to demonstrate compliance with the California Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code s. 25249.5, et seq. ("Proposition 65") requirements related to certain cables and cords.



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5. Definitions

Covered Products

All products that are themselves, or that incorporate, utilize, or have appended to them, Cords, and that are manufactured, distributed, marketed or sold by or for IBM. Covered Products include both products that are subject to the warning requirements as outlined in this notice, and those that are exempted from the warning requirements as further outlined in this notice. Covered Products may include both IBM and Non-IBM Products as defined in this section.

Cords

For purposes of this notice Cords refer to thermoset/thermoplastic-coated wires, cables, and/or cords/cord sets, including PVC-coated wires, cord/cord sets, plugs and connectors and both SPT and HPN cord/cord sets.

IBM Covered Products

IBM Products that are Covered Products.

IBM Product

Any item manufactured by or for IBM, including by a supplier that manufactures and sells the item to IBM, that is sold or otherwise distributed by or for IBM (via any channel), or any third-party manufactured item marketed or distributed, whether by IBM or others, using the IBM logo.

Non-IBM Covered Product

Non-IBM Products that are Covered Products.

Non-IBM Product

Any item that is sold or otherwise distributed by IBM or for IBM (via any channel), that does not bear the IBM logo, including any products manufactured and/or distributed by any suppliers to IBM.

Proposition 65 Chemical

Chemicals identified by the State of California, pursuant to the requirements of the California Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code s. 25249.5, et seq. ("Proposition 65"), that is "known to the State to cause cancer or reproductive toxicity" (see <http://www.calepa.ca.gov>).

PVC

Polyvinyl Chloride

6. Warning Statement

6.1 Warning Statement Requirement

Covered Products shipped for distribution to or for sale in California on or after September 3, 2003, that do not meet the exemption requirements identified in Section 7 of this notice must be accompanied by one of the following warning statements. The means of actually providing this warning is specified in the following sections.

WARNING: This product contains chemicals, including lead, known to the State of California to cause cancer, and birth defects or other reproductive harm. ***Wash hands after handling.***

WARNING: Handling the cord on this product will expose you to lead, a chemical known to the State of California to cause cancer, and birth defects or other reproductive harm. ***Wash hands after handling.***

WARNING: The power cord on this product contains lead, a chemical known to the State of California to cause cancer, and birth defects or other reproductive harm. ***Wash hands after handling.***

The word "**WARNING**" shall be in all capital letters and in bold type. The statement, "***Wash hands after handling,***" shall be in bold typeface and italicized.

Examples of Covered Products that require a warning statement when distributed or sold in California and not subject to one or more of the exemptions contained herein are found in Section 10.

6.2 Warning Statement Location and Size

Except as stated in Section 6.3, the warning required by Section 6.1 shall be given by having it:

- a) Affixed to the Covered Product itself and to the unit package of such Covered Product;
- b) Printed on the Covered Product itself and on the unit package of such Covered Product; or
- c) Included in the owner's manual only if the conditions set forth in Section 6.3 are satisfied.



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- d) Printed on the invoice issued directly to the consumer, only when the supplier sells Covered Products directly to consumers by telephone, mail order, or internet sale, or pursuant to IBM's request.

If the warning label is printed on the product, package label, or invoice, then the warning shall be contained in the same section of the label that contains other safety warnings, if any, concerning the use of the Covered Product or otherwise near its displayed price or UPC Code.

The warning shall be prominently affixed to or printed on each Covered Product, its label or package or invoice, and displayed with such conspicuousness, as compared with other words, statements, designs, or devices on the Covered Product, its label, package or display or invoice as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

The type size of the warning statement text must be legible, but otherwise need not be larger than any other warning language used in conjunction with the Covered Product in question.

If the size of a Covered Product and its packaging is such that the warning cannot physically be printed on its non-transparent portion in a legible size, the warning may be printed on a separate piece of paper or cardstock and inserted into the Covered Product's packaging, provided that i) the cardstock or paper containing the warning is not white or uncolored and contains only the warning language, and ii) a substantial portion of the exterior of the packaging material is transparent.

6.3 Owner's Manual Warnings

A warning in the owner's manual of a Covered Product may be used to satisfy the warning requirements of this section only under one or more of the following circumstances:

- The Covered Product may cause serious injury or bodily harm (other than by means of fire or electrocution) unless used as directed;
- The Covered Product is sophisticated, difficult to understand or install, set-up, or assemble; or,
- The Covered Product has one or more features a consumer must read about in order to know how to program or use the Covered Product.

A Covered Product may not utilize an owner's manual warning if it meets the following criteria:

- The Covered Product is unlikely to cause serious injury or bodily harm other than by means of fire or electrocution;
- The Covered Product is easily assembled or programmed by an ordinary consumer without need to reference the instructions; and,
- The fundamental operation of the Covered Product is easily understood and commonly performed by an ordinary consumer without training or need to reference operating instructions.

If an owner's manual warning is used to satisfy the requirements of this section, it shall be located in one of the following places in the manual:

- The outside of the front cover;
- The inside of the front cover,
- The first page other than the cover;
- The outside of the back cover; or,
- In a safety warning section of the owner's manual consistent with the specifications issued by Underwriters Laboratories.

The owner's manual warning shall be printed or stamped in the manual or contained in a durable label or sticker affixed to the manual in a font no smaller than the font used for other safety warnings in the manual. Where manuals are provided in electronic format (soft copy), the warning text must also be included in the printed instructions that are provided to allow setup and initialization of the product.

6.4 Warnings for Covered Products that include other Covered Product as Accessories

A Covered Product that includes other Covered Products as accessories ("Parent Product") may, in lieu of the warnings specified in Section 6.1, carry the following warning language:

WARNING: Handling the cord on this product or cords associated with accessories sold with this product, will expose you to lead, a chemical known to the State of California to cause cancer, and birth defects or other reproductive harm. *Wash hands after handling.*



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The word “**WARNING**” shall be in all capital letters and in bold type. The statement, “*Wash hands after handling,*” shall be in bold typeface and italicized.

Covered Products which serve as accessories to Parent Products (“Accessory Products”) shall be deemed to be covered by means of the preceding warning appearing in a Parent Product’s owner’s manual (i.e., where use of such an owner’s manual warning is authorized for the Parent Product pursuant to Section 6.3), provided that such Accessory Product is sold concurrently with the Parent Product.

6.5 Warnings for Accessory Products Not Sold Concurrently with Parent Products

Accessory Products which are not sold concurrently with a Parent Product will be deemed to have satisfied the warning requirements of this section if any one of the warnings required under Section 6.1 or 6.4 are provided in a package insert accompanying the Accessory Product, provided that the warning utilized is displayed with such conspicuousness, as compared with other words, statements, designs or devices accompanying the Accessory Product as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

With respect to the preceding sentence, the type size of any warning provided must be legible, but otherwise need not be larger than any other warning language provided with the Accessory Product.

Where a Covered Product may be sold both as an Accessory Product and as a stand alone product that may be used without the purchase of a Parent Product, the warning statement may not be provided on a package insert and must instead meet the location and size requirements of Section 6.2.

7. Exemptions from Warning Requirements

7.1 Covered Products Deemed to Comply with Proposition 65 and to Be Exempt from Proposition 65 Warning Requirements with Respect to Cords

A Covered Product shall be deemed to comply with Proposition 65 and be exempt from any Proposition 65 warning requirements if the Cords that are sold as part of or in association with that Covered Product meet the following criteria:

- a) the surface contact layer of the Cords have no lead as an intentionally added constituent; and
- b) the surface contact layer of the Cords shall have lead content by weight of no more than 0.03% (300 parts per million or “300 ppm”).

The above exemption must be supported with information from the supplier regarding the content of the surface contact layer of the Cords. Information must include test results showing that the lead content is no more than 0.03%, using a method of sufficient sensitivity to establish a limit of quantifications of less than 300 ppm. See Section 8 for additional details on required documentation from the supplier.

7.2 Additional Covered Products Deemed to be Exempt from Proposition 65 Warning Requirements with Respect to Cords

The following Covered Products are deemed to be exempt from any Proposition 65 warning Requirements with respect to Cords:

- a) Covered Products that because of their size, weight or function have Cords that are handled only infrequently (such as upon their installation in a setting where they are not typically plugged and unplugged) (Infrequently Handled Products). Examples of Covered Products typically manufactured or distributed by IBM where the “Infrequently Handled Products” exemption applies are found in Section 9 of this notice.



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- b) Those units of Covered Products that: (i) are manufactured before September 3, 2003, [Note: This exemption only applies where the supplier can clearly demonstrate that Covered Products were manufactured before September 3, 2003, based on product markings, serial numbers, or other means.] or (ii) are distributed or shipped for sale outside the State of California;
- c) Covered Products that use Cords only as internal components not normally accessible to the consumer during ordinary use; and/or
- d) Covered Products which contain the Proposition 65 Chemical only as part of the inner conductor or other components not normally accessible to the consumer during ordinary use.

8. Compliance Documentation

Where an IBM Covered Product is determined to be exempt from the Proposition 65 Warning requirements based on the exemption criteria of Section 7.1, a copy of the Cord supplier's supporting documentation, including a list of all IBM part numbers covered by the documentation, must be provided to IBM.

Where an IBM Covered Product is determined to be exempt from the Proposition 65 Warning requirements based on the exemption criteria of Section 7.2, documentation and written rationale for this determination must be provided to IBM.

Suppliers of Non-IBM Covered Products shall be required to provide a written certification that their Covered Products include necessary warnings, as stated in Section 6 or that their Covered Products are exempted from the warning requirements based on the criteria stated in Section 7. Suppliers' certification letters shall be maintained by the IBM organization responsible for sale or distribution of the products in the state California for a minimum of ten (10) years after such sale or distribution of Non-IBM Covered Products.

9. Covered Products Whose Cords are Infrequently Handled and that Do Not Require a Warning

Following are examples of Covered Product / Product types that are typically manufactured or distributed by IBM that have been deemed to meet the exemption requirements of Section 7.2(a) based on the fact that they are infrequently handled.

- 208- and 220-volt appliances (unless appliance is portable)
- AC adapters for foreign outlets and other voltage converters
- Air conditioners
- Audio/video equipment and associated power and patch/pin cords (only when A/V equipment is (i) not portable, e.g., no handle or carrying case, (ii) is not designed to plug into the front of the audio/video appliance, and (iii) is otherwise designed for long term installation.
- Battery connection cords (internal)
- Battery charger units (except those used for automobiles)
- Building wire (installed)
- CD player/changer (non-portable units only)
- Circuit Cable
- Computer adapter cords (not including those for mobile PCs, or those designed to plug into front of system)
- Computer cables (in walls)
- Computer CD/DVD Drives (installed, and that are not used with mobile PCs)
- Computer docking system
- Computer keyboard
- Computer modem line
- Computer monitor cable
- Computer mouse (wireless)
- Computer peripheral AC adaptor cord and I/F cable (not including those for portable computers or portable peripheral devices)
- Computer peripheral PCMCIA card cord (not including those for portable computers)
- Computer peripheral wires and cables (not including those for portable computers or those designed to plug into front of system, e.g. USB cords)
- Computer scanners (not including those designed for portable computers)
- Computer servers and external storage units
- Computer speaker cords (not including those used with portable computers)
- Computer tape drives
- Controller/tuner power cord
- Data logger cable (unless included with portable device)
- Desktop computer power/patch/pin cords (unless designed to plug into front of computer, e.g. USB cords)
- DVD (non portable units only)



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- DVD Audio/Video cable (not including those designed to plug into front of system)
- DVD recorder power/interconnector cords (non-portable units only)
- Factory automation equipment (industrials systems, not for home use)
- Fan/heater products (non-portable models only; i.e., in excess of 10 pounds, as packaged, or having blade diameter 9 inches or greater (rounded to the nearest whole inch) or smaller units which otherwise are regularly installed, or not typically moved from place to place)
- Hard disk recorder peripheral and power cords (not including those for portable computers)
- Hook-up wire (intended for permanent or long-term installation)
- Indoor and outdoor phone cable (if designed for permanent installation)
- Inverters/other power supplies (non-automotive uses)
- LCD projector (CRT Monitor, receives data from computer) (except for use with portable computer)
- Magnetic card reader/writer including associated power cord and cable
- Microphone (only including cords powering base unit of cordless microphone system)
- Mini speaker system including associated connection cords (not including those for use with mobile computers or other portable devices)
- NIC/modem cables
- Optical cable/stereo optical cords (not including those designed to plug into the front of the system)
- Optical disc AC adapter (non-portable and not for use with portable computer systems)
- Optical disc power cords (non-portable and not for use with portable computer systems)
- Patch/pin cords, and cables, adapter cord, coaxial cable, A/V cord, S-VHS cord (when sold with device otherwise excluded)
- Power/control/instrumentation tray table (except for non-permanently-installed public address systems)
- Power/control/instrumentation/signal cable utility cable and wire (power and communications)
- Printer cables
- Printer power cord
- Riser/plenum cable (if designed for permanent / long term installation)
- Signal Cable
- Speaker wire (designed for use with components designed for long term/permanent installation) (does not include speaker wire associated with portable equipment with attached handle or carrying case)
- Stereo and audio power/patch/pin cords (for use with non-portable components and except where designed to plug into the front of system.
- Surge protector
- Telecom data cable (installed)
- Telecom power cable (installed)
- Telephone power and data cord (phone to wall cords only)
- Utility cable and wire (power and communications)

10. Examples of Covered Products that Require a Warning Statement

Following are examples of Covered Products that require a warning as described in Section 6, unless they meet one or more of the exemptions specified herein.

- Computer mouse cords,
- Computer peripheral wires and cables designed to plug into front of system (e.g. USB cords)
- Computer peripheral AC adapter cord and I/F cable for portable computers or portable peripheral devices
- Computer peripheral PCMCIA card cord for portable computers
- Computer peripheral wires and cables for portable computers
- Computer speaker cords used with portable computers
- Desktop computer power/patch/pin cords designed to plug into front of computer
- External CD/DVD and tape drives for portable computers
- Mobile PC computer cords
- Computer joystick
- Audio or video adapter cords for portable products
- Audio or video cable for portable products
- Audio/Video/Computer/telecommunications cables packaged individually for retail sales
- Portable digital imaging equipment
- Portable DVD player
- Portable power adapters, AC adapters for foreign outlets and other voltage converters
- Portable ZIP drives
- Scanners for portable computers
- USB, firewire cords