

February, 2025

Dear Committee on Commerce and Consumer Protection,

I am a 70-year-old professional artist who grew up in a family of professional artists. My knowledge and experience in the field of art compel me to write this letter.

Minnesota's ban on cadmium pigments has led to a significant reduction in the artists' palette. The ban appears both unconvincing and entirely unnecessary to myself and many others. Cadmium pigments provide unequaled red, orange, and yellow hues. Sure, there are so-called "cadmium substitutes," but professionals find them inferior, lacking opacity, tinting strength and, in some cases, lightfastness (see attached pages A, B, and C). Only cadmium pigments have a proven history, as evident in famous works of art at museums around the globe. Cadmium substitutes are inferior in another respect: they are made by mixing up to three or more pigments to mimic the genuine article. There is an old artist's adage when mixing colors: *the fewer the pigments, the cleaner the resulting mixtures*. For this reason, professional artists prefer single-pigment colors on their palette, including cadmium red, orange, and yellow.

While there is understandable public concern about cadmium metal in consumer products like children's toys, modern cadmium pigments that make paints, pastels, and other artists' materials are not in the same category. Cadmium pigments are nearly insoluble (i.e., not bio-absorbable in the human body) and do not require an ASTM warning label for ingestion. This was not always the case. In the 1920s, cadmium pigments contained 100,000 to 150,000 ppm (parts per million) of soluble cadmium. Thanks to modern science, today's cadmium pigments contain less than 5 ppm of soluble cadmium. This amount is so minimal that it presents little significant risk to human health or the environment. Artists' materials containing cadmium pigments meet strict safety standards in the EU and UK, where they are not classified as hazardous under the CLP Regulation (see circled paragraph in attached page D). In the United States, art materials with cadmium (and many other pigments) already carry warnings advising consumers with precautions for safe handling per ASTM D-4236 standards (American Society for Testing Materials).

The recent inclusion of art supplies under Minnesota Bill HF 2310 surprised many artists, art materials distributors, and the art materials manufacturing industry. No other region in the world bans cadmium pigments in this application. Modern cadmium pigments are designed with precise engineering to ensure they meet extremely low solubility requirements, making them safe for professional use. The Minnesota ban is unjustified.

I kindly advocate for the continued use of artists' cadmium paints, pastels, pigments, encaustics, and ceramic glazes, ensuring that artists maintain access to these vital materials. Your support would be immensely valuable to the artistic community.

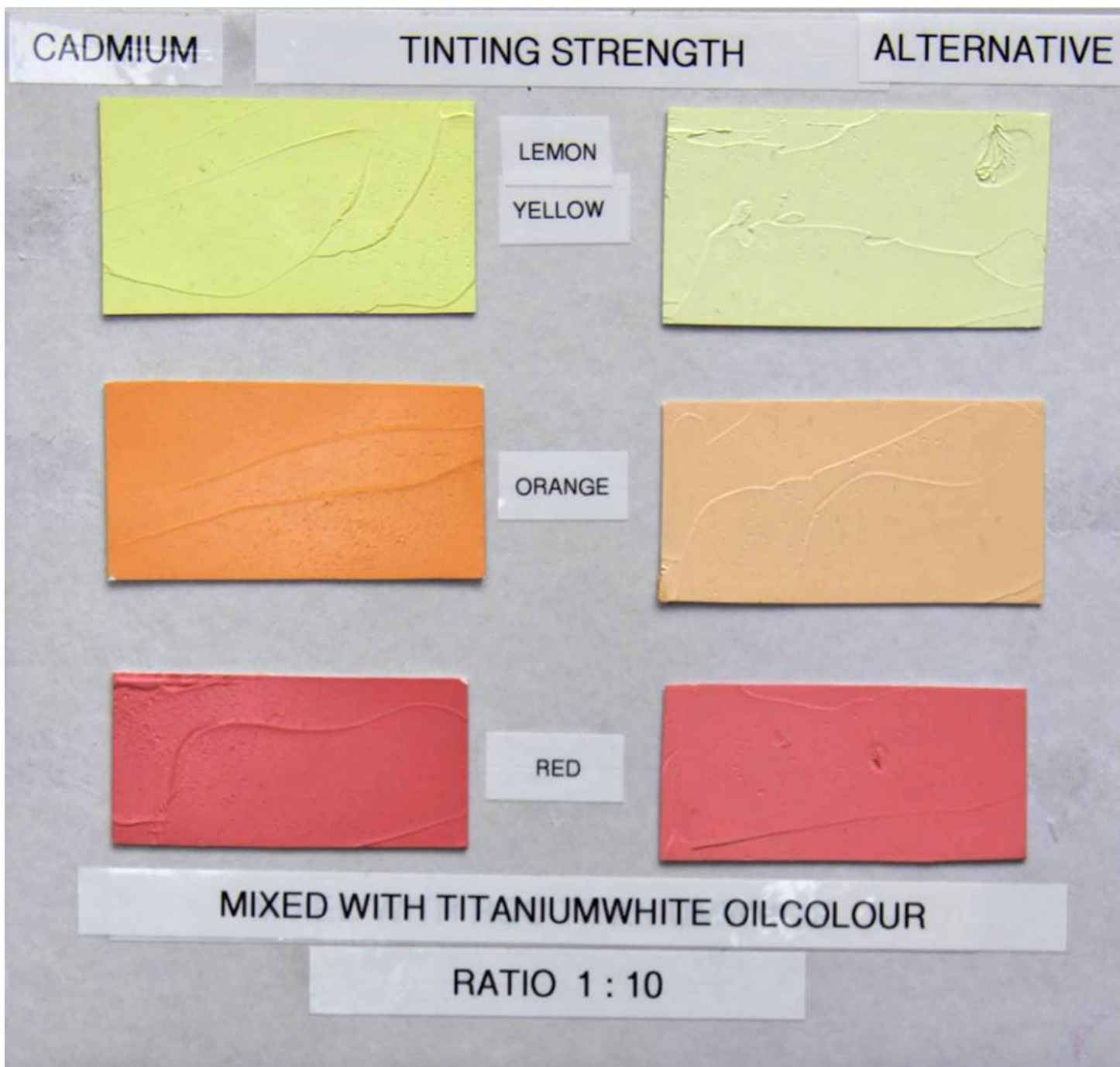
Sincerely,

Jim Pollard
Faribault County, MN

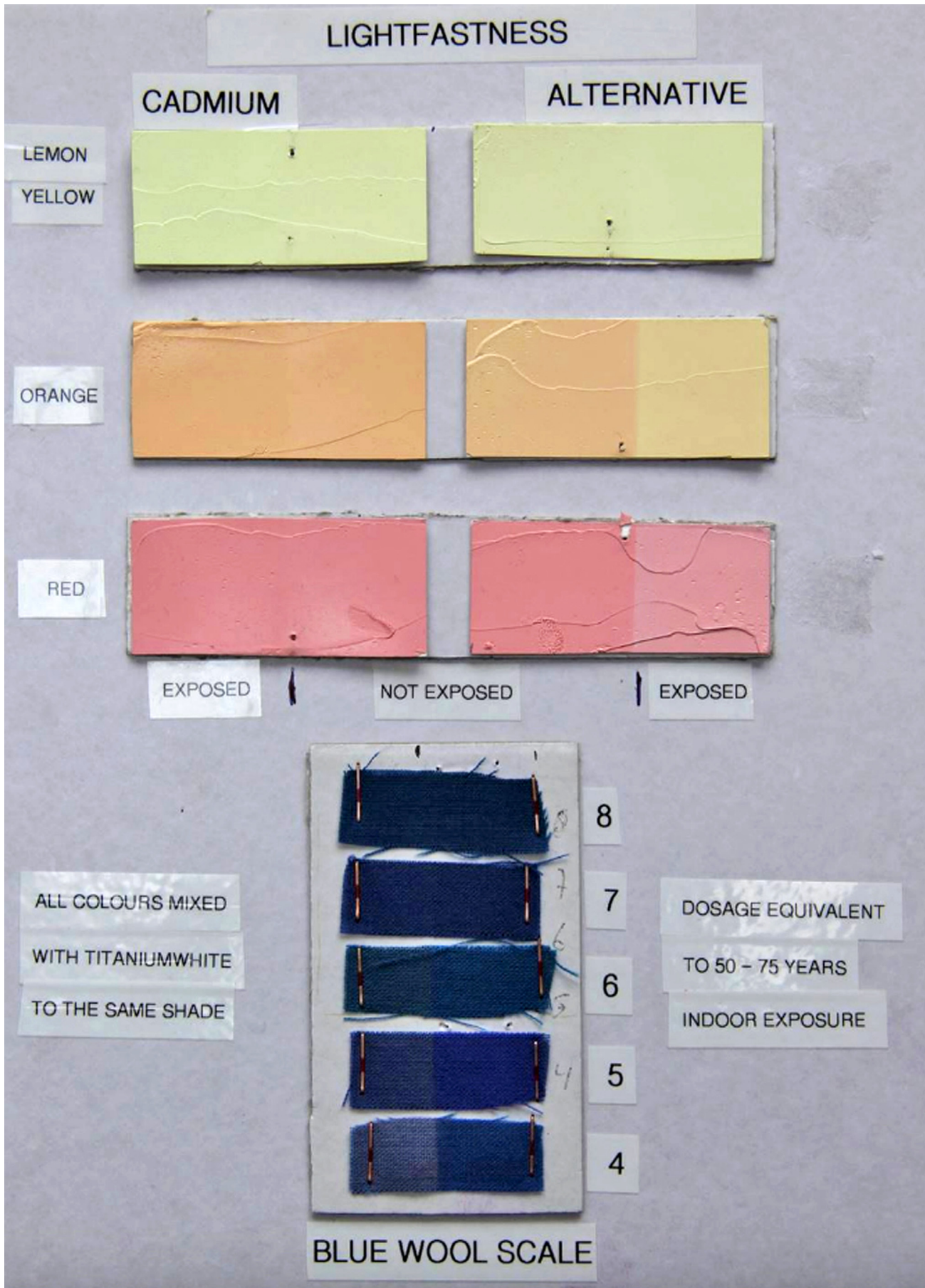
A.



B.



C.



D.

Dear Representative Olson,

I hope this message finds you well.

We have recently received the proposed wording for the cadmium prohibition exemption. We deeply appreciate your swift attention to this matter and your continued support.

There is a point we would like to seek clarification on, as well as a suggestion for further refinement:

1. Clarification on Subdivision 1

The update to Subdivision 1 states the following:

"(11) chalk, crayons, paints, and other art supplies, but does not include paint or pastels containing cadmium that are not otherwise prohibited under subdivision 2;"

Could you kindly confirm our understanding that this means paints or pastels containing cadmium are not prohibited unless they also contain lead at levels exceeding 0.009 percent by total weight (90 parts per million)? We would appreciate your confirmation or any further clarification on this point.

2. Request for Update to Subdivision 2

In addition, we respectfully propose an amendment to Subdivision 2 by inserting the term "acid soluble" before cadmium, as shown below:

"(a) A person must not import, manufacture, sell, hold for sale, or distribute or offer for use in this state any covered product containing:

(1) lead at more than 0.009 percent by total weight (90 parts per million); or

*(2) **acid soluble** cadmium at more than 0.0075 percent by total weight (75 parts per million).*

(b) This section does not apply to covered products containing lead or cadmium, or both, when regulation is preempted by federal law."

The proposed update to Subdivision 1 helps ensure that the continued use of cadmium pigments in professional artist paints remains protected, which is an important outcome. However, we believe that inserting "acid soluble" in Subdivision 2 will provide a more proportionate approach, prioritizing safety while also preventing unnecessary restrictions on other products that may contain cadmium pigments, such as ceramics where the cadmium is present as a pigment and is not soluble (and is therefore not classified as hazardous). As it is not soluble the cadmium would not be absorbed by the body (and this is verified using tests that mimic digestion. Cadmium pigments are compounds that behave differently than cadmium metal, in the same way that table salt behaves differently than sodium or chlorine.) There is significant concern within industry about the consequences of 325E.3892, and we believe this amendment is a crucial step toward addressing these concerns.

We make this request based on the understanding that cadmium, when chemically bound within the pigment matrix, is present in such a minimal amount of soluble cadmium (below 5ppm) that it poses no significant risk to human health or the environment. To further substantiate this, pigments meet stringent worldwide safety standards, e.g. AP(89)1, and as stated above they are not classified as hazardous under the CLP Regulation. Additional documentation supporting this position is attached for your reference – further information can also be provided if it would be helpful.

We believe this amendment is a crucial step toward balancing safety with industry needs, allowing for a more effective regulation that will have a positive impact without imposing unnecessary restrictions. Your consideration of this proposal would be invaluable, and we are confident it will help address both safety concerns and industry-specific challenges.

Thank you once again for your continued support. We look forward to your response and are happy to provide any additional information as needed.

Kind Regards
Holly

Holly Baverstock PCQI | Quality, Regulatory & Process Improvement Manager

JMB
James M. Brown Limited

James M. Brown Ltd.
Napier Street, Fenton,
Stoke-on-Trent, Staffordshire,
ST4 4NX, United Kingdom

Tel: +44 (0)1782 744171
Fax: +44 (0)1782 744473
Website: www.jamesmbrown.co.uk

