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The Art and Creative Materials Institute, Inc. has since 1940 successfully sponsored a certification program for children's art materials, certifying that these products are non-toxic and meet voluntary standards of quality and performance. This certification program has received the endorsement of experts in the field of toxicology and is one of the finest industry programs in existence. It has been a responsive program, evolving to meet new challenges and to include more products over the years. In 1982, the program was expanded to include certification of a broad spectrum of art and craft materials, ensuring that health warning labels are affixed where appropriate on art and craft materials.

Products in our certification program which have earned the AP (Approved Product) Seal include crayons, water colors, tempera colors, finger paints, chalks, modeling materials, block printing inks and media, screen printing inks and media, school pastes and adhesives, acrylic and oil paints and media, marking crayons, and other art materials. Products bearing the AP Seal are non-toxic, even if ingested, inhaled or absorbed. Products added to the expanded certification program include acrylic and oil colors, pigments, ceramic clays, glazes and colors, screen printing, drawing and other inks, oils, varnishes, solvents, and media. A CL (Cautionary Labeling) Seal was added to the program to signify that products bearing this seal are certified to be properly labeled in a program of toxicological evaluation by a medical expert. Products requiring cautions bear the CL (Cautionary Labeling) Seal with appropriate cautionary labeling and safe use instructions.

ACMI has a toxicological team that operates out of Duke University’s Division of Occupational Health Services that reviews the formulas of all products included in the certification program. In addition, ACMI has a Toxicological Advisory Board composed of three eminent toxicologists to act as a review board on matters of toxicity, to review the criteria used by ACMI’s toxicological team, and to make recommendations to ACMI.

Product formulas for every product in the certification program are submitted by manufacturers to ACMI’s toxicological team at Duke University for evaluation to determine whether the product is non-toxic or whether health warning labels are needed. These formulas undergo an extensive toxicological review by the Duke team and additional testing as deemed necessary. ACMI also has a formula conformity surveillance program in place to ensure that formulas of products bearing its certification marks have not changed and continue to be as represented to ACMI. Products bearing the ACMI Seals comprise 85-99% of the market for these products.

Over the years, the AP Seal has become to school supply distributors almost a pre-requisite for sales. Many schools specify "AP or equal" for art materials in their contract bid specifications. ACMI justifiably believes that the record of many years demonstrates that this manufacturer-funded certification program serves the public interest. Additionally, the CL (Cautionary Labeling) Seal certifies that many more art materials are properly labeled as to their health risks and will provide even more valuable and needed information to users of art materials.
When an ACMI member private labels a product for a non-member company, and that non-member company wishes to use the ACMI Seal and ASTM D-4236 conformance statement on their own packaging, we refer to this as a “Licensee” situation. Companies who are having their product(s) private labeled by an ACMI member must sign a License Agreement with ACMI because the ACMI Seals are registered trademarks and because the toxicologist’s product evaluations are brand name specific and cannot be applied to other unauthorized brand names.

Licensees do not pay any fees directly to ACMI, nor does ACMI bill Licensees. In these cases, the non-member company’s product will be added to the ACMI member’s list of eligible/certified products, which the member must report U.S. sales figures on for their own membership dues purposes. We leave it up to the ACMI member and Licensee to work out any financial arrangements between them. The ACMI member is aware that they must submit all formula information or additional brand name information on behalf of the Licensee (if the product was previously-approved) to the toxicologist. The toxicologist will send an approval form to the member, and a copy of this authorization will be sent to the Licensee. Please keep in mind that the ACMI Seals must not be used on any packaging until written authorization has been received from ACMI. Once authorized, the Licensee’s brand name and company name will appear on the listing of ACMI-certified products that is sent to CPSC, schools, art teachers, artists, consumers, etc.

Please review the enclosed material, particularly the information describing ACMI Certification Program Procedures for Licensees. Participating in ACMI will provide you with the necessary toxicological evaluation and labeling required, if any, for your products. Having a product made for you by an ACMI member will ensure that you are dealing with a company that is familiar with the Federal law and the toxicological evaluation process and are purchasing a product that will be properly labeled and conforms to ASTM D-4236.

Becoming a Licensee of ACMI also allows your company to fully comply with the Federal labeling law, which requires art and craft material manufacturers to evaluate their products for their ability to cause chronic illness and to place labels on those that do. In addition to being included in ACMI’s listing of Certified Products, regular Licensee companies are included in ACMI’s membership directory and receive a complimentary subscription to the ACMI newsletter.

When you’re ready to apply to be a Licensee, visit ACMIart.org and locate the “Join ACMI” button in the top right corner of the web page. Scroll down to the Licensee section click on “Apply to Become a Licensee”.

If you have any questions, please do not hesitate to contact the ACMI office. We look forward to hearing from you soon and welcoming you as an ACMI Licensee!

Sincerely,

Nicole Mulstay
Marketing and Membership Director
Any person, partnership, firm or corporation who subscribes to the Institute’s certification program and who actively and regularly manufactures and sells one or more products that qualify for the certification program is eligible for Active Membership. Each Active Member must maintain subscription to the certification program and comply with the Subscription Agreement and the Manual of Procedure. Active Members are entitled to participation in all Institute matters and to any and all benefits accruing from Institute membership. Subscribers to the Institute's certification program may elect not to become Active Members and take part only in the certification program. Annual fees for Active Members and Subscribers are based on sales of products eligible for the certification program. If a company wishes to become an Active Member or a Subscriber to the program, company must apply online at ACMIart.org/applymember and pay a one time $500 subscription processing fee. Once we have received this information, we will send information on further procedures. Toxicologist’s approval and written authorization from ACMI are required for products to bear the AP or CL Seals. For a product to bear the CL (Cautionary Labeling) Seal, the manufacturer must also confirm in writing that the toxicologist’s labeling requirements will be met.

Subscribers who manufacture private-label products for others may enter these products in the program as well. The distributors of these private-label products must become licensees of ACMI, and they must abide by the ACMI procedures for Licensees in order to use the ACMI Seals on their products.

If a company wishes to become a Licensee of ACMI, two copies of the License Agreement must be signed and returned to ACMI and the manufacturer of the private-label product(s) must enter such product(s) in the certification program.

Any person, partnership, firm or corporation who manufactures art and craft products not eligible for ACMI’s certification program or who sells supplies and/or services to the Active Members is eligible for Associate Membership. Associate Members are entitled to receive valuable information on ACMI programs but cannot vote or hold elective office. Annual dues for Associate Members are $500.
To obtain a license to use any certification mark on a product sold by a subscriber (ACMI member) to any other purchaser (ACMI Licensee) for resale under its own brand name or label:

1. If the prospective Licensee wishes to use the AP or CL Seal on a product sold by an ACMI Member to the prospective Licensee for resale under its own name or label, the ACMI Member must attach a signed copy of the Toxicologist’s Approval form with no formulation information and must follow the appropriate steps outlined in the ACMI Manual of Procedure.

2. The prospective Licensee shall submit to ACMI two signed copies of the License Agreement, which is automatically renewed each year unless terminated in writing by either party.

3. For those companies having a product manufactured for them by an ACMI Member that do not wish to use the ACMI Seal(s) on their product(s), a Limited License Agreement would need to be completed because evaluation of a product by the Toxicologist is brand specific and cannot be applied to other unauthorized brands. The Limited Licensee shall submit to ACMI three signed copies of the Limited License Agreement. The ACMI Member manufacturing the product would follow the same procedures outlined in the ACMI Manual of Procedure. Limited Licensees receive only the following benefits: evaluation and use of the ASTM D4236 conformance statement, reporting of this conformance to CPSC, and submission of the product’s non-toxic status or submission of generic formula information (if the product requires labeling) to a poison control exposure information management service.

4. The ACMI Member must annually update ACMI with regard to their current Licensee and Limited Licensee relationships through the Affidavit of Continuance mailing and must get a Product Injury Form completed by any Licensee or Limited Licensee for whom they are manufacturing product(s).

5. Both the ACMI Member and the Licensee or Limited Licensee must immediately inform ACMI when the License no longer applies.

6. Licensees must sign an affidavit that they are no longer using the ACMI Seal(s) on their product(s) when their relationship with the ACMI Member(s) ends.

7. In order for a Licensee to obtain permission for the continued use of any certification mark, the ACMI Member(s) who is manufacturing the product(s) must successfully complete the bi-annual Affidavit of Continuance paperwork. The ACMI Member must request that each Licensee for whom they are manufacturing product(s) complete a Product Injury Report form, which is to be submitted by the ACMI Member with their completed Affidavit of Continuance forms.
ACMI Licensees must observe the following with respect to use of the ACMI Seals:

1. Permission to use any ACMI Seal is neither assignable or transferable.

2. The authority to use any ACMI Seal on a product automatically terminates whenever that product bearing the Seal fails to conform with ACMI specifications.

3. The unauthorized use of any ACMI Seal can result in the loss of the privilege to use any Seal.

4. The unauthorized use of any ACMI Seal on an unevaluated and/or uncertified product shall result in a recall of the product and notification to CPSC of fraudulent use of ACMI's evaluation/Seal.

5. The placement of any ACMI Seal in a catalog or advertisement must clearly indicate to which product(s) it applies.

6. The Licensee agrees to accompany the AP and CL Seals, which are registered as certification trademarks with the U.S. Patent Office, with the required U.S. trademark notice, as follows: "®", or "Reg. U.S. Pat. Off.,” or “Registered United States Patent Office.”
   The Seals must also be accompanied by a conformance statement to ASTM D 4236.

7. The Licensee shall not use any wording on the label of a product bearing the AP Seal that is inconsistent with its non-toxic status. A statement of compliance to ASTM D 4236 is consistent with a product’s non-toxicity. The addition of a “toxicity warning” such as that required by California Proposition 65 would not be permitted on a product certified as non-toxic by ACMI. Such products would need to bear the CL Seal.

8. Hologram versions of the Seals are allowed, provided they are exact reproductions.

9. To use any ACMI Seal on products sold outside the U.S., the Licensee must furnish an opinion satisfactory to ACMI that such use is in conformity with the laws of the country in which the Seal is to be used, clearly state that the ACMI Seal applies to U.S. laws and regulations only (i.e. “For USA Only”) near the Seal provided ACMI is informed of this in advance in writing, or any other reasonable alternative approved in advance by ACMI.

Licensee Procedures

Rules & Regulations for Licensees
Required Cooperation with ACMI to Resolve Product Certification Issues:

1. In the event that an issue may arise concerning the certification status of a product or products between ACMI and an ACMI Member and/or Licensee, it is the responsibility of the Member and/or Licensee to cooperate with any ACMI inquiry or audit request by permitting ACMI staff or counsel prompt access to its offices, plant, inventory and documentary or computer records on reasonable notice from ACMI, along with such other assistance as ACMI may in its discretion require in connection with the issue for the purpose of ACMI certification program administration, audit and compliance. ACMI Staff members have signed a Confidentiality Agreement that they will not release any information of a confidential nature, such as formula information, sales information, product information, should they be required to have access to such information.

2. Any ACMI Member or Licensee that does not cooperate with ACMI within thirty (30) days of receipt of the ACMI request as specified shall be deemed to have requested that ACMI decertify any or all certified products of the Member or Licensee in ACMI’s discretion.

3. In the event that it is determined by ACMI that a product has been represented or depicted as ACMI-certified and the product has not in fact been so certified, ACMI in its sole discretion may require the ACMI Member and/or Licensee to publish corrective advertising concerning the true certification status of the product and if the issue is also found to present or involve a potential health or safety issue, ACMI may require the Member or Licensee to report the matter to the Consumer Product Safety Commission or ACMI may report the matter itself.

4. An appeal by an ACMI Member or Licensee from any determination made by ACMI pursuant to these provisions shall be made to the ACMI Board of Directors, which may appoint a Special Committee to hear and resolve the appeal proceeding as expeditiously as possible in the circumstances in accord with the appeal procedures specified in the ACMI Manual of Procedure.
All ACMI Members and Licensees shall describe the certification Seals (AP and CL Seals) in their catalogs/product literature as follows:

**AP Seal:**

“Products bearing the AP (Approved Product) Seal of The Art and Creative Materials Institute, Inc. (ACMI) are certified in a program of toxicological evaluation by a medical expert to contain no materials in sufficient quantities to be toxic or injurious to humans or to cause acute or chronic health problems. This program is reviewed by ACMI’s Toxicological Advisory Board. These products are certified by ACMI to be labeled in accordance with the Federal Hazardous Substances Act, as amended by the Labeling of Hazardous Art Materials Act, and ASTM D 4236.

**CL Seal:**

“Products bearing the CL (Cautionary Labeling) Seal of The Art and Creative Materials Institute, Inc. (ACMI) are certified to be properly labeled in a program of toxicological evaluation by a medical expert. This program is reviewed by ACMI’s Toxicological Advisory Board. These products are certified by ACMI to be labeled in accordance with the Federal Hazardous Substances Act, as amended by the Labeling of Hazardous Art Materials Act, and ASTM D 4236.