



**THE ART AND CREATIVE
MATERIALS INSTITUTE, INC.**
99 Derby St., Suite 200
Hingham, MA 02043 USA
Tel. (781) 556-1044 Fax (781) 207-5550
Website: www.ACMIart.org

MEMBERSHIP INTRODUCTION MANUAL

LOOK FOR THESE SEALS.....





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Thank you for your company's interest in joining The Art & Creative Materials Institute (ACMI). Enclosed is current information regarding regular membership in ACMI. I hope you find the information helpful.

On November 18, 1990, the Labeling of Hazardous Art Materials Act (Public Law 100-695) went into effect. This law amends the Federal Hazardous Substances Act (FHSA) to require art and craft materials manufacturers to evaluate their products for their ability to cause chronic illness and to place labels on those that do. FHSA already required manufacturers to evaluate and label for acute hazards. The law enacts ASTM D-4236, a standard for evaluating chronic hazards already in use by 85-90% of the art and craft materials manufacturers, and provides for enacting any future revisions to it. The law requires the Consumer Product Safety Commission (CPSC) to develop guidelines for evaluation criteria for toxicologists to use under ASTM D-4236 and to develop and distribute educational information about art materials. The law requires a statement on the label of a product with a chronic hazard potential that it is inappropriate for children and prohibits the purchase of such an art material for use in grades K-6.

In addition to the Federal law, seven states - California, Connecticut, Florida, Illinois, Oregon, Tennessee and Virginia - have varying labeling and/or school purchase laws to which manufacturers must comply, and these are all currently in effect. At the present time, all seven states are accepting most ACMI-certified products for grade 7-12, and most ACMI-certified non-toxic products for grades K-6. These state laws also provide that an art material is properly labeled if it is in compliance to ASTM D-4236 unless that state deems otherwise. The Art and Creative Materials Institute, Inc. (ACMI) certifies that its members' approved products do comply with ASTM D-4236. Other manufacturers who independently of ACMI certify compliance to D-4236 have to deal individually with states to have their products accepted. Also, we have been hearing reports of schools and school districts in states without laws forming their own lists of approved materials, and most have specified these lists include ACMI-certified products.

As requested, we enclose information about ACMI and the certification program. We direct your attention to the Membership Introduction Manual, which explains the membership process, the legal and regulatory standards included in the ACMI certification process, and the basic process for certification. We also urge you to review the Manual of Procedure, sent in a separate email, which gives specifics about the certification program. Please note, as explained on page 4 of the Manual of Procedure, that ACMI does not certify products intended for use on the skin (i.e. face paints, hand cleaners, "tattoo" markers, nail paints/polishes, etc.). Products which are intended for use on the skin are regulated by the Food and Drug Administration (FDA) under the requirements of the Federal Food, Drug and Cosmetic Act and the regulations issued thereunder. Also, please note that, after a company's membership has been terminated or a company resigns from ACMI, its products cannot carry the ACMI Seals and their toxicological

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evaluation and ACMI's certification will no longer be valid for compliance to ASTM D4236, LHAMA, and state labeling laws. A list of ACMI Members and recent list of ACMI-certified products can be viewed on our website (<http://www.acminet.org>). Please refer to the "Membership Categories" sheet (pg. 7 of the Membership Introduction Manual) to determine which category of membership is appropriate for you.

The cost of the program includes an initial payment of \$500 (subscription fee). In addition, each subscribing member pays annual dues, which are based on the U.S. sales of all products eligible (mandatory) for the ACMI certification program. Please note that "industrial use" sales (for a product such as glue for example) need not be included when reporting your U.S. sales figures. Annual dues are figured according to the following formula: 39.2/100 of 1% for the first two million of U.S. sales of eligible products; then 25.8/100 of 1% for the next three million of such sales; then 13.4/100 of 1% for the next three million; and 8.8/100 of 1% for the excess, with a minimum dues amount of \$775 and a maximum dues amount of \$44,325.

Subscribers pay Duke University Occupational Health Services directly for the evaluation of products, additional colors, formula changes and name changes of products. A credit of \$200 is being given to new members by Duke University on the first invoice they receive for toxicological evaluation. This \$200 credit must be used in your first year of membership. An estimate of the cost of evaluation of new products is available upon request from Duke University. These charges may be discussed in more detail with Dr. Stopford, ACMI's toxicologist, in advance. Dr. Stopford has requested that he be contacted through Caroline Rourk, Program Administrator, at:

Duke University Medical Center
Division of Occupational Health Services
Mailing Address: Box 3834, Durham, NC 27710
Express Delivery: 2200 West Main Street, Suite 400., Durham, NC 27705
Telephone: (919) 681-6535 Fax: (919) 286-5647
E-mail: caroline.rourk@duke.edu

To join ACMI, please return two signed original copies of the Subscription Agreement, a completed Membership Application, a current catalog (with prices blacked out) and list of art and craft materials not in this catalog (if any), and a check for \$500. If your company does not have a catalog, please submit a list of your products along with a letter stating that your company does not have a catalog and that the list of products submitted are the only art materials your company manufactures. Please mark any products that are not sold in the U.S. and any products you feel are inappropriate for the certification program. We will then analyze your catalog and/or list to determine which products are appropriate to be certified in our program.

We will send you a list of these products and ask you to send the appropriate sales figures to our accountant. Sales figures are completely confidential between the member and the accountant. These steps will need to be completed within three months of beginning the application process, or you forfeit your subscription fee payment of \$500.

As soon as the accountant receives your sales figures, we will send you information and instructions on how to have your products analyzed by the toxicologist. Your initial membership dues invoice will be issued after sales figures are received by the accountant, and payment is due within 60 days.

Our Board of Directors will be informed of recently approved membership applications, including the new members' product lines, provided the information is not confidential. If any of your products referenced in your application and materials submitted relates to products in development or new products not yet marketed, please designate that as "CONFIDENTIAL INFORMATION - FOR REVIEW BY ACMI STAFF ONLY."

If you are supplying to ACMI anything else that you expect to be treated as "CONFIDENTIAL INFORMATION," please advise us at the time of submission of the information.

ACMI certification provides valuable and needed information to users about the safe use of art materials. We are encouraging all manufacturers of art materials to join the program to provide uniform health and safe use labeling. ACMI certification provides manufacturers with the assurance that products have been evaluated and are properly labeled. ACMI also provides a liaison with states that have labeling and school purchase laws and monitors the introduction of such legislation in other states. ACMI urges consumers to look for and purchase products with the ACMI Seals. Please refer to the enclosed material for further information on services provided by ACMI.

We hope you will decide to participate in ACMI and look forward to hearing from you.

Sincerely yours,

A handwritten signature in black ink that reads "Nicole E. Pelissier". The signature is written in a cursive, flowing style.

Nicole Pelissier
Marketing & Membership Director
E-mail address: npelissier@acmiart.org



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Introduction to Membership

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14. Federal Art Materials Labeling Law (LHAMA) - Public Law 100-695 and CPSC Final Rule: Statement of Enforcement Policy (1995) – 16 CFR Part 1500.14 (*Copies of State art material labeling laws available from ACMI*)

For more information on completing the membership process, please contact:
Nicole Pelissier, Marketing & Membership Director, npelissier@acmiart.org

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Membership Application Process

Date

_____ **Step 1 – Understanding the Membership Introduction Manual.** Read the Membership Introduction Manual carefully. Call the ACMI office if you have any questions at 781-556-1044

_____ **Step 2 – Starting the Membership Process.** Sign both copies of the Subscription Agreement and the Membership Application. Submit these along with your check for \$500.00 (subscription fee) and a copy of your catalog of products and/ or listing of products and/ or listing of products not in the catalog with prices blacked out. For those applying for membership who don't have a printed catalog, please send a typed listing of your products along with a statement that these products are the only ones your company manufactures. Send these items to the ACMI Office, Attn. Nicole Pelissier, 99 Derby St., Suite 200, Hingham, MA 02043 USA.

- _____ Signed Subscription Agreement (2 copies)
- _____ Signed Application for Membership
- _____ Check for \$500 for subscription fee payment.
- _____ Catalog/Listing of products with prices deleted.

_____ **Step 3 – Providing Your Sales Information.** When the above items are received, your catalog will be reviewed for your products that are eligible for the ACMI Certification Program. A listing of these products will be sent back to you, along with a cover letter instructing you to submit previous year's sales figures on these products to ACMI's accountant. All sales information received by our accountant is kept strictly confidential. The accountant is the only person who sees this information. Sales figures should be reported on all products that appear on the list of eligible products, not just the products you wish to have certified.

- _____ Notify ACMI of any corrections/questions on the listing of eligible products.
- _____ Send previous year's sales figures on eligible products to ACMI accountant.

_____ **Step 4 – Getting Your Membership Approved.** Your membership will be reviewed by ACMI's Marketing & Membership Director.

- _____ ACMI will notify applicants of membership acceptance by mail.

_____ **Step 5 – Getting Your Products Evaluated by the Toxicologist.** Once your sales information has been received by the accountant and your membership had been approved, we will send you the Certification Process Manual, which contains all the information and necessary forms to complete to have your products evaluated by the Toxicologist. Be sure to read this manual carefully and contact ACMI and/or Duke with any questions.

- _____ Certification Process Manual will be sent with your approval letter.
- _____ Read the Certification Process Manual (particularly Sections 1-5) and contact ACMI and/or Duke with any questions.

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Fact Sheet

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. Current members of this Board include: Elaina Kenyon, M.D., Toxicologist, U.S. Environmental Protection Agency; Adriana Oller, Ph.D., Nickel Producers Environmental Research Association (NiPERA); and Thomas B. Starr, Ph.D., Principal, TBS Associates.

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. For example, all children's products are required to undergo lead testing. 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.

(continued)

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For over 70 years, ACMI has successfully assured consumers that products in the program, labeled as non-toxic, are in fact non-toxic. 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.

We also know that the expansion of ACMI has brought additional non-toxic art and craft materials into the certification program of ACMI and thus offers assurance of non-toxicity and quality to more users. 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. ACMI is engaged in an intensive program to bring more manufacturers and products into this certification program. To this end, the minimum maintenance cost is \$775 annually to allow even the smallest manufacturer to participate in the program.

We are pleased to provide this information about a labeling program that is already funded, in operation, and accomplishing its purpose, to provide consumers with information on toxicity and quality of art materials. If you would like additional information, please feel free to contact us.

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What legal and regulatory standards are included in the ACMI certification process?

The ACMI Certification Program has been in existence for over 70 years, certifying that art materials are safe for their intended use. Today, it certifies art and creative materials to the following legal and regulatory standards:

- The Labeling of Hazardous Art Materials Act of 1988 (“LHAMA”) which incorporates ASTM D-4236, Standard Practice for Labeling Art Materials for Chronic Health Hazards.
- The Federal Hazardous Substances Act of 1966 (“FHSA”) which includes the LHAMA amendment above pertaining to chronic hazards and also includes acute hazards.
- 16 CFR Part 1303, Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint (reducing the lead in surface coating level to 0.009 percent or 90 ppm effective August 14, 2009).

Although the ACMI Certification Program does not certify compliance for “Children’s Products” as defined in the Consumer Product Safety Improvement Act (CPSIA), California Proposition 65, or the Canadian product safety regulations, upon member request, ACMI’s toxicology team can provide Toxicological Risk Assessments (TRA) for each of these regulatory regimes.

ACMI certifies children’s art materials as non-toxic and adult products as non-toxic or properly labeled for safe use. Products bearing ACMI’s AP Seal signify that the product has been approved for sale without any warnings, e.g., the product is non-toxic. Products bearing ACMI’s CL Seal signify that the product has been approved for sale with warnings.

The determination as to whether a product requires acute or chronic hazard warnings is made by toxicologists in the Division of Occupational and Environmental Medicine at Duke University. The decisions rendered by Duke can be appealed to ACMI’s Toxicological Advisory Board. These toxicologists review toxicity issues and the criteria used by ACMI’s toxicology team.

The ACMI Certification Program is recognized by the U.S Consumer Product Safety Commission and all state educational departments as complying with the product safety requirements for art materials. ACMI and its members are proud of their outstanding record of producing high quality art materials that are safe for retailers to sell and consumers to use.

If you have any questions regarding the program, please contact ACMI staff at 781-556-1044 or visit our website at www.ACMIart.org.

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Membership Categories

There are three categories of membership in The Art and Creative Materials Institute, Inc. as follows:

ACTIVE MEMBERSHIP/SUBSCRIBER:

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 according to the following formula: 38/100 of 1% (0.0038) for the first two million of such sales 39.2/100 of 1% for the first two million of U.S. sales of eligible products; then 25.8/100 of 1% for the next three million of such sales; then 13.4/100 of 1% for the next three million; and 8.8/100 of 1% for the excess, with a minimum dues amount of \$775 and a maximum dues amount of \$44,325.

If a company wishes to become an Active Member or a Subscriber to the program, two copies of the Subscription Agreement must be signed and returned to ACMI along with a check for \$500 (subscription processing fee), a completed Membership Application and a catalog of products (and a list of products not in the catalog if applicable, or if no catalog is available, a listing of all products manufactured by the company). 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.

LICENSEE:

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.

ASSOCIATE MEMBERSHIP:

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.

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Membership Instructions for Applicants Who Are U.S. Importers of a Foreign Manufacturer's Products

Important Points to Remember if Applying for Membership and You Are Not the Actual Manufacturer of the Product(s):

1. **In as many cases as possible, we like to have the actual manufacturer become the ACMI member.** Sometimes a foreign company is unwilling to do this, so we do allow the sole U.S. importer of that company's product(s) to become the ACMI member. If you are considering applying for membership in ACMI and you are not the actual manufacturer of the art material(s), please keep in mind that you must be the sole U.S. importer of the product(s) to be eligible for ACMI membership.
2. **If the membership is handled by the sole U.S. importer, please keep the following points in mind:**
 - a. The foreign manufacturer must be willing to disclose complete formula information to ACMI's toxicologist in order for him to evaluate the product. This should be made clear to the manufacturer before beginning the membership process. If the manufacturer is unwilling to disclose its formula, there is no point in starting the membership process.
 - b. The foreign manufacturer must obey all the rules in the Manual of Procedure relating to third party products, especially formula changes. Please make it clear to the manufacturer that the toxicologist and his staff are the only people who will see any formula information. It is kept strictly confidential between the manufacturer and toxicologist. If necessary, ACMI's toxicologist and his staff will sign a confidentiality agreement with the manufacturer to put its mind at ease.
 - c. ACMI's toxicologist works on a turn-around time of 15 working days, or three weeks. It is possible for the entire evaluation and approval of a product to be done in this time frame provided all of the necessary information is supplied to the toxicologist. However, working with a foreign manufacturer generally takes longer because of distance and language barrier. Also, the toxicologist frequently requires additional testing on the product and/or ingredients being evaluated which delays the approval process. If additional information is needed to complete the evaluation, the manufacturer will be notified and this information is reviewed within a three-week turnaround time. The toxicologist and his staff are very willing to fax information back and forth to speed the evaluation/approval process along.
 - d. The ACMI member will be required annually to submit U.S. sales figures for the previous year to the accountant so that dues for the current year can be computed and adjusted if necessary.
3. **If the importer situation changes at a future point, ACMI must be notified immediately. At that point, one of the following arrangements must be followed:***
 - a. If the manufacturer switches to another importer who will be the sole U.S. importer of its products, the manufacturer may either have the membership under its company or the sole importer's name.
 - b. If the manufacturer changes the situation to involve multiple (or more than one) U.S. importer, then the manufacturer must become the ACMI member. We only allow the U.S. importer to be the ACMI member when they are the sole importer.
 - c. If the manufacturer does not become an ACMI member, then any products that have been certified up to that point will be decertified.

* **Please note:** The manufacturer should be made aware of this before beginning the membership process.

What Are The Benefits Of Belonging to ACMI?

Under the Federal Labeling of Hazardous Art Materials Act, Public Law 100-695 (LHAMA), all art material manufacturers who sell products in the U.S. must have their products evaluated by a qualified toxicologist and labeled, if necessary, for chronic toxicity according to the chronic hazard labeling standard, ASTM D-4236. LHAMA, which went into effect in November 1990, amends the Federal Hazardous Substances Act (FHSA) to require art and craft material manufacturers to evaluate their products for their ability to cause chronic illness and to place labels on those products that provide health and cautionary information and safe use instructions. FHSA already required manufacturers to evaluate and label for acute toxicity. Membership in The Art & Creative Materials Institute ensures compliance to the Federal law, as well as the individual state art material labeling laws. Listed below are the benefits of becoming a member of ACMI.



- ◆ Independent toxicological certification of your products to comply with Federal and state art material labeling laws, as well as on-going toxicological review of art material ingredients, to provide warning of any problems and review of all formulations to ensure that formulation records are current.
- ◆ Superior Toxicologist with over 30 years of experience evaluating art materials, plus two additional toxicologists on staff and a certification program that's been in existence for more than 70 years.
- ◆ Review of and advice on proposed formula changes and the availability of new ingredients
- ◆ A computer program that allows pre-screening of formula changes using lists of ingredients evaluated by the toxicologist in an extensive toxicological database.
- ◆ Use of recognized certification seals on products.
- ◆ Public relations, liaison with the trade and consumer press, articles and press releases.
- ◆ Legal assistance on certification matters.
- ◆ Promotion of ACMI Seals and approved products on its website and by distribution of brochures and ACMI-approved products lists to artists, art educators, and other users.
- ◆ Attempts to defeat, amend or pass suitable state or Federal legislation regarding labeling of art materials, sales to schools, and many other issues affecting ACMI members and their products.
- ◆ Representation with Federal government agencies and state departments who are responsible for administering regulations affecting ACMI members and their products.
- ◆ The ACMI newsletter, which keeps members up-to-date on important issues that affect the art and craft materials industry and keeps members informed about upcoming meetings and events.
- ◆ Liaison with other industry organizations.
- ◆ A certification program that has been reviewed by regulators and found to more than meet their requirements.

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Ask Ten Questions When Searching for Toxicological Services and You'll Choose ACMI!

To help manufacturers make a better-informed decision when choosing a toxicologist to evaluate their art and craft material products, ACMI suggests the following questions be considered:

- 1 What are the Toxicologists' actual capabilities? For example, what is their reputation with CPSC and other organizations? Are they knowledgeable about art materials, as well as toxicology? How long have they been evaluating art materials?** The ACMI Certification Program has been in existence for over 70 years. ACMI's toxicological team operates out of Duke University's Occupational Health Services department and has over 30 years experience evaluating more than 60,000 art material formulas for art material manufacturers.
- 2 Does the evaluation cover both acute and chronic toxicity concerns?** When evaluating art material products, all acute and chronic hazards are considered, including sensitization. Three routes of exposure are considered: ingestion, inhalation, and skin absorption. Each ingredient and its quantity is analyzed, as well as how the ingredients will interact with each other. Common uses and misuses of products are also considered in the evaluation process. When searching for toxicological services, be careful you are sure what toxicity concerns are covered. Some evaluations will cover chronic toxicity concerns only. U.S. law requires both acute and chronic concerns be addressed.
- 3 Have the individual's toxicological criteria been submitted to CPSC as required under the Labeling for Hazardous Art Materials Act (LHAMA)? Have their toxicological criteria been reviewed or challenged?** Dr. Stopford's toxicological criteria were submitted to CPSC prior to the LHAMA requirement. Dr. Stopford's toxicological criteria have been reviewed by CPSC and other regulators on numerous occasions and found to be more than acceptable. Issues such as lead in children's art materials have prompted review of ACMI's Certification Program by CPSC and state regulators, and in each instance the toxicological criteria were found to be acceptable or more stringent than the regulating agency.
- 4 Does the Toxicologist's evaluation address art material labeling regulations in other states, or just ASTM D-4236 and LHAMA?** A product evaluation through the ACMI Certification Program ensures that your product(s) comply with ASTM D4236 and LHAMA, as well as individual state art material labeling laws.
- 5 Does the Toxicologist have the necessary procedures to perform the five-year review required under LHAMA? Do they provide review for formula changes and on-going toxicological review, not just the initial evaluation and/or five-year review?** A product evaluation through the ACMI Certification Program provides continual formula review, which exceeds the LHAMA five-year requirement and provides continual product improvement. In addition, formulations are routinely checked to make sure that the information on file is accurate. Manufacturers are notified as new information is learned so they can be certain their products are properly labeled.

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6 Does the Toxicologist have a supporting staff to ensure that products are evaluated as quickly and efficiently as possible? Dr. Thomas Brock is the Principal Toxicologist for the ACMI Certification Program and has two Assistant Toxicologists on his staff, Dr. Larry Cook and Dr. Paul James. Dr. Stopford is a consulting toxicologist for the ACMI program. Caroline Rourk handles all incoming product submissions and customer service relations. This toxicological staff at Duke University Medical Center ensures uniformity of product labeling and quality control. In addition to ACMI's toxicological team, there is a Toxicological Advisory Board (TAB) in place to assist ACMI and the toxicological team with decisions about proposed changes to toxicological procedures, changes in toxicological levels, etc. Current TAB members are: Dr. Elaina Kenyon, Toxicologist, U.S. EPA; Adriana Oller, Ph.D., Nickel Producers Environmental Research Association (NiPERA); and Dr. Thomas B. Starr, Principal, TBS Associates.

7 Is the Toxicologist computerized to handle a large volume of product evaluations? The ACMI Certification Program is computerized and currently handles a large volume of product evaluations. The computer program has an extensive ingredient database that contains thousands of raw materials. This software program maintains detailed databases on products, formulas, certifications, toxicology and other relevant information. In addition, there is software available to the manufacturers to make the product submission process easier, saving both time and data-entry costs. Manufacturers are able to submit their formula information on disk to Duke, and the information can be easily transferred into the main system by the Duke toxicological staff. The product submission software also has a pre-screening capability that allows the manufacturer the ability to analyze a proposed formula for labeling requirements before submitting it for evaluation. The product submission software is constantly being improved and manufacturers who have the software are provided with one upgrade each year.

8 Do you as the manufacturer have the opportunity to work with the Duke toxicological team if you disagree with their findings or to improve the product formulation? Participating in the ACMI Certification Program enables the manufacturer to work closely with the toxicological team throughout the product evaluation process. They will suggest alternative ingredients or new ingredients to manufacturers in order to improve the product formulation. Manufacturers also have the opportunity to interact with Dr. Brock and Caroline Rourk at meetings.

9 What does the Toxicologist charge to evaluate a product? Make sure you analyze and compare costs carefully. For example, a "price-per-product line" evaluation may look like a good deal, but consider this carefully. Would it cost the same amount to evaluate a single product with just a few ingredients as it would to evaluate a product line that has 100 colors? Is there a cost just to submit the information? Costs for product evaluations in the ACMI Certification Program are priced per service, not a flat rate. Maximum professional charges for an evaluation are estimated at the initiation of the evaluation. This estimate does not include charges for additional testing necessary or evaluation of complex ingredients, but the toxicological team works with the manufacturer to try to find alternate ingredients and inexpensive testing labs to perform additional testing.

10 Does the Toxicological Program offer additional services, or just the product evaluation?

Participation in ACMI also provides the manufacturer with many other valuable services in addition to the toxicological evaluation of their products. Other services provided through ACMI are:

- Use of recognized certification seals on your products.
- Promotion of your company and its products through the certified products list and membership list.
- Legal assistance on certification matters.
- Established relationships and representation with state and Federal regulators, legislators, agencies and departments allows the opportunity to work with these individuals or groups on legislation affecting the labeling of art materials, sales to schools, and many other issues affecting the industry.
- ACMI's newsletter keeps manufacturers up-to-date on important issues that affect the art and craft materials industry and informed about upcoming meetings and events.
- Liaison with other industry organizations.
- Full time staff to answer your questions about certification, membership, legislative, regulatory, and public relations issues.

BYLAWS
OF
THE ART AND CREATIVE MATERIALS INSTITUTE, INC.
(Last amended November 9, 2015)

ARTICLE I
Name

Section 1. The name of the association is The Art and Creative Materials Institute, Inc. (hereafter "Institute").

Section 2. The Institute is a New York State not-for-profit corporation, organized on May 14, 1936 and granted recognition as a tax exempt organization by the Internal Revenue Service under Section 501(c)(6) of the Internal Revenue Code of the United States.

ARTICLE II
Scope of the Institute

Section 1. The Institute is a trade association of manufacturers and distributors of art, craft and other creative materials.

Section 2. Products within the scope of the Institute programs include children and adult art, craft and other creative materials that are consumer products regulated by the Consumer Product Safety Commission.

ARTICLE III
Purposes

- Section 1. The purpose of the Institute shall be:
- a. To promote safety in art, craft and other creative materials.
 - b. To develop voluntary standards for products included in the scope of the Institute and to work with recognized standards organizations.
 - c. To sponsor voluntary product and labeling certification programs for products included in the scope of the Institute.
 - d. To cooperate with other professional, governmental, consumer or business organizations on issues affecting art, craft and other creative materials.
 - e. To stimulate public recognition of the contribution of art to our society and to encourage greater participation in art-related activities by all members of society.
 - f. To promote the common interests of members by all lawful means.
 - g. To enhance the status of art education as an essential educational program.
 - h. To do any other lawful act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the profit or financial gain of its directors, officers or members.

ARTICLE IV
Association Antitrust Guidelines

Section 1. The Institute "Guidelines for Association Activities" is incorporated in these Bylaws as Addendum A. All activities of the Institute shall be in conformity with these Guidelines.

ARTICLE V
Membership and Voting Rights

Section 1. Active Members. Any person, partnership, firm or corporation who is a Subscriber to the Certified Products and Certified Labeling Bureau of the Institute and who actively and regularly manufactures and sells one or more products which meet the requirements of the Certified Products and Certified Labeling Bureau is eligible for Active Membership in the Institute. Each Active Member shall maintain a subscription to the Certified Products and Certified Labeling Bureau, Subscription Agreement and Manual of Procedure. Active Members shall be entitled to participation in all Institute matters and to any and all benefits accruing from Institute membership.

Active members shall designate one official voting representative, privileged to attend general and division meetings and other representatives privileged to attend regular meetings and serve as alternate voting representatives. Each member shall have one vote. Only voting representatives of Active members shall hold elective office.

Section 2. Associate Members. Any person, partnership, firm or corporation who actively and regularly manufactures and sells or who sells one or more art, craft or other creative products or who sells supplies and/or services to the Active members is eligible for Associate Membership in the Institute.

Associate members shall designate representatives to be authorized to attend meetings. Associate members shall not be eligible to vote or to hold elective office.

Section 3. Affiliate Members. Representatives of user, consumer and education organizations whose members are concerned with the use, safety, quality and promotion of art, craft and other creative materials will be invited to participate on committees to present the views of the consumer.

Section 4. Voting. Each Active member shall appoint and certify to the President or the Executive Director, a person to be its official representative at Institute meetings and appoint other duly designated representatives privileged to attend meetings.

All Active Members of the Institute by their duly designated representatives shall be privileged to attend all meetings of the Institute with the right of each member to one vote on any question presented.

All Associate Members of the Institute by their duly designated representatives shall be privileged to attend all meetings of the Institute, but without the right to vote.

Section 5. Election of Members. Any person, partnership, firm or corporation eligible for membership (Active or Associate) under these Bylaws, on making written application therefore, may be approved for membership. For such approval, a determination of the eligibility of the applicant by the Executive Director or, in certain cases, a majority of votes of the Board of Directors is required. Under either procedure, approval shall not be unreasonably withheld. Determination of eligibility or approval depends upon the Institute's list of eligible products and other factors.

Section 6. Duration of Membership and Resignation. Membership in this Institute may terminate by death, dissolution or voluntary withdrawal as herein provided. All rights and interest of a member in or to the Institute, its rights, privileges, duties and property shall cease on the termination of membership.

Any member may, by giving written notice of such intention, withdraw from membership. Such notice shall be presented to the Board of Directors, effective for the succeeding fiscal year so long as the notice is presented to the Board of Directors two months prior to the annual meeting at which the budget for the succeeding fiscal year is determined. Notices of intent to withdraw presented after that time shall not be effective except as determined by the Board of Directors. Withdrawals shall be effective upon fulfillment of all financial obligations for the fiscal year.

Section 7. Suspension and Expulsion. For just cause, including the failure to pay dues, the misuse of any certification mark of the Institute, or infringement of the certification marks of the Institute, any member may be suspended or terminated.

Such suspension or expulsion shall be by two-thirds (2/3) vote of the entire membership of the Board of Directors, provided that a statement of the reasons for suspension or expulsion shall have been mailed or emailed to the last recorded address of the member at least fifteen (15) days before final action is taken thereon. This statement shall be accompanied by a notice of the time and place of the meeting of the Board of Directors at which the suspension or expulsion shall be considered, and the member shall have an opportunity to appear and present any information relevant to reasons why such suspension or expulsion should not occur before action is taken thereon.

ARTICLE VI Dues

Section 1. The Board of Directors shall, from time to time, and at such times as it deems necessary, fix the rate of dues, fees, and assessments of all members and subscribers. The Board shall declare the date when said dues and fees are payable.

Section 2. Members who fail to pay their dues or annual fees within thirty (30) days from the time the same become due, shall be notified by the President or Executive Director, and if payment is not made within the next succeeding thirty (30) days, shall be reported to the Board of Directors as in arrears, and, if so ordered by the Board of Directors, it or they shall be dropped from the rolls and thereupon forfeit all rights and privileges of membership. Such member may be readmitted as provided in these Bylaws.

Section 3. The fiscal year shall be fixed by action of the Board of Directors.

ARTICLE VII Meetings

Section 1. Annual Meetings. There shall be an Annual Meeting of the Institute in the Spring or Second Quarter of each year unless otherwise ordered by the Board of Directors, and at such place as determined by the Board of Directors. At each Annual Meeting members of the Board of Directors shall be elected as hereinafter provided in Article VIII; at such Annual Meetings annual reports shall be received and any other business transacted which is properly presented to such meeting.

Notice of such meeting, signed by the President or Executive Director, or other officer designated by the Board of Directors, shall be mailed to the last recorded address of each member or emailed to the last recorded email address of each member at least twenty (20) days before the time appointed for the meeting.

Section 2. Special Meetings. Special meetings of the Institute may be called by the Board of Directors at its discretion. Upon the written request of three (3) members of the Institute, or of the President or of the Executive Director, the Board of Directors shall call a special meeting to consider a specific subject. Written notices of any special meeting shall be given no less than ten (10) days in advance thereof. Such notices shall set forth the place, date, time and purposes of the meeting.

Section 3. Quorum. The presence in person or by proxy of one-tenth of the total number of members of the Institute entitled to vote shall be necessary to constitute a quorum for the transaction of business.

Section 4. Order of Business. The order of business for annual or special meetings shall be determined by the Board of Directors. The order of business may be altered or suspended at any meeting by a majority vote of members present. Unless these Bylaws or the laws of the State of New York otherwise govern, Robert's "Rules of Order" shall prevail at all annual and special meetings.

ARTICLE VIII Nominations and Elections

Section 1. Ninety (90) days prior to the Annual Meeting, the President shall appoint a nominating committee to nominate directors as required by Article IX. The slate of Directors as proposed by the Nominating Committee shall be forwarded to all members at least forty-five (45) days before the date of the Annual Meeting. Additional nominations of directors must be submitted in writing to the Institute Office not later than thirty (30) days prior to the date of the Annual Meeting. Each nominee shall agree to serve if elected and to attend all meetings.

Section 2. At each Annual Meeting, a number of directors equal to that of those whose terms have expired shall be elected for a term of three years. Any director shall be eligible for re-election, providing his or her company is an Active member of the Institute.

Section 3. The Board of Directors, as hereinafter provided, shall elect a President, a Vice President, Secretary and Treasurer from its membership, and may elect an Executive Director from within or without its membership. All such officers shall serve to the end of the next Annual Meeting, or until such time as their successors are duly elected and shall take office, except that any officer who is not a member of the Institute shall hold office at the pleasure of the Board of Directors.

ARTICLE IX
Board of Directors

Section 1. The management of the property, affairs, business and concerns of the Institute shall be vested in a Board of Directors, consisting of not less than four (4) and no more than twenty-one (21) voting representatives of Active Members. The members of the said Board shall, upon election, immediately enter upon the performance of their duties and shall continue in office until their successors shall be duly elected and qualified.

Section 2. Duties. The Board of Directors shall, in addition to having control and management of the affairs of the Institute, fix the date and rate of assessment of dues for members at meetings only, shall have authority to engage employees and fix their salaries, or retain an association management firm at a fee to be agreed upon, admit, suspend or expel members in the manner provided by these Bylaws; and to do everything necessary and desirable in the conduct of the business of the Institute and in accordance with the Certificate of Incorporation and these By-Laws.

The Board shall retain a Certified Public Accountant who shall prepare and submit an annual financial statement to it.

Section 3. Meetings. A regular meeting of the Board of Directors for the election of officers shall be held at the time of the Annual Meeting. The President or Executive Director, when he or she deems necessary, may issue a call for a special meeting of the Board on ten (10) days' notice.

Section 4. Quorum. A majority of the Board shall constitute a quorum for the election of officers and all other purposes not otherwise provided herein. In the absence of the President, the Vice President may preside; otherwise, the members present may choose a Chairman for the meeting.

Section 5. Vacancies. Any vacancies that may occur on the Board by reason of death, resignation, or otherwise, may be filled by the Board of Directors for the unexpired term.

Section 6. Robert's "Rules of Order" As Applies to Board Meetings. Unless these Bylaws or the laws of the State of New York otherwise govern, Robert's "Rules of Order," Eleventh Edition (2011) shall apply to the conduct of meetings of the Board of Directors.

ARTICLE X
Officers

Section 1. President. The President shall be the executive officer of the Institute and shall preside at meetings of the Institute and of the Board of Directors, and shall be a member ex-officio of all committees. He or she shall also, at the Annual Meeting of the Institute and at such other times as he or she shall deem proper, communicate to the Institute or to the Board of Directors such matters and make such suggestions as may in his or her opinion tend to promote the welfare and increase the usefulness of the Institute, and shall perform such other duties as are necessarily incident to the office of President of the Institute, or as may be prescribed by the Board of Directors.

Section 2. Executive Director. There may be an Executive Director appointed by the Board of Directors to serve at the pleasure of the Board. The Executive Director shall perform such duties as determined by the Board of Directors from time to time.

Section 3. Vice President. In case of death or absence of the President, or his or her inability from any cause to act, the Vice President shall perform for the time being the duties of the President's office.

Section 4. Treasurer. The Treasurer shall keep an account of all monies received and expended by the Institute, and shall make disbursements authorized by the Board of Directors and approved by the President or Executive Director. All money of the Institute shall be deposited in the bank or banks approved by the Board of Directors. The Treasurer shall make a report at the Annual Meeting of the Institute or at such other time when called upon by the President.

The duties of the Treasurer, when determined by the Board of Directors, may be assigned in whole or in part to the President or Executive Director, in which case such person shall act as Assistant Treasurer.

At the expiration of his or her term of office, the Treasurer shall deliver over to his or her successor all books, monies, and other Institute property, or in absence of the Treasurer-elect, to the President.

Section 5. Secretary. The Secretary shall have responsibility for maintenance of the records and documents of this Institute and is authorized to sign documents required by law or necessary to the conduct of association business.

Section 6. Bond. The Treasurer, the President, the Executive Director, or any other person entrusted with the handling of the Institute's funds or property, shall, at the discretion of the Board, furnish at the Institute's expense, a fidelity bond, approved by the Board in such sum as the Board shall prescribe.

Section 7. Vacancies. In the event that a vacancy occurs in the office of the President or the Vice President, the President, Vice President, or Executive Director, when he or she deems necessary, may issue a call for a special meeting of the Board on ten (10) days' notice to elect a new President or Vice President.

ARTICLE XI Committees

Section 1. There may be such committees as from time to time may be deemed necessary by the Active Members at any meeting, or by the Board of Directors. Membership in such committees shall be determined by the President, subject to the approval of the members if at a members' meeting, or by the Board of Directors if at a Board of Directors' meeting. The President shall be a member *ex officio* of all committees.

Section 2. There shall be a standing Committee known as the Executive Committee comprised of the President, the Vice President, the Treasurer, the Secretary, the Immediate Past President, if a member of the Board of Directors, and up to two members of the Board of Directors, all of whom must be elected by a majority vote of the Board of Directors. The Executive Committee shall have authority to act for the Board of Directors on all matters; except, however, that the Executive Committee may not act for the Board of Directors on the following matters: (1) the submission to members of the Board of Directors of any action requiring such members' approval; (2) the filling of vacancies on the Board of Directors or on any committee; (3) the fixing of compensation of the directors for serving on the Board of Directors or any committee; (4) the amendment or repeal of the by-laws or the adoption of new by-laws; and (5) the amendment or repeal of any resolution of the Board of Directors which by its terms shall not be so amendable or repealable.

Section 3. There shall be a standing Committee known as the Audit Committee, comprised solely of independent directors (e.g. directors not serving on the Executive Committee), who shall be appointed by a majority of the Board of Directors and shall include one Member of the Board of Directors with a background in accounting. In addition, the Treasurer shall be a member *ex officio* of the Audit Committee. The Audit Committee will be responsible for, inter alia, the following tasks: (1) oversee the accounting and financial reporting processes of the Institute; (2) plan and review any and all audits with an independent before, during, and after such audit; (3) review the performance of the independent auditor annually; (4) upon request, report to the Board of Directors the activities and findings of the Audit Committee; (5) oversee the adoption, implementation, and compliance with, the Conflict of Interest and Whistleblower policies; and (6) any other activity as is deemed appropriate and necessary in the discretion of the Audit Committee and/or the Board of Directors.

ARTICLE XII

Vote by Mail or Email Ballot

Section 1. Unless the laws of the State of New York or these Bylaws otherwise provide, whenever the President or the Executive Director desire to put a matter to vote of the Board of Directors or of the membership without calling a meeting therefore, a vote may be taken on such matter by mail or email ballot. Any such question thus presented shall be determined by a majority of the entire Active membership of the Institute or by a majority of the Board of Directors. Whenever a mail or email ballot is sought on the enactment or modification of any budget, a written vote of two-thirds (2/3) of the Board of Directors shall be required.

ARTICLE XIII

Telephone Conference Meetings of the Board or Committees

Unless otherwise restricted by the Certificate of Incorporation or the Bylaws, any one or more members of the Board, or any Committee thereof, may participate in a meeting of such Board or Committee by means of a telephone conference or similar communications equipment allowing persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

ARTICLE XIV

Seal

Section 1. The seal of the Institute shall contain the legend "The Art and Creative Materials Institute, Inc." in the shape of a circle, together with the words "New York", "1936".

ARTICLE XV
Indemnification of Directors and Officers

Section 1. The Institute shall provide for the indemnification of any and all its Directors and Officers, or former Directors and Officers, against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding, in which they or any of them are made parties, or a party, by reason of having been Directors or Officers of the Institute, as permitted under Sections 722, 723, 724 and 725 of the New York Not-for-Profit Corporation Law.

Section 2. Nothing in this Article shall prevent an individual from petitioning a court for indemnification pursuant to Section 723 of the New York Not-for-Profit Corporation Law.

Section 3. Pursuant to Section 726 of the New York Not-for-Profit Corporation Law, the Institute may purchase and maintain insurance to indemnify the Institute for any obligation which it incurs as a result of the indemnification of directors and officers under the provisions of this Article, and to indemnify directors and officers in instances in which they may be indemnified by the Institute.

ARTICLE XVI
Non-Profit Corporation and Rights on Dissolution

Section 1. This Institute is a non-profit corporation and no part of its accumulated funds shall insure to the benefit of any member, employees or officers of any member.

Section 2. Upon dissolution of the Institute, its then existing net assets shall be distributed among the then existing members ratably in proportion to their respective contributions paid by them for the fiscal year preceding the year of dissolution.

ARTICLE XVII
Amendments

Section 1. These Bylaws may be amended in whole or in part by a majority of the Board of Directors at its meeting.

Section 2. Notwithstanding the above Section 1, to include, remove, or modify a provision in these Bylaws which will serve to increase above a simple majority the proportion of members of the Board of Directors that constitutes a quorum, shall require a vote of two-thirds (2/3) of the members entitled to vote.

SUBSCRIPTION AGREEMENT
TO THE CERTIFICATION PROGRAM OF
THE ART AND CREATIVE MATERIALS INSTITUTE, INC.

AGREEMENT between THE ART AND CREATIVE MATERIALS INSTITUTE, INC., a membership corporation organized under the laws of the State of New York, with its principal office at 99 Derby Street, Hingham, Massachusetts (hereinafter called "ACMI"), and the undersigned (hereinafter called "Subscriber").

WITNESSETH:

WHEREAS, ACMI conducts a service available to both its members and non-members for the promulgation and certification of health and quality standards of products listed on Schedule A attached, and is the owner of and has registered certification trademarks known as the "AP" Approved Product Seal, and the "CL" Cautionary Labeling Seal; and

WHEREAS, the Subscriber manufactures some or all of such products and desires to avail itself of the services conducted by the Certification Program of ACMI;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, it is agreed as follows:

1. The expense of operation of the services hereinafter provided shall be an obligation of ACMI for which the Subscriber agrees to reimburse ACMI as follows: (a) for Active Members of ACMI, by an assessment at a rate fixed from time to time by its Board of Directors under the provisions of the Constitution and Bylaws of ACMI; (b) for any manufacturer, other than an Active Member of ACMI, by an assessment at a rate fixed from time to time by its Board of Directors under the provisions of the Constitution and Bylaws of ACMI.
2. Each new Subscriber will pay all expenses to determine initially the eligibility of its products to qualify for the AP or CL Seal according to the Procedures outlined in the latest revision of the Manual of Procedure of ACMI.
3. The products shall comply with the standards set forth in Schedule B hereto attached, or as such Schedule B may be hereafter modified by two-thirds (2/3rds) vote of the members of ACMI.
4. Each Subscriber agrees to comply with the Manual of Procedure or latest revision thereof used in implementing the program provided for herein.
5. The parties hereto agree that evaluations made by ACMI's Toxicologist and reported to the Subscriber shall be conclusive and binding on the parties subject to the appeal process provided in the Manual of Procedure, as to whether such products or the ingredients thereof are non-toxic or require toxicity labeling (as defined in Schedule B).
6. It is further agreed that, if any time the Subscriber changes the formula of any of its products bearing either the AP or CL Seal or desires an AP or CL Seal for additional colors or products, it will comply with the latest revision of the ACMI Manual of Procedure.

(over please)

7. ACMI agrees that, as soon as the Subscriber's products have been found by the evaluations and tests provided in the Manual of Procedure to be eligible, authorization will be given by ACMI to use the AP or CL Seal as indicated. The Subscriber thereupon acquires a non-exclusive, non-assignable license or licenses to print or use the registered trademark AP Approved Product Seal, or the trademark CL Cautionary Label Seal on or in connection with the distribution of such products.

The said license or licenses shall be suspended if and when the evaluation of such products as provided in the Manual of Procedure shows that they no longer qualify for such certification marks, and such suspension shall remain in effect until such products have again qualified.

8. It is agreed that reproductions of the AP Approved Product Seal or CL Cautionary Label Seal, in the possession of the Subscriber, have no intrinsic value; that the same are subject to use only in accordance with the license or licenses as herein provided; and that any unauthorized use of the same shall constitute an infringement of ACMI's property rights therein as protected by trademark laws and by this Agreement.

The Subscriber agrees that the display of the ACMI Certification Marks, any reference to the ACMI Certification Program or website link to the ACMI in any advertising, promotional or other media, including websites, will be in a context that will not bring disrepute to the Certification Marks, the Certification Program or the ACMI website or associate the Certification Marks, Certification Program or the ACMI website with any pornographic materials or pornographic website links. ACMI shall have complete discretion in its determination of the issue and the Subscriber agrees to expeditiously take action to remove or delete all reference to the ACMI Certification marks, or Certification Program or link to the ACMI website at the request of ACMI.

9. In the event of a dispute relating to the certification program status of particular products or the misuse or infringement of the ACMI Certification Marks, it is agreed ACMI may commence litigation in the United States of America and the Member Company consents to jurisdiction in an appropriate federal or state court selected by ACMI.
10. No amendment, alteration or addition of or to this Agreement, or any part thereof, or Schedule annexed thereto, shall be effective except it be in writing and duly executed by ACMI.
11. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and said counterparts shall constitute but one and the same instrument and may be sufficiently evidenced by any one counterpart.
12. This Agreement shall be effective for the year in which it is executed by the parties hereto and thereafter from year to year until it is cancelled and terminated by the respective parties hereto, upon three (3) months notice in writing duly mailed by either party to the other.

IN WITNESS WHEREOF, ACMI and the Subscriber have duly executed this Agreement this

_____ day of _____, 20__.

The Art and Creative Materials Institute, Inc.

Subscriber

By: _____
Nicole Pelissier, Marketing & Membership Director

(Company Name)

By: _____
(Signature)

(Name - Please Print)

05/15

(Title)

**SUBSCRIPTION AGREEMENT TO THE CERTIFICATION PROGRAM OF
THE ART AND CREATIVE MATERIALS INSTITUTE, INC.**

SCHEDULE A

Adhesives Glue Polymer School Paste	Drawing & Writing Instruments & Accessories Accessories (Erasers, Rulers, Sharpeners, Etc.)* Colored Pencils Gel Pens Pencils Pens Professional Drawing Pencils Watercolor Pencils	Paints Acrylic, Artist Acrylic, Washable Alkyd Casein Designer Color/Gouache Dye Enamel Fabric/Textile Finger Paint (Dry) Finger Paint (Liquid) Metallic Paste Miscellaneous Paints Oil Pigment (Dry Ground) Spray Tempera (Cake) Tempera (Egg) Tempera (Liquid) Tempera (Powder) Vinyl Water Color (Dry Pan) Water Color (Liquid) Water Color (Powder) Water Color (Semi-Moist) Water Color (Tube)
Airbrush Colors, Mediums & Accessories	Gessos & Painting Grounds	Paper*
Brush Care Products	Glitter*	Pastels Hard Pastels Oil Pastels Soft Pastels
Brushes*	Graphic Masking Liquids	Photographic Materials* Accessories* Chemicals Emulsions* Film*
Canvas (Coated)	Hobby Model Kits & Miniatures*	Plastic Art & Craft Materials*
Ceramics Casting Slip Clay Glaze Glazes (Overglazes) Glazes (Underglazes) Specialty Products Stain (Solvent Base) Stain (Water Base)	Labels, Stickers & Transfers*	Printing Inks & Supplies Block Printing Inks & Mediums, Oil Base Block Printing Inks & Mediums, Water Soluble Etching Grounds Etching Inks, Oil Base Etching Inks, Water Base Etching Mediums Litho Inks Litho Mediums Screen Printing Inks & Mediums, Accessories (Water Base) Screen Printing Inks & Mediums, Acrylic Screen Printing Inks & Mediums, Solvent Base Screen Printing Inks & Mediums, Textile Screen Printing Inks & Mediums, Water Soluble
Chalks Extruded Colored (for Chalkboard) Extruded Colored (for Paper & Crafts) Extruded Sight-Saving (for Chalkboard) Extruded White (for Chalkboard) Molded Colored (for Chalkboard) Molded Colored (for Paper & Crafts) Molded White (for Chalkboard)	Markers Audio Visual Brush Tip Calligraphy Marker Coloring/Drawing Dry Erase/Whiteboard Dual Tip Fabric Fluorescent Graphic Art Highlighter Memo Board Metallic Permanent Scented Washable (Non-Permanent) Writing	Product Combinations (Kits)
Charcoal	Mediums, Varnishes, Sealers & Fixatives for Acrylics/Polymers Fixatives Mediums Sealers Varnishes	Restoration/Conservation Products*
Clays & Modeling Compounds Modeling (Oven-Hardening) Modeling (Permanently Plastic, Non-Hardening) Modeling (Self-Hardening) Modeling Dough Paper Mache Powdered Sculpting & Modeling Mediums Thermo Plastic	Mediums, Varnishes, Sealers & Fixatives for Alkyds/Oils Driers Fixatives Oils Painting Mediums (Gel) Painting Mediums (Liquid) Sealers Varnishes	Sculpture Materials
Cleaners	Mediums, Varnishes, Sealers & Fixatives for Charcoals & Pastels	Solvent
Cloth*	Mediums, Varnishes, Sealers & Fixatives for Watercolors	
Colored Sand*	Mediums, Varnishes, Sealers & Fixatives, Multi-Purpose	
Craft Materials, Misc.* Floral Supplies* Foil* Miscellaneous* Plaster Figurines*	Molds & Tools*	
Crayons Hard Molded Molded Pressed Water Color		
Drawing & Lettering Inks & Mediums Mediums Non-Waterproof Drawing Ink Stamp Pad Technical Drawing Ink Waterproof Drawing Ink		

* = Optional product categories. Please note that all categories except optional categories generate dues whether certified or not. In optional categories, only certified products generate dues. An ACMI optional category does not necessarily mean that the category is not enforced under LHAMA by CPSC. ACMI optional categories may include general use products not enforceable under LHAMA, unless they are marketed as art materials. Writing Instruments are mandatory unless they comply to LHAMA in other certification programs.

SUBSCRIPTION AGREEMENT
TO THE CERTIFICATION PROGRAM OF
THE ART AND CREATIVE MATERIALS INSTITUTE, INC.
SCHEDULE B

“AP” APPROVED PRODUCT SEAL

Qualifications for Use:

Products listed on Schedule A that qualify for the AP Seal shall contain no materials in sufficient quantities to be toxic or injurious to humans or to cause acute or chronic health problems. In the interpretation and application of this requirement, the opinion of the ACMI Toxicologist shall be final.

“CL” CAUTIONARY LABELING SEAL

Qualifications for Use:

Products listed on Schedule A that qualify for the CL Cautionary Labeling Seal shall be, after a toxicological evaluation, properly labeled as required by law, by an appropriate industry standard, or in the opinion of the ACMI Toxicologist, whose opinion in the interpretation and application of this requirement shall be final.



**THE ART AND CREATIVE
MATERIALS INSTITUTE, INC.**
99 Derby St., Suite 200
Hingham, MA 02043 USA
Tel. (781) 556-1044 Fax (781) 207-5550
Website: www.ACMIart.org

Application for Membership

We hereby make application for Membership in The Art and Creative Materials Institute, Inc.

NAME _____ COMPANY _____

ADDRESS _____

TELEPHONE _____ FAX _____

E-MAIL ADDRESS _____ WEB ADDRESS: _____

NAME & TITLE OF CEO _____

HOW DID YOU HEAR ABOUT ACMI? _____

ACMI is sending the majority of mailings electronically (by email or by fax if we do not have your email address) to increase efficiency and reduce costs. Some of the information that will be sent electronically may contain potentially confidential information, such as your dues invoice (since it is based on your company's U.S. sales of eligible art material products), your listing of eligible/certified products that is included with your dues mailing and the Affidavit of Continuance mailing (your listing may include items that are not yet marketed or items that you private-label for ACMI non-member Licensees) or random testing requests. For this reason, we are asking that you grant your permission to send this type of information and subsequent reminder mailings electronically. Mailings that may contain confidential information will be marked "CONFIDENTIAL."

For security reasons Duke University Medical Center, Div. Of Occupational Health Services will be sending **encrypted** Confidential Information (formulas, etc.) by e-mail. If you do not have e-mail capability, special arrangements must be made with Duke.

We grant permission for the ACMI Staff to send mailings that may contain confidential information by:

- E-mail
 Fax or mail only
 Mail only

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Standard Practice for Labeling Art Materials for Chronic Health Hazards¹

This standard is issued under the fixed designation D4236; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

INTRODUCTION

Uninformed or careless use of some art material products can give rise to health hazards, either acute or chronic, or both. Specific and readily available warnings are needed to help protect users of any age. One way to disseminate such information is to provide appropriate precautionary labeling on art material products.

Labeling for acute health hazards, including those associated with art materials, is being addressed by such requirements as the U.S. Consumer Product Safety Act (CPSC)², the Federal Hazardous Substances Act, and the like. There are presently no specific national standards for labeling art materials with respect to chronic health hazards.

This practice is intended to provide a standard for developing precautionary labels concerning chronic health hazards related to the use of art materials. It is further intended to have the adaptability necessary to keep labels current with existing scientific and medical knowledge, as well as in conformity with other precautionary labeling requirements, both acute and chronic, thereby avoiding unnecessary confusion by users with respect to other precautionary labeling.

1. Scope

1.1 This practice describes a procedure for developing precautionary labels for art materials and provides hazard and precautionary statements based upon knowledge that exists in the scientific and medical communities. This practice concerns those chronic health hazards known to be associated with a product or product component(s), when the component(s) is present in a physical form, volume, or concentration that in the opinion of a toxicologist (see 2.1.11) has the potential to produce a chronic adverse health effect(s).

1.2 This practice applies exclusively to art materials packaged in sizes intended for individual users of any age or those participating in a small group.

1.3 Labeling determinations shall consider reasonable foreseeable use or misuse. The responsibility for precautionary

labeling rests with the producer or repackager who markets the materials for art or craft use.

1.4 This practice does not specify test methods for determining whether a substance or product presents chronic health hazards.

1.5 This practice does not apply to products appropriately labeled for known chronic health hazards in accordance with chemical substance labeling standards and practices, such as another national consensus standard, existing labeling statutes, regulations, or guidelines.

1.6 Since knowledge about chronic health hazards is incomplete and warnings cannot cover all uses of any product, it is not possible for precautionary labeling to ensure completely safe use of an art product.

1.7 Manufacturers or repackagers may wish to determine individually or collectively precautionary labeling for art materials in accordance with this practice. Compliance may be certified by a certifying organization. Guidelines for a certifying organization are given in Appendix X1.

1.8 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

¹ This practice is under the jurisdiction of ASTM Committee D01 on Paint and Related Coatings, Materials, and Applications and is the direct responsibility of Subcommittee D01.57 on Artist Paints and Related Materials.

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² ASTM Practice D4236 has been codified into U.S. law as part of the Federal Hazardous Substances Act, 15 USC S1277. Users of this standard should be familiar with the law and its regulations. Under this law and its regulations (16 CFR 1500), manufacturers must submit to the CPSC (Washington DC 20207) written criteria used by the toxicologist to recommend labeling.

Full standard does not appear here because it is a copyrighted document. Full standard can be purchased from ASTM at www.astm.org.