

# SENATE BILL REPORT

## E2SHB 2882

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As Reported By Senate Committee On:  
Consumer Protection & Housing, February 28, 2008

**Title:** An act relating to labeling of lead-containing products.

**Brief Description:** Concerning the labeling of lead-containing products.

**Sponsors:** House Committee on Apps Subcom GG (originally sponsored by Representatives Wood, Hudgins, Hasegawa and Ormsby).

**Brief History:** Passed House: 2/19/08, 71-24.

**Committee Activity:** Consumer Protection & Housing: 2/26/08, 2/28/08 [DP-WM, DNP].

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### SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer and Tom.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin and McCaslin.

**Staff:** Vanessa Firnhaber-Baker (786-7471)

**Background:** According to the U.S. Environmental Protection Agency, exposure to lead is highly dangerous, especially to children ages 6 and younger. Young children are more likely to ingest lead dust, and as such, are at higher risk for lead poisoning. In addition, children are more likely to be affected by lead poisoning than adults due to their smaller and still developing bodies. Lead poisoning in children can cause irreversible learning difficulties, mental retardation, and delayed neurological and physical development.

**Summary of Bill:** Labeling. Effective January 1, 2010, manufacturers and wholesalers may not sell a lead-containing product with greater than .04 percent lead at retail in this state, to a retailer in this state, or for use in this state, unless the lead-containing product is labeled. This prohibition does not apply to ammunition and ammunition components, fishing gear, products that are under 0.5 inches in all dimensions, or products in which the lead portion of the product does not come into human contact during normal use. Also exempt are products that are in compliance with the provisions of directive 2002.95/EC of the European Union and the decisions of the Technical Adaption Committee.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Manufacturers are responsible for affixing the labels on lead-containing products. A lead-containing product is properly labeled if it has a label and an imprint identifying the percentage content of lead in a minimum of 10 point font. The label must be on the outer portion of the package viewable to consumers at the time of purchase, or, if the lead-containing product is not contained in a package, then directly on the lead-containing product. Manufacturers, wholesalers, and retailers are prohibited from removing any required label or imprint that relates to lead.

Transporting and Storing. Manufacturers, importers, and domestic distributors are not prohibited from transporting products through the state or from storing products in the state for later distribution outside the state.

Penalties. A violation of this chapter or any rule adopted under this chapter is punishable by a civil penalty of up to \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty of up to \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the State Toxics Control Account created in statute. The Department of Ecology may adopt rules to implement this chapter.

The bill is null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Second Substitute:** PRO: Consumer products are being mislabeled as lead free, even though they contain lead. This bill is a middle of the road approach and we worked with industry closely in drafting it. The federal lead threshold is .06, but the states are allowed to be more strict. The more research that comes in shows that children are really being harmed by lead. The public at least needs to have a starting point to ask questions of lead.

OTHER: The Department of Ecology is developing a chemical action plan for lead. There is no safe level of lead and products are a major source of lead exposure. Currently, consumers have no way to identify which products have lead in them. Labeling should be considered as just part of a comprehensive plan to reduce lead exposure; however, it is not the most effective method to reduce lead exposure. Lots of products contain lead, for example vinyl baby-bibs and hoses.

**Persons Testifying:** PRO: Representative Alex Wood, prime sponsor.

OTHER: Holly Davies, Department of Ecology.