

SENATE BILL REPORT

SB 6530

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 01, 2008

Title: An act relating to the children's safe products act.

Brief Description: Regarding the children's safe products act.

Sponsors: Senators Regala, Oemig, Tom, Eide, Rockefeller, Kauffman, Keiser, Fraser, McDermott, Jacobsen, Shin, Fairley, Weinstein, Rasmussen, Kline, McAuliffe, Franklin, Kastama, Kohl-Welles and Kilmer.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 1/29/08, 2/1/08 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/11/08.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 6530 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser, Hatfield, Oemig, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Holmquist and Morton.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford, Ranking Minority Member.

Staff: Jan Odano (786-7486)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Elise Greef (786-7708)

Background: Children's rapid growth and development and immaturity of body systems and organs leave children more susceptible and vulnerable than adults when exposed to toxic chemicals. Children face greater potential for more severe consequences depending on the age of the child when exposed to the toxic chemical.

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.

Harmful effects from lead exposure in young children include learning difficulties and reduced growth, and for infants may cause decreased mental abilities. The U.S. Consumer Product Safety Commission (CPSC) is responsible for protecting the public from products containing hazardous substances. The CPSC has restricted the amount of lead in paint in consumer products to a maximum of 600 ppm. Recently, the CPSC has issued several recalls for toys in violation of the lead paint standard.

Cadmium is a natural element in the earth's crust. It has many uses, including batteries, pigments, metal coatings, and plastics. Human are exposed to cadmium through contaminated air and drinking water and consumption of fish. Long-term, low level exposure may lead to a buildup of cadmium in the kidneys and possible kidney disease, lung damage and fragile bones. It is not clear if cadmium affects the development of an unborn child, child behavior or development. In animal studies, the nervous system appears to be the most sensitive. The Department of Health and Human Services (DHHS) has determined that cadmium and cadmium compounds are probable carcinogens. There are no restrictions for cadmium in children's products. The U.S. Environmental Protection Agency has set a limit of five parts per billion of cadmium in drinking water and the Food and Drug Administration has set a limit of 15 parts per million of cadmium in food colors. In addition, the Occupational Health and Safety Administration limits workplace air to 100 micrograms per cubic meter for cadmium.

Phthalates are a group of chemicals used in the manufacture of plastics. Phthalates are used to increase the flexibility, durability and lifespan of plastics. Products containing phthalates include plastic bags, children's toys, some pharmaceutical products, vinyl flooring, and personal care products such as nail polish, shampoo, and hair spray. There have been human health studies exploring the possible associations between phthalates and developmental and reproductive outcomes. The effects of phthalates are not yet fully known.

Summary of Bill (Recommended Substitute): As of January 1, 2009, no person may manufacture, knowingly sell, offer for sale, or distribute children's products or product components containing: 1) lead or cadmium at more than .004 percent by weight (40 ppm); or 2) Phthalates, individually or in combination at more than .01 percent by weight (100 ppm).

The Department of Ecology (Ecology) must identify high priority chemicals that are of high concern for children by January 1, 2009. In addition, Ecology must identify children's products or product categories that may contain chemicals of high concern for children. A chemical of high concern for children is defined as a chemical that has been:

- identified as a high priority chemical that is known to harm fetal development, cause cancer, genetic damage, or reproductive harm, disrupt the endocrine system, cause systemic toxicity, and is persistent, bioaccumulative and toxic; and
- found in one or more of the following: human umbilical cord blood, breast milk, urine or other bodily fluids; household dust, indoor air, drinking water or elsewhere in the home environment; or consumer product used or present in the home.

Beginning six months after a chemical has been identified as a chemical of high concern, a manufacturer of a children's product with a chemical of high concern must notify Ecology. The notice must be filed annually and contain information such as: chemical name, description of the product, description of the function and amount of the chemical. Manufacturers also

must notify persons that sell their products within 90 days the restrictions become effective. Manufacturers must recall and reimburse the retailer of any prohibited product. A manufacturer who violates these provisions is subject to a penalty not to exceed \$5000 for the first offense and \$10,000 for each repeat offense.

Ecology is required to provide information to manufacturers and retailers to assist with identifying prohibited products for sale, manufacture or distribution. In addition, Ecology must develop and publish a web site to provide consumers with information about chemicals used in children's products and safer alternatives.

EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Substitute): In their annual notification to Ecology, manufacturers may include additional information regarding the appropriate use of their product; the amount of the chemical used in products may be reported in a range; and the entities are specified that can identify high priority chemicals.

Appropriation: None.

Fiscal Note: Requested on January 18, 2008.

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 Recommended Substitute: PRO: There is a lack of standards for many of these chemicals. There is enough evidence to know these chemicals cause problems, and there are alternatives. There is no safe level of lead in our bodies. Cadmium is a known carcinogen. Phthalates can cause alterations in the human endocrine and immune systems. These chemicals are also found in Puget Sound accumulating in invertebrates, bottom sediments, and salmon. Everyone has the right to know what is in the products they buy, and some level of assurance that what is bought at the stores will not endanger our children's health. Companies are making toys without these chemicals; it is possible.

CON: Phthalates metabolize like vegetable oil; they are an extremely well studied class of chemicals. Exposure to phthalate is very low, lower than the EPA recommended levels.

OTHER: We need consistency with other states when addressing these chemicals or a federal policy.

Persons Testifying: PRO: Clifford Traisman, WA Environmental Council; Erika Schreder, WA Toxics Coalition; Barry Lawson, WA Chapter Academy of Pediatrics; Heather Trim, People for Puget Sound; Brooke Bell, Kim Karu, Childcare Action Council; Nick Federici, WA Toxics Coalition; Blair Admundson, WashPIRG; Jefferson Ketchel, Public Health Seattle & King County.

CON: Mark Greenberg, American Chemistry Council; Marian Stanley, American Chemistry Council.

OTHER: Grant Nelson, Association of Washington Business; Carol Kraege, Ecology; Mark Johnson, WA Retail Association; Sheela Sathyanarayana, M.D.