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## Environment Committee

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### HB 1049

**Brief Description:** Concerning cadmium in children's jewelry.

**Sponsors:** Representatives Fitzgibbon, Short, Gregerson and Jinkins.

#### Brief Summary of Bill

- Changes the allowable level of cadmium in children's jewelry from 40 parts per million (ppm) to the same amounts allowed under a voluntary federal standard based on the solubility of the cadmium content of the jewelry.

**Hearing Date:**

**Staff:** Jacob Lipson (786-7196).

**Background:**

#### Federal Context.

The Consumer Product Safety Commission (CPSC) is the federal agency with general responsibility for implementing safety laws and adopting safety rules for a wide variety of consumer products. The CPSC has the authority to issue either voluntary or mandatory safety standards for particular products, or both. In general, the CPSC is directed to adopt voluntary consumer product safety standards where it judges that voluntary standards are likely to be followed and would eliminate or adequately reduce injury risk.

CPSC voluntary standards are developed through a consensus process that includes industry, consumer, and government representatives. The CPSC does not have the ability to enforce noncompliance with a voluntary safety standard. However, if an entity does not adhere to a voluntary standard established under CPSC processes, the CPSC can potentially determine, depending on product-specific circumstances, that the product poses a substantial hazard, which then gives the CPSC authority to restrict the use of the product.

#### Federal Regulation of Cadmium in Children's Jewelry.

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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.*

In conjunction with the ASTM standard development organization, the CPSC developed a voluntary standard for cadmium in children's jewelry in 2011, and updated it in 2014 (ASTM F2923-14).

The ASTM standard for cadmium in children's jewelry limits the amount of soluble cadmium in surface coating materials to 75 parts per million (ppm).

In addition, the ASTM standard requires internal, accessible metal and plastic or synthetic polymer components of children's jewelry to be screened for cadmium content. If an internal component does not exceed 300 ppm in an initial screening, the metal or plastic components do not need to be tested further in order to meet the ASTM standard. If an internal component's overall cadmium content exceeds 300 ppm total cadmium in an initial screening, the product component must be tested for the amount of soluble or migratable cadmium as follows:

- If the internal jewelry component is plastic, the amount of soluble cadmium may not exceed 75 ppm.
- If the internal jewelry component is a metal small part as defined by federal safety regulations (a product that can fit inside a 1.25 inch diameter cylinder that is between 1 and 2.25 inches long, or that fragments during a use test into constituent pieces that fit into the cylinder), the amount of soluble or migratable cadmium extracted during a 24-hour acid test must not exceed 200 micrograms in order to meet the ASTM standard.
- If the internal metal jewelry component is not a small part under federal safety regulations, the amount of soluble or migratable cadmium extracted during a 6-hour saline test must not exceed 18 micrograms in order to meet the ASTM standard.

The ASTM standards include protocols for acid and saline testing, and for measuring the soluble cadmium and other elements in children's jewelry.

#### State Restrictions on Cadmium in Children's Jewelry.

In 2008 the Legislature passed the Children's Safe Products Act (Act), which limits levels of cadmium, lead, and phthalates in children's products that are manufactured, sold, or distributed in Washington. Specifically, the amount of cadmium in a children's product or product component may not exceed .004 percent by weight, or 40 ppm. Children's jewelry that is made for or marketed to children under age 12 is among the types of children's products subject to the Act's cadmium requirements.

Manufacturers in violation of restrictions on the use of cadmium and other chemicals regulated under the Act are subject to fines of up to \$5,000 for initial violations and up to \$10,000 for subsequent violations. The Department of Ecology is responsible for implementing, administering, and enforcing the provisions of the Act.

#### **Summary of Bill:**

The allowable level of cadmium in children's jewelry is set at the same levels that are allowed under the voluntary federal CPSC/ASTM standard. This means that manufacturers, wholesalers, and retailers may not manufacture, sell, or distribute children's jewelry containing soluble levels of cadmium greater than 75 ppm in a surface coating. In addition, the same manufacturing, sale, and distribution restrictions apply to children's jewelry with internal, accessible components

found in an initial screening test to contain over 300 ppm of total cadmium content, and subsequently tested and found to contain:

- Seventy-five ppm of soluble cadmium, if the component is plastic;
- Two-hundred micrograms of migratable cadmium extracted during a 24-hour acid test, if the component is a metal small part; or
- Eighteen micrograms of migratable cadmium extracted during a 6-hour saline test, if the component is metal but is not a small part.

Internal, accessible components of children's jewelry which contain less than 300 ppm of total cadmium content do not require secondary testing and are not subject to restrictions under the Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.