

SENATE BILL REPORT

SB 5021

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 19, 2015

Title: An act relating to cadmium in children's jewelry.

Brief Description: Concerning cadmium in children's jewelry.

Sponsors: Senators Ericksen and Hobbs.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 1/14/15, 2/19/15 [DP, DNP, w/oRec].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Braun, Brown and Honeyford.

Minority Report: Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland and Habib.

Minority Report: That it be referred without recommendation.

Signed by Senator Ranker.

Staff: Jan Odano (786-7486)

Background: Cadmium is a soft, silver-white, relatively inexpensive metal. It is a byproduct of processing metals such as lead, zinc, and copper as well as recycling of nickel-cadmium batteries. According to the Agency of Toxic Substances and Disease Registry, most cadmium, approximately 80 percent, in the United States is used in batteries. Cadmium is also used in pigments to create bright yellow, orange, and red dyes; paints; plastics; ceramics; and in metal alloys to increase strength and provide wear resistance.

Cadmium is widely found in the environment, food, and tobacco. For most people food is the largest source of cadmium exposure. Because tobacco leaves accumulate cadmium from the soil, smokers have increased exposure and have twice the level of cadmium in their bodies than nonsmokers. In addition people may be exposed to cadmium through contact with some consumer products. Exposure occurs, especially in children, by handling objects

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and then putting hands in mouths, or by mouthing or swallowing small objects or parts of products.

Cadmium has known health effects. It is considered a suspected or probable carcinogen by several federal agencies. Acute exposure from eating food or drinking water with high levels of cadmium can cause vomiting, diarrhea, and possibly death. Chronic exposure of cadmium accumulates in the kidneys and liver and causes kidney damage and failure, bone damage, and lung disease.

The Consumer Product Safety Improvement Act (CPSIA) of 2008 established new testing and documentation requirements and acceptable levels of certain substances in consumer products. Under CPSIA, the Consumer Protection Safety Commission (CPSC) adopted national standards for toy safety. Manufacturers of children's toys must adhere to industry guidelines, American Society for Testing and Materials (ASTM) F-963-11. Toys that are intended for the use of children under 14 years of age must meet the total cadmium content standard of 75 parts per million (ppm). Children's jewelry, however, is not considered a toy and therefore does not come under the requirements as toys.

CPSC identified products, particularly jewelry intended for use by children, that they felt presented a risk of adverse health effects from exposure to cadmium. ASTM F-2923-11, which was updated in 2014 (ASTM F-2923-14), is a voluntary industry standard for children's jewelry. It provides a limit of 300 ppm total content and 75 ppm in paint or surface coatings for children's jewelry. Where components of the jewelry exceed 300 ppm, those components must be further evaluated to determine that the migration of cadmium does not exceed 200 micrograms. Although ASTM F-2923-14 provides standards for cadmium in children's jewelry, these are voluntary and are not mandated by CPSC. CPSC determined that ASTM F-963-11, applicable to toys, and ASTM F-2923-11, a consensus standard for children's jewelry, provides adequate protection from the risk of cadmium exposure.

Several states enacted legislation addressing cadmium in children's jewelry. Under the Children's Safe Products Act, Washington State established a 40 ppm by weight limit for cadmium in children's products. Maryland, Illinois, and Minnesota limit the amount of cadmium in children's jewelry to 75 ppm; California established a standard of 300 ppm by weight; and Rhode Island adopted ASTM F-2939-11.

Summary of Bill: Children's jewelry is excepted from the 40 ppm cadmium standard for children's products. Children's jewelry must meet the ASTM F-2923-14 standards as approved on October 1, 2014.

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: PRO: Safety protocols for toys are the same for jewelry standards. Products are individually tested by component. Imported products must be tested by a qualified third party. It is an open and transparent process endorsed by the CPSC. The jewelry standard needs to be harmonized.

CON: Cadmium is highly toxic. Exposure should be minimized especially since there are environmental exposures. The current state standard is working. It took into account the background levels. It uses a simple approach to determine compliance and it's cost effective for the Department of Ecology. Tests indicate that cadmium does come out of jewelry at different rates and levels. We are concerned that only new products are tested while the results may be different from used and damaged jewelry. The ASTM used an outdated surface coating screening level. There is a lack of uniformity in tests of the amount of cadmium found in jewelry. You must pay to get the ASTM standard.

Persons Testifying: PRO: Brent Cleaveland, Fashion Jewelry and Accessories Trade Assn.

CON: Karen Bowman, WA State Nurses Assn.; Laurie Valeriano, WA Toxics Coalition; Barbara Morrissey, WA State Dept. of Health; Carol Kraege, Dept. of Ecology, Toxics Policy Coordinator; Diana Stadden, The Arc of WA State.