

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 145

(Delegate Hubbard, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Environment - Cadmium in Children's Jewelry - Prohibition

This bill prohibits a person from, on or after July 1, 2012, manufacturing, selling, offering for sale, or distributing any children's jewelry containing cadmium at more than 0.0075% by weight. The Maryland Department of the Environment (MDE) may adopt regulations to carry out the bill's provisions.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: Enforcement can likely be handled with existing resources, assuming it is complaint based. Revenues are not affected.

Local Effect: Enforcement can likely be handled with existing resources, assuming it is complaint based. Revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: "Cadmium" means elemental cadmium and any compound or alloy that contains cadmium. "Children's jewelry" means any jewelry (*i.e.*, a charm, bracelet, pendant, necklace, earring, or ring), and any component of jewelry, designed or intended to be worn or used by a child younger than age 13.

The bill does not apply to any toy regulated for cadmium exposure under the federal Consumer Product Safety Improvement Act of 2008.

Current Law: Maryland law restricts the use of cadmium in packaging but not in children's jewelry or other consumer products. Cadmium in a package or packaging component may not exceed 0.01% by weight.

Background: Cadmium, a naturally occurring element in soils and rocks, is a metal used in paint pigments, batteries, metal coatings, and plastics. According to the U.S. Agency for Toxic Substances and Disease Registry, cadmium is a known human carcinogen that can cause cardiovascular, developmental, renal, gastrointestinal, neurological, reproductive, and respiratory harm. According to the U.S. Environmental Protection Agency (EPA), cadmium is a probable human carcinogen that may cause kidney disease and developmental defects.

Since the passage of the federal Consumer Product Safety Improvement Act of 2008, which restricted the use of lead in children's products, high levels of cadmium have been detected in children's jewelry purchased from U.S. retailers. Most of these items were imported from manufacturers that began adding cadmium to their products as a substitute for lead. In May 2010, the U.S. Consumer Product Safety Commission (CPSC) announced a recall of 19,000 charm bracelets because of high levels of cadmium.

In August 2010, EPA granted a petition requesting that (1) EPA require submission of health and safety studies related to cadmium and regulate the use of cadmium in toy metal jewelry; and (2) CPSC establish standards restricting cadmium in children's products (and in metal jewelry in particular). According to EPA, the agency will propose a rule under the Toxic Substances Control Act to require the submission of health and safety studies related to cadmium. CPSC is currently developing exposure limits for cadmium.

According to the National Conference of State Legislatures, 10 states have considered 47 measures to curtail the use of cadmium. Seven states (California, Connecticut, Florida, Illinois, Minnesota, New Jersey, and New York) have enacted restrictions on cadmium in children's jewelry. Two states (Illinois and New Jersey) have restricted the use of cadmium not only in children's jewelry but in children's products generally.

State Expenditures: The bill's requirements can be handled with existing resources, assuming enforcement is based on complaints. MDE advises that an additional x-ray fluorescence (XRF) machine is necessary to implement the bill. (MDE currently has one XRF machine, which is used for elemental and chemical analysis of metals, including cadmium.) However, since four of the five most populous states in the United States have already enacted restrictions on cadmium in children's products, it is assumed that most producers will have begun phasing cadmium out of their children's jewelry by July 1, 2012, and that complaints will accordingly be minimal. It is therefore assumed

that an additional machine is not needed. However, if complaint volume is high, MDE may require additional equipment to enforce the bill's provisions, resulting in an increase in expenditures. (The cost of an XRF machine is approximately \$30,000, according to MDE.)

Local Fiscal Effect: Enforcement can be handled with existing resources, assuming it is complaint based. However, if complaint volume is high, local health department workloads may increase.

Small Business Effect: Potential increase in expenditures beginning in fiscal 2013 for small business manufacturers that use cadmium to make children's jewelry. While some manufacturers in Maryland may be affected by the bill, it cannot be reliably determined at this time how many, if any, have 50 or fewer employees and are considered small businesses.

Potential decrease in small retailer revenue in fiscal 2013 for retailers that will not be allowed to sell children's jewelry in their existing stock that contains cadmium on or after July 1, 2012.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Conference of State Legislatures, U.S. Agency for Toxic Substances and Disease Registry, U.S. Environmental Protection Agency, U.S. Consumer Product Safety Commission, Baltimore City, Montgomery and Worcester counties, Maryland Department of the Environment, Department of Health and Mental Hygiene, Department of Legislative Services

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