

HB5314

PA 10-113

Children	273-281, 283-302, 365-369, 393-398, 468-490	634
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SENATOR LOONEY:

Mr. President, I would move for immediate
transmittal to the House of Representatives of Senate
Joint Resolution Emergency Certified Senate Joint
Resolution Number 48.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, a couple of additional items to mark
at this time.

First is calendar page 15, Calendar 522, House Bill
5314.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, if the Clerk would -- would call
that item?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 15, Calendar Number 522, File Number
276 and 679, Substitute for House Bill 5314, AN ACT
BANNING CADI -- CADMIUM IN CHILDREN'S JEWELRY AND

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CONTAINING THE -- CONCERNING THE TIME FOR IMPLEMENTATION
OF THE BAN ON INFANT FORMULA AND BABY FOOD RECEPTICLES
CONTAINING BA as amended by House Amendment Schedule "A,"
favorable report of the Committee on Children,
Environment and General Law.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Mr. President, what this bill does essentially
is --

THE CHAIR:

Senator Musto, you have to bring the bill out, sir.

SENATOR MUSTO:

Mr. President --

THE CHAIR:

It's quite all right, sir.

SENATOR MUSTO:

It's getting a little late.

THE CHAIR:

I understand, sir.

SENATOR MUSTO:

Mr. President, I move the joint committee's
favorable report and adoption of the bill.

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THE CHAIR:

Acting on acceptance and approval, sir, would you like to remark further?

SENATOR MUSTO:

Yes, Mr. President. Briefly --

THE CHAIR:

Please proceed.

SENATOR MUSTO:

Thank you.

What this bill does is puts a limit on the amount of cadmium that can be in children's jewelry and limiting it to 75 parts per million of the total content in the State of Connecticut by 2014. It also delays the ban on bisphenol-A products in children's bottles -- bottles that we did last year until 2014. And the reason for that is that we are having the -- the people who create the WIC program or who go to bid for the WIC program are having some trouble meeting that deadline so we thought we'd give them a little extra time to meet it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Boucher.

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SENATOR BOUCHER:

Thank you, Mr. -- Mr. President.

Very briefly for legislative intent please, may I pose a question to the proponent?

THE CHAIR:

I'm sorry, ma'am.

SENATOR BOUCHER:

Question -- question to the proponent, sir?

THE CHAIR:

Senator Musto, please.

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER:

Through you, Mr. President, would this legislation apply to children's play items, such as tiara or similar item that may be used for play, as an example a princess outfit with accessories? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Through you, I believe that question was asked in the House and the answer was no. A tiara specifically would not apply. There is federal law regarding

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children's products which children's jewelry is specifically exempted from. So I believe a tiara would not fall under this ban because it would be a children's product and, therefore, that would be a separate issues from children's jewelry. Through you, Mr. President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

And very thankful for the response and the clarification for legislative intent, and I think the bill can move forward.

Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Will you remark? Will you remark further -- on the bill as amended by House "A"?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

And I will try to be very brief and very quick.

But through you, Mr. President, to my friend Senator Musto. He referenced a House "A" amendment. Let me -- let me preface my remarks by saying as a member of the

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Environment Committee I voted for, do support and continue to support the removal of cadmium from children's jewelry, just as I supported in the Senate circle the removal of BPA, bisphenol-A, from baby bottles, formula and other products so we can keep our children in this state safe from toxic environments.

But through you, Mr. President, I believe the Senator said that we were delaying the ban on BPA because corporations who are attempting to -- I think he said bid on a WIC contract were having meeting the deadline. Through you, if he could -- could he please expand on that.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Through you, it is my understanding that only one company was able to meet the BPA ban within the time allotted by the legislature. In that respect, we decided -- or it was determined by others before me but which I agree, that we need other bidders for the WIC contract for two reasons. First of all, to lower the cost to the State but also to provide some competition in the marketplace for -- for other people who might be paying

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for those types of things. I believe -- there's --
there's quite simply only one company that could -- could
manage that ban within that period of time. Through you,
Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

If I could just have a little quiet please.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

So therein lies my frustration, Mr. President. I
will not out of respect for this circle read all of the
comments of members in this circle and downstairs about
the need to get BPA out of our children's products, about
how the fact that it could cause, as a toxic element,
serious health damages to babies and children in formula.
And so we told corporations we're going to ban it because
it's bad. And we have a corporation that has
successfully banned it from all products and by the way
that's a Connecticut company. And now we're saying
because two other companies have not been able to ban the
product and they want to bid on a contract, we're going

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to allow them to bid when they couldn't do it one company was successful to doing. How many times have we heard people say, well, if it saves one life, it's worth it." Well, apparently now it's not because now we want three companies to bid on a contract, not just one, because we want to save money. Apparently now we don't care about saving children's lives.

Something is fishy with this. So I don't like it and, therefore, Mr. President, I believe the Clerk is in the possession of an amendment, LCO 5349. I ask that he call the amendment and seek leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5349 which will be designated Senate Amendment Schedule "A" is offered by Senator McKinney of the 28th District.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Ladies and gentlemen of the circle, this simply strikes House "A."

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And I move -- Mr. President, I move adoption of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

This strikes House "A." This gives us the BPA ban that we all voted for. This gives them -- us the cadmium ban that we should have. We can send it down to the House. Trust me, they will pass dozens of bills between now and midnight. Please don't stand up and give me, this will endanger the bill because we will move hundreds of bills in the Senate. They will move dozens of bills in the House. We have plenty of time.

We all stood and banned BPA. We came up with dates as to when the industry should do it and part of the industry, a Connecticut company, was successful in doing that. Just because the other companies weren't successful, we should not undo that important health measure for our children.

If anyone has stood up and said, if it saves one life, it's worth it, now's your chance to prove you meant what you said, Mr. President, by passing this amendment.

And I would ask for a roll call vote.

THE CHAIR:

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Roll call vote will be ordered. Will you remark further on Senate "A"?

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President.

Due respect to Senator McKinney, this will endanger the bill. If this goes back down, it's going to be very difficult to get this bill back up. It was tough enough to get it up here in the first place and the -- the amendment was -- integral to the bill in the House. If we pass this amendment, it's done.

I agree in large part with my colleague, Senator McKinney. The BPA ban is a good one and we should promote it. We did talk to some environmental advocates, as well on this before this ban was extended, and they believe we do need to extend it for the reasons that I announced before.

So I rise in opposition to the amendment, regretfully, because I do agree with my colleague that BPA should be banned as soon as possible, unfortunately, I believe that 2014 is as soon as possible. Thank you.

THE CHAIR:

Thank you, sir.

Senator Roraback.

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SENATOR RORABACK:

Thank you, Mr. President.

In -- in support of the amendment, Senator Musto says passage of the amendment will endanger the bill.

Mr. President, if I have to choose between endangering children and endangering the bill, I'll endanger the bill any day of the week.

Mr. President, it's ludicrous to suggest that the bill -- the ban can't be met until 2014. It has been met today. The fact that other manufacturers are slow to the party ought not to be an excuse for us to put the health of our children in jeopardy.

Mr. President, pass the amendment. If the people downstairs care about what's good for our children, the bill will be called and all will be right with the world. I urge support.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Roraback.

Will you remark further on Senate "A"? Will you remark further on Senate "A"?

If not, Mr. Clerk, please call for roll call vote.

The machine will be opened.

THE CLERK:

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Immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

Immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? Have all Senators voted?

If all Senators have voted, the machine will be locked.

The Clerk will call the tally.

THE CLERK:

Motion is on adoption of House -- correction, Senate

Amendment Schedule "A."

Total Number of Voting	35
Total voting Yea	24
Those voting Nay	11
Those absent and not voting	1

THE CHAIR:

The amendment passes.

Will you remark further on the bill as amended by
Senate "A"?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

If I may, just a question to the proponent of the
bill.

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When I listened the debate in the House on this particular bill, the chair that brought the bill out stated that the product they were trying to ban, cadmium, is in a gray area and felt that it should be outlawed in children's jewelry. And I -- I'm not one of ones that would support because something's in a gray area to totally ban it and outlaw it so I voted against it in General Law. And I'm just curious, through you, Mr. President to Senator Musto, if he could explain if there's any scientific evidence as to is it truly harmful to children other than the answers that I heard in the House debate. Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

I'm not sure what you heard in the House debate. It -- we did hear from several scientists and advocacy groups that said cadmium is deadly to children.

Cadmium, again, is banned in children's products under federal law. Children's jewelry is not covered under federal law and that's where the State of Connecticut is filling in that hole. Through you, Mr. President.

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Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I thank the gentleman for his answer.

I won't delay any comments.

Thank you.

THE CHAIR:

Thank you.

Will you remark further on the bill as amended by Senate "A"? Will you remark further?

Senator Musto.

SENATOR MUSTO:

Mr. President, now that the Senate Amen -- Amendment "A" passed, perhaps, we can put this one on consent as well? And keep my record going.

THE CHAIR:

No.

SENATOR MUSTO:

Oh, oh, excuse me. I'm told that would be a big mistake.

THE CHAIR:

Sounds like a no would be not a good thing.

Yes, sir.

SENATOR MUSTO:

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Can we have a roll call, Mr. President?

Well, thank you for your advice.

THE CHAIR:

Would anyone else like to speak on the bill?

If not, Mr. Clerk, please call for a roll call vote.

The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

Immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion's on passage of House Bill 5314 as amended by Senate Amendment Schedule "A."

Total Number of Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The bill, as amended, passes.

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will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

DEPUTY SPEAKER McCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote has been properly cast. If all the members have voted, the machine will be locked. Will the Clerk take and announce the tally.

THE CLERK:

House Bill Number 5223 as amended by House "A."

Total Number voting 138

Necessary for adoption 70

Those voting Yea 138

Those voting Nay 0

Those absent and not voting 13

DEPUTY SPEAKER McCLUSKEY:

The bill as amended is passed.

Will the Chamber please come back to order.

Will the Clerk please call Calendar 151.

THE CLERK:

On page 33, Calendar 151, Substitute for House

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Bill Number 5314, AN ACT BANNING CADMIUM IN CHILDREN'S JEWELRY, favorable report of the Committee on General Law.

DEPUTY SPEAKER McCLUSKEY:

The honorable chairman of the Children's Committee, Representative Urban, you have the floor, madam.

REP. URBAN (43rd):

Thank you, Mr. Speaker.

I move the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Will you remark?

REP. URBAN (43rd):

Yes, Mr. Speaker.

This bill is in direct response to two recalls. These recalls were done on jewelry that has in excess of 80 percent cadmium. The consumer protection chairman, Inez Tenenbaum, has said to all consumers, throw away all inexpensive metal jewelry because it takes cadmium. It was found in a Rudolph the Red Nose

Reindeer Charms, Princess and the Frog, the Abominable Snowman, the Best Friends Charm Bracelet; some at 80 to 90 percent of cadmium.

I am sure that my colleagues are thinking, just what is cadmium? We know all about lead because we have seen lead in children's toys imported from China. But I would quote the U.S. Center for Disease Control and Prevention, cadmium specialist and toxicologist, Bruce Fowler, who has said, there is nothing positive you can say about this metal. It is a poison.

It is on the CDC's priority list of 275 most hazardous substances in the environment. It ranks seventh, Mr. Speaker, ahead of arsenic. If we would like to know just how toxic cadmium is, it is a class one carcinogen, which means it's the top of the list for carcinogenic material. It shuts down kidney function. It deletes bone mass. It causes developmental delays, sensory motor skill problems. It's an endocrine disruptor, meaning it changes your hormone systems and it alters behavior.

So the question is, why is cadmium in children's jewelry? And the answer, Mr. Speaker, that is in 2008 we moved ahead and banned lead, because we knew it was a neurotoxin. We knew that it was carcinogenic. We

knew that caused all these problems. Unfortunately, when we banned lead, foreign manufacturers, mainly China, substituted cadmium for lead. And at that point, cadmium was extremely inexpensive on the world market. Lead is heavily regulated in the CPSI Act, the Consumer Product Safety Improvement Act, cadmium is restricted in surface coatings of children's products -- excuse me, I meant lead is heavily regulated. Cadmium is only restricted in surface coatings of children's products at 75 parts per million, leaving plain metal jewelry completely unregulated.

There is a patchwork of federal regulations on toxic metals and if this jewelry was a painted toy, they would face a recall. If it was industrial garbage, they would qualify it as a hazardous waste.

Mr. Speaker, the jewelry that I'm referring to, which I said in the beginning of this -- bringing out this bill, is children's inexpensive metal jewelry. And again, charm bracelets, Princess and the Frog from the Disney show, things that children will be asking their parents and grandparents to get.

And I repeat, cadmium is as toxic if not more toxic in some instances as lead. We are not new to

this idea of banning cadmium in the state of Connecticut. In 1990, after a task force, which included reps from the government industry and environment groups, we've banned four specific heavy metals in packaging: Lead, cadmium, mercury and hexavalent chromium. That is in packaging -- so it isn't banned in the state of Connecticut in packaging. We're just saying we need to ban it in children's jewelry.

It comes down to this, cadmium causes cancer. How much cadmium do we want our children ingesting? Michael Herbert, a doctor, who has treated the victims of cadmium poisoning and is director of the Environment Cancer Program at Karmanos Cancer Institute in Detroit said, in his view, the amount of cadmium acceptable should be none.

Mr. Speaker, I hate to bring up a sad, sad thing that happened in Minnesota four years ago. In 2006, a four-year-old boy ingested a charm that was on some sneakers when he was at a play date with his friend. That charm was lead. Once the child ingested the charm, he got sick. His parents thought he had the flu. Then they thought he had some flu that nobody knew about. They took him to the doctor. His kidneys

started to shut down. His brain went in to -- so he went into convulsions. They had him on a respirator. It took four days for this little boy to die. And when they x-rayed and did the autopsy, they found a charm in the child's's stomach.

What I'm asking today is let's not let that happen again. We know that cadmium is as toxic as lead and we know that it's in children's jewelry. And we know that we can ban it.

The pressure from the AP reports is starting to work already on the market. Wal-Mart has started voluntary programs to take it off the shelves. And if people would stop buying and the very inexpensive jewelry, we would send a message to the market and when you send a message to the market, the market works. For that reason, the bill doesn't take affect until 2014. We are, in essence, giving the industry the chance to do the right thing.

Mr. Speaker, the Clerk as his -- in his amendment -- the Clerk has in his possession amendment, LCO Number 4349. I ask that he call it and I be allowed to summarize.

DEPUTY SPEAKER McCLUSKEY:

Will the Clerk please call LCO 4349 to be

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designated House Amendment Schedule "A."

THE CLERK:

LCO Number 3439, House "A" offered by
Representatives Urban, Perone, Reed and Bye.

DEPUTY SPEAKER McCLUSKEY:

The gentlelady has asked leave of the chamber to
summarize our amendment.

Is there any objection? Is there any objection?

If not, ma'am, please summarize your amendment.

REP. URBAN (43rd):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment reflects some
negotiations and things that we have heard in
committee and from other proponents of the cadmium
ban.

We have changed the parts per million from 40 to
75 parts per million and, as I already indicated, we
have pushed out to the date that this is effective to
2014. This amendment also fixes some language that
was in our -- in other language for BPA.

At the request of the industry, the former
language that we had would have restricted WIC
contracts to only one company that would have been
able to meet the standard. However, it assures -- the

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new language does assure that none of the formula or the food will come in contact with any area that has BPA in it. And that will go until 2014. In 2014, it will be banned in any part of the container.

So again, Mr. Speaker, the reason behind this is an industry request, because to meet the total BPA free standard by 2014 would have narrowed the market, it would have narrowed the ability to bid on a contract for WIC baby food and baby products. So we have assured that the BPA will not come in contact with the food or the formula and then we have banned it completely in the subsequent -- after 2014.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber's adoption of House Amendment Schedule "A."

Will you remark?

The distinguished gentleman from the 78th District, Representative Hamzy, you have the floor, sir.

REP. HAMZY (78th):

Thank you, Mr. Speaker.

I just rise for a few questions to the proponent of the amendment.

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DEPUTY SPEAKER McCLUSKEY:

Please proceed.

REP. HAMZY (78th):

Thank you, Mr. Speaker.

Through you, in lines 7 through 8, there is a proposed definition of children's jewelry. And through you, Mr. Speaker, what are the determining factors that are used in deciding whether or not jewelry fits this proposed definition? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, this is the -- this is the accepted definition of children's jewelry and I'm not sure whether the good Representative is referring to children's products, but this is the accepted definition of children's jewelry. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

Thank you, Mr. Speaker.

It was to children's jewelry, but my question is

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how can you determine that jewelry is designed or intended to be worn by children or 12 years of age or younger? How do you know it's not 13 or 11 or 14 or -- through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, I understand that oftentimes we have to make definitions that have a cutoff point and this is the accepted cutoff point for a child. Presumably, when you're 13, you become teenager and this is directed specifically towards children.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

Through you, Mr. Speaker, so would it be jewelry that might be designed after children's character or cartoons, you know, characters from a children's movie; would that also be used to determine whether or not they meet the proposed definition of children's jewelry? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

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REP. URBAN (43rd):

Through you, Mr. Speaker, as the language reads, it's designed or intended to be worn or used by children. So I would certainly think that the characteristic, that the good Representative has talked about, would be a part of making that determination.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

And through you, Mr. Speaker, would that determination be the responsibility of the commissioner of consumer -- or the Department of Consumer Protection? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

And through you, Mr. Speaker, how would the issue be raised to the department? Is it through a complaint? Through an illness?

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Through you, Mr. Speaker..

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, the bill doesn't take effect until 2014. So as we approach 2014, it would be, presumably why would start to know through testing that is taking place as we speak, the jewelry that is becoming more and more of a problem.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

Is it -- is it the proponent's anticipation that by July of 2014, that there might not be any jewelry which contains cadmium? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

It would be my fervent hope that there would not be. We already know through you, Mr. Speaker, that the genesis of this part of was the banning of lead in 2008. When we banned lead, we were looking for a substitute for lead and the Chinese market, where a

significant amount of our extremely inexpensive jewelry comes from started using cadmium as a substitute for lead.

And in an amazing issue, cadmium, the price of cadmium fell on the world market at just that point in time. There are adequate substitutes for cadmium. The European Union is using zinc, however the Chinese market has been using cadmium instead of zinc and in place of lead.

So through you, Mr. Speaker, as I already said, Wal-Mart has started to voluntarily institute a program of testing. They don't want this on the shelves and I can't imagine why they would. When I talked about that poor child, who died with the lead charm in his tummy. And we know that cadmium is equally as toxic as lead.

So my anticipation at the point behind the 2014 is that we know that if consumers stop buying a product, than the market stops making it. So if consumers are informed that this incredibly inexpensive jewelry, which Inez Tenenbaum has issued the warning, throw in away.

If you have any inexpensive jewelry and you have a child; that's children's jewelry, throw it away,

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then people will stop buying it. And then on the other side of the market, Wal-Mart is stepping up and we know that there are other areas. Claire's has been one of the ones and Aeropostal and Saks on 5th, if you can imagine that, has also been indicated.

That they will stop importing this type of jewelry from China and sent the message back to China that it's unacceptable for the Chinese market to, in essence, poison children in the United States.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

Thank you, Mr. Speaker.

And through you, are there notices on this jewelry that they -- that are currently placed on them, which would indicate that there is cadmium in the jewelry that's being produced?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

It's amazing that you should ask that. I was just up at the intern reception and I was told by a

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couple of the interns that those warnings are now, in some instances, actually being put on the jewelry.

So I emphasize that the market, given time to adjust to 2014 we would hope, as the great philosopher Spike Lee said, that they would do the right thing.

Through you, Mr. Speaker,

DEPUTY SPEAKER McCLEUSKEY:

Representative Hamzy.

REP. HAMZY (78th):

Are you sure that wasn't Aristotle?

No. That's good to know. I'm not in any of the committees that took up this bill. I'm trying to educate myself on this.

And I would agree with the proponent that usually when there is notice provided to consumers that a product is potentially dangerous, that they will change their habits and it will change their purchasing patterns.

And, you know, hopefully by July of 2014 this issue would have been resolved. It would have resolved itself and it would be no need for this particular piece of legislation. But I do thank the gentlelady for her answers and will also be supporting this amendment. Thank you.

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DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment
Schedule "A?"

The gentlelady from Monroe, Representative Hovey,
you have the floor, madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

I was having a microphone problem.

Through you, Mr. Speaker, a couple of questions
to the proponent of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, sir.

I want to thank the gentlewoman for the work that
she has done this bill. And I know there's been a
tremendous amount of compromise on it. And I had just
a couple of questions.

The first being, when we talk about cadmium, how
does it become toxic? Is it toxic from ingestion and
like, flaking off of the jewelry because we know cheap
jewelry flakes? Or -- so it small particles like that
or does it actually have to be ingested to be toxic to

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a small child? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, you're quite right, it does flake off, but it's also a problem obviously when it gets in the child's stomach and the acidic nature of the stomach really, really accelerates the ability of it to shed toxic material. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker and I thank the gentlewoman.

And I think that she's absolutely correct. The fact that this Legislature has decided to take up this issue is motivating the market to respond in a positive way.

Through you, Mr. Speaker, there is a section of this legislation, though, I don't recall at it's line 27 through 35, which deals with infant formula and food contents and small plastic containers. So through you, Mr. Speaker, I would just like to ask the

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gentlewoman if she can tell me where this came from
and how it ended up in this specific legislation.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, absolutely.

We have a problem with our initial legislation on
bisphenol-A because the manufacturers could not reach
the standard of total bisphenol-A free by the date
that we had so we put this amendment in, which allows
the packaging material to have some BPA in it as long
as it doesn't touch the formula or the food.

Had we -- if we don't do this than when contracts
go out for WIC, there will be three manufacturers that
will not be able to bid. So we're trying to keep
competition in the market. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And the gentlewoman knows how I love competition
so I appreciate that response very much.

Just for clarification, through you, Mr. Speaker,

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was this specific issue taken up through the committee that was cognizant of this particular piece of legislation or was it taken up through another committee, such as Environment? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, this was on the safe -- child safe products bill.

DEPUTY SPEAKER McCLUSKEY:

Representative Hovey.

REP. HOVEY (112th):

Great. Thank you, Mr. Speaker and I thank the gentlewoman very much for her answers.

I think that this legislation does go a long way in protecting our children and has a great deal of compromise in it, which allows, as we have talked about earlier, the market to catch up and move forward without being a mandate that is unnecessarily burdensome to them today in this fiscal environment.

And so I very much appreciate the answers and will be supporting the legislation.

DEPUTY SPEAKER McCLUSKEY:

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Thank you, madam, for your remarks.

Will you remark further on House Amendment
Schedule "A?"

The honorable gentleman from Norwalk
Representative Perone, You have the floor, sir.

REP. PERONE (137th):

Thank you, Mr. Speaker.

I rise in support of this bill. I just, first of
all, would like to applaud, you know, the work done by
Diana Urban on this. It's been a long time coming.

I think one of the most important features of
this is the fact that it clears up an important
contradiction in our state law, which is essentially
that we've banned the use of cadmium in packaging for
products, so it wouldn't go into the landfill and thus
leech into the aquifers and further hurt the
environment.

So really -- so under current state law, the --
it's -- cadmium isn't fit to be garbage but it's fit
to sell to our children so this actually turns things
around to and zeros in -- and the reason why it zeroes
in on children's junk jewelry or cheap jewelry is a
one-time exposure doesn't necessarily have the kind of
worrisome impacts unless of course, you know, it's

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ingested that we are talking about.

But persistent low-dose exposure where a child is teething, a child is sucking or chewing or in many ways coming in, you know, consistent long-term exposure to this does have an impact. And so by, you know, bringing this forward and, you know, Connecticut taking a lead, we're actually joined with several other states that, since the beginning of January, have made this a priority. Largely because there is a real, as they say, a dearth of U.S. federal regulation that takes this into account.

So I applaud, you know, the business and industry folks by actually being really proactive on this and doing what they can to take, you know, products that have higher content level of cadmium out of the market. And I think, you know, that's been established, certainly by what Representative Hovey has said and others, the fact that states are even discussing this openly the way we are, is causing, you know, shift in the market.

And I just wanted to, again, thank Representative Urban for all her hard work and I support the bill.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remark.

Will you remark further?

The gentlelady from Greenwich, Representative Gibbons, you have the floor, madam.

REP. GIBBONS (150th):

Thank you, Mr. Speaker.

Through you if I may please, a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Please proceed.

REP. GIBBONS (150th):

I certainly will support this amendment given everything that you've had to say. I had no idea that cadmium was in this jewelry.

I guess, just a couple of questions for information. If cadmium is in children's jewelry, why isn't -- is it in adult jewelry as well? Is this something that we should be concerned about? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, unfortunately, to the good Representative, yes, it is. And that quote that I gave from the doctor from the cancer institute, he

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actually, his specialty is treating adult cadmium poisoning. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Gibbons.

REP. GIBBONS (150th):

I thank the Representative for her answer. Again, through you, do U.S. manufacturers recognize this? Is this -- it's cadmium something they as well as been putting in jewelry, both children's jewelry and adult jewelry and what are they doing about this?

Through you, please, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, as far as the research that we've been able to do, it is only foreign manufacturers that are using cadmium in jewelry.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you.

To the Representative, again, through you, is this something that we would recognize in jewelry that

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we might have purchased in the last couple of years?
Is it a different color?

And also, I thought cadmium was something that
was used in batteries. Is that true? Where else
would we find cadmium, please?

Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, the good Representative
is absolutely right. I think most of us think of
cadmium as cadmium batteries, but it is a heavy metal
and it's an excellent substitute for lead and there
is -- it does itself, if you're looking just to
cadmium, have its own hue, color, but you can't
discern it in the jewelry.

The big, big tip off is that the jewelry is
really, really cheap. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker.

I fear that's all I own. I've got to go home and
check. I will make sure that I vote for this, but I

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think that we need to expand this bill to include a few other possibilities that we might be finding cadmium in other jewelry. So I thank the gentlelady for her information.

And thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on House Amendment Schedule "A?"

The honorable gentleman from the 67th District, Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

A couple of questions through you to the proponent, please.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

In picking up on something Representative Hamzy was focusing on, which was the definition section as to what constitutes children's jewelry, he had -- Representative Hamzy had alluded to costumes from perhaps cartoon characters. And well, let me give an

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example. Supposed little Diana puts on a wonder woman costume. And with that costume, there may be earrings or bracelets. I think wonder woman had bracelets. Would those fall under the definition of children's jewelry? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, there is a very gray area on whether costumes constitute children's jewelry. There is a huge section in the federal law that talks about child products. But at this point in time, costumes are not really indicated as just a separate issue of children's jewelry. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, as I recall some of those costumes -- and I'm not sure if my example is one of those -- as part of the costume, there may be a tiara or a crown. Could the gentlelady tell me whether she believes that would fall under this definition or is

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that under, perhaps an accessories definition?

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

I am stunned at the good gentleman's knowledge of women's accessories.

But I would have to agree with him, it's an accessory. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, I have nowhere to go from there. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment Schedule "A?" The honorable gentleman from Trumbull, Representative Rowe, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good afternoon.

Very briefly, because my knowledge is not as extensive as Representative Chapin's on all things children's jewelry.

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I wanted to ask if it's -- and I rise in support of the amendment. I do. Is it contemplated that DCP will need to promulgate any regulations in connection with Amendment "A," or have we given them sufficient guidelines and is there sufficient specificity in the amendment so that that's not contemplated? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, it is not contemplated that we would have to do that. There is great specificity in this particular area.

DEPUTY SPEAKER McCLUSKEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I thought as much, but I wanted to be sure. And can you -- can you just tell us -- can you just tell us what the penalty would be from DCP with violation of the bill? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, we have not

contemplated a penalty, except the anger of parents, children, grammies, grampas, aunts and uncles.

Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. That should do it.

I would add that I did check with Representative Klarides, and she does not have any jewelry with cadmium in it, so it will not apply to her. So the chamber need not be concerned with that issue.

But I rise in support and look forward passage.

Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further?

The distinguished gentleman from Stratford, Representative Miller, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker.

I have a couple of questions to the proponent of the bill.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

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REP. MILLER (122nd):

Thank you.

The one thing I think that has been overlooked is children's jewelry and toys that may be and tag sales. I know that on the Route 15 in the Wallingford area, there is a humongous flea market and this is just the kind of stuff you'll find in a box that's marked \$2 for the whole box.

How do we prevent this kind of stuff from getting into the hands of kids when it's purchased in that type of area or environment? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, I think I heard the whole question. It was about the availability of these -- this jewelry at tag sales.

REP. MILLER (122nd):

Yes.

REP. URBAN (43rd):

Unfortunately, to the good Representative, it's almost impossible for us to control the jewelry that is already out there.

So -- and as I say, unfortunately, so we would rely on education so that parents, and as I said before, parents, grandparents, aunts and uncles would know that if their jewelry is a metal, inexpensive, more than likely cartoon character jewelry that they should be aware.

And I would hope that -- we have seen this on television. We seen it in the media so the more that we could get the word out -- and again, as I was saying to Representative Hamzy, we're asking the market to work here and one of the things that makes a market work really well is information. The more information the consumer has, the better a market works. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

And in that same vein, the flea markets that we find, for instance, on Route 15 in Wallingford you might have 50 or a hundred vendors and, again, you're -- buy a box of jewelry or whatever they are for five bucks or whatever and that's another way that this stuff will get into the hands of children. Somebody will buy it and then give it to their

grandchildren or their kids to play with.

But regardless, if there's a way to educate the public, for instance, if we can pick up on what people have done with the lead education part of it, with utilizing instead of lead, cadmium. It will be helpful, I guess.

So I appreciate all the work, your hard work you have done and I will support this. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment Schedule "A?"

The gentlelady from Willimantic, Representative Johnson, you have the floor, madam.

REP. JOHNSON (49th):

Thank you, Mr. Speaker.

I just rise in support of this bill and I want to thank so much Representative Urban for her hard work on this and also just to say that this made me aware I'm a grandmother with a four-year-old grandchild, granddaughter and a seven-month-old grandchild and I'm very, very glad to have this knowledge.

So thank you so much.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on House Amendment
Schedule "A?"

The distinguished gentleman from Weston,
Representative Stripp, you have the floor, sir.

REP. STRIPP (135th):

Thank you, Mr. Speaker.

Mr. Speaker, I have a question for the proponent.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. STRIPP (135th):

Okay. Thank you.

One of the uses for cadmium is on things that are
used outside such as nut, bolts and screws and so
forth; not very likely to be in the hands of children,
but I do have a question because it's so valuable to
use there in terms of corrosion and eliminating
corrosion.

Is there any thinking to move forward in that
fashion and include industrial products that might be
used around the home, for example, most deck probably
have lag screws that have cadmium plating and so
forth. Is that another step we're contemplating or
are we going to stop at this point relative to the

things most likely to be touched or available to children to chew on, ingest, et cetera. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker, at this point in time, we are responding to what we feel is a health crisis for these children and we want to protect our children.

To the question is whether cadmium could flake off, on nuts and bolts, absolutely and the European Union has already looked at this. But at this point in time, we're taking just the first step and that first step is to protect our children. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Stripp.

REP. STRIPP (135th):

Thank you, Mr. Speaker.

I thank the lady for that answer. I think it's something, as we're looking at, it we should be relatively careful of, because it is very useful element. Is very good for weatherproofing, preventing

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rust and corrosion and certainly, that's another issue that we have to deal with.

And I'm glad to hear that we are not attacking it in that use in that time, although perhaps we have to be careful how we use it.

So thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on House Amendment Schedule "A?"

The gentlelady from Branford, Representative Reed, you have the, madam.

REP. REED (102nd):

Thank you, Mr. Speaker.

I just want to also thank Representative Urban or Oliver work on this and for her sensitivity to everybody on every side of this issue and our economic realities.

I, of course, will vote for it and I urge everybody to do as well and I think we should be proud of ourselves.

Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks -- thank you,

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madam, for your remarks. Sorry. I was in the zone.

Will you remark further on House Amendment
Schedule "A?" Will you remark further on House
Amendment Schedule "A?"

If not, I will try your minds.

All those in favor of House "A," please signify
by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER McCLUSKEY:

All those opposed, nay.

The ayes have it. House "A" is adopted. Will
you remark further on the bill as amended? Will you
remark further on the bill as amended?

The distinguished Chair of the Environment
Committee, Representative Roy, you have the floor,
sir.

REP. WRIGHT (77th):

Thank you, Mr. Speaker.

Mr. Speaker, I just want to rise and thank
Representative Urban for her work on this, but I want
to publicly thank all the members of the chamber for
yesterday we passed a bill to help setup a chemical
Institute at the University of Connecticut.

And that will eliminate what a wonderful debate we've had today, but it will eliminate the debates in this house because that institute will give us the guidance that we'll need in future. So thank you to everyone and I'm looking forward to everyone getting behind this bill also and move on to the future.

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

(Speaker Donovan and the Chair.)

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure

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your vote has been properly cast. If all members have voted, the machine will be locked and the Clerk will please take a tally. The Clerk, please announce the tally.

THE CLERK:

House Bill 5314 as amended by House "A."

Total Number voting	144
Necessary for adoption	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	3

SPEAKER DONOVAN:

The bill as amended is passed.

Any announcements or introductions?

Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker and I know is a very busy lobby here, but I want to take a moment of personal privilege.

SPEAKER DONOVAN:

Please proceed, sir.

REP. HWANG (134th):

Thank you.

I want to recognize a terrific group of kids from

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

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Calendar 151, Substitute for House Bill Number 5314, favorable report of the General Law.

SPEAKER DONOVAN:

Representative Urban.

REP. URBAN (43rd):

I move acceptance and passage in concurrence with the Senate.

SPEAKER DONOVAN:

Acceptance and passage in concurrence with the Senate, LCO.

REP. URBAN (43rd):

The Clerk has in his possession LCO Number 5349. I ask that he call the bill and I summarize.

SPEAKER DONOVAN:

Clerk, please call LCO 5349, designated Senate "A."

THE CLERK:

LCO Number 5349, designated Senate "A," offered by Senator McKinney.

SPEAKER DONOVAN:

Will you remark further?

If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

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Aye.

SPEAKER DONOVAN:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Representative Urban.

REP. URBAN (43rd):

I urge passage, Mr. Speaker.

What? Put it on the consent calendar.

SPEAKER DONOVAN:

Without objection? Hearing none, on the consent
calendar.

Representative Olson.

REP. OLSON (46th):

Mr. Speaker, I move we're going to be voting on
the consent calendar at this time.

Calendar numbers are 527, 530 and 151.

SPEAKER DONOVAN:

Motion is to vote on the consent calendar.

Staff and guests --

We need to vote on the consent calendar
immediately, friends.

Staff and guests, please come to the well of the
House. Members take their seats. The machine will be
opened.

SB431
SB176
HB5314

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THE CLERK:

The House of Representatives is voting on the consent calendar.

SPEAKER DONOVAN:

Have all the members voted? If all the members have voted, the machine will be locked. Clerk, take a tally.

THE CLERK:

On the consent calendar.

Total Number Voting	146
Necessary for Adoption	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

SPEAKER DONOVAN:

Consent calendar passes.

Representative Merrill. Representative Merrill.

REP. MERRILL (54th):

And with that, ladies and gentlemen, I would move that we adjourn, sine die.

SPEAKER DONOVAN:

Is there objection? Is there objection?

Hearing none, the House stands adjourned, sine die.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**SELECT
COMMITTEE
ON CHILDREN
PART 1
1 – 333**

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SELECT COMMITTEE ON CHILDREN

March 2, 2010

2:00 P.M.

SENATOR MUSTO: Questions about that bill from anyone? Looks like you're done.

BARBARA CLARIE: Thank you very much.

REP. URBAN: Representative Chris Perone? Welcome Representative.

REP. PERONE: Thank you very much. Good afternoon. Senator Musto, Representative Urban and members of the Select Committee on Children, I would just like to -- I'll read this it would probably be a little easier and go a little faster.

The State of Connecticut has long been a leader in preventing poisoning from the exposure of hazardous chemicals in children's products. In 2008, the General Assembly passed an Act Concerning Child Product Safety which prohibited the manufacture, distribution and sale of any children's product that has been designated as a banned hazardous substance.

In the interest of clarity, I'd like to address my remarks to section three of Bill 5314, just a side to that point. And that is the section that would prohibit the sale, manufacturing and distribution of children's products that contain cadmium in the State of Connecticut.

Current state law bars packaging, or any packaging component from being offered for sale or promotional purposes in this state by its manufacturer or distributor if composed of cadmium. However, when it comes to the content of such packaging, state law is silent. Specifically, there is no state law banning use

of cadmium in children's toys even in the face of growing evidence, there is -- it's considered to be a harmful element and in many ways it's considered to be as harmful as lead.

It is a toxic chemical; it is cancer causing by many accounts and it's found its way into children's jewelry and other toys manufactured overseas. Prolonged exposure has been shown to lead damage to central nervous system and a recent study done by the University of Cincinnati Medical School was shown to lower IQ more than lead. This is completely unacceptable. As any parent with young children or toddlers, anybody knows they explore their world by putting things in their mouths and it's through this way that children can be exposed to continual low leveled doses. It's been seen more recently in junk jewelry or cheap jewelry, you know, where this has surfaced and the exposure is by constantly teething or sucking or biting on the jewelry.

Meanwhile, there are many organizations and individuals who have weighed in on the subject. The US Consumer Product Safety Commission chairwoman recently advised parents not to allow young children to be given or play with cheap metal jewelry due to concerns over cadmium. The Department of Health and Human Services ranked it seven on its priority list of 275 hazardous substances. The Centers for Disease Control referred to cadmium as a poison and the International Agency for Research on Cancer classifies cadmium as a group 1 human carcinogen. This category is used when there is sufficient evidence of carcinogenicity in humans. Say that three times fast. And, recently, in fact late last week, United States

Representatives, Larson and DeLauro signed on to co-sponsor legislation that would ban cadmium in toys for children under 12.

Additionally, other states have moved toward the direction of banning cadmium. The State of Washington has implemented a ban on children's products containing more than .004 cadmium. The State of California has also implemented a ban of various hazardous chemicals including cadmium. States such as Florida, Illinois, Minnesota, Mississippi, New Jersey and New York are currently considering such similar legislation.

But, despite this knowledge, due to lax enforcement overseas, cadmium is increasingly finding its way into children's toys in the US. Cutting corners and trimming costs have become more critical to manufacturers and poorly regulated countries since the financial crisis sent purchase orders plummeting.

In the wake of a complete ban, manufacturers began substituting 100 percent cadmium or in other cases, what's known as zinc alloy, an alloy that contains just a small amount of zinc and 80 to 90 percent cadmium, for lead jewelry products, particularly in children's charm bracelets.

The issue really isn't that complicated. When you break it down there are three key things we know for certain. We know it's toxic, we know it's in our children's toys and we are in a position to do something about it.

Thank you very much for this opportunity and urge Committee's favorable report.

REP. URBAN: Thank you, Representative Perone. If I can just point out a few things in your testimony. You say that the current state law bars packaging or any packaging component from being offered for sale if it's composed of cadmium. And, yet, from what I understand from your testimony, what's inside that package can contain cadmium.

REP. PERONE: Yeah, I read it three times. It is -- it was -- the law was developed that way to make sure that as packaging wound up in landfills that there wouldn't be leaching, that there wouldn't be any problems, there wouldn't be any continual harm to the environment but, as more data has come out on cadmium as we've seen and most recently by the Associated Press, I think there's been a real cause for concern different agencies and different groups, saying that, in this case, you know what's in the product counts.

REP. URBAN: So, what you're saying is that as we were trying to avoid this pernicious chemical from getting into the environment by banning it in packaging and now we have come to the realization that it's in children's jewelry --

REP. PERONE: Yeah, we're halfway home. We got it right on the packaging, but I think that it is a -- you know, so the environment is taken care of. And, even on the federal level, surface coating such as paint for toys, you know, it is banned there but the problem is that on the state level, there's currently nothing about banning it.

REP. URBAN: And, I also think it's interesting that

when we banned lead, then the manufacturers started to look for a substitute and my understanding is that a lot of these products are actually coming in from China where they're substituting the cadmium for the lead and yet cadmium is an even more biologically accumulating toxin for our young people.

REP. PERONE: Well, yeah, I mean there again, young people do take up -- they are more susceptible because they do take these elements up faster and it does stay in their system for decades. The issue with cadmium is that, yeah, after we went away from lead, you know the whole country and Europe, went away from lead, you know, there was a move to replace lead so there are other elements -- there's zinc and there's some others. But the price of cadmium dropped.

Cadmium is used -- I mean 75 percent of the supply of cadmium is, and I believe, was to some extent for cadmium nickel batteries. But it's my understanding that has changed somewhat, so there's more cadmium on the market -- it's a cheap metal, it's very attractive -- you can mold it, it works well for different uses.

And, you know, I've read some reports by and some articles that were written for overseas papers where they'd interviewed some of the manufacturers in China and basically there getting a lot of pressure to basically what the market bears -- they just -- they know they're competing with other manufacturers and they're trying to keep the cost down but then you get something known as quality fade where its -- you want the quality of the product to continue to go up but because of downside pressure

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because of the economy and a lot of other factors, it's the cheapest stuff wins sometimes.

REP. URBAN: I also thing that when you look at the statistics that you've provided to the Committee, it's ahead of cyanide, it's ahead of asbestos on this list --

REP. PERONE: Yeah, it's pretty shocking.

REP. URBAN: -- and I'm also, I understand that the State of Washington has it on their top ten list of pernicious chemicals.

REP. PERONE: That's true. I think that there's another issue to point out is that they're looking at this on the federal level and I think that's great. I think that, you know, between the states and retail and everything else, having to sort of -- right now, you're looking at like a patchwork based on state's activity, a patchwork of different -- a different statute that addresses, but on the federal level, they're looking at it but the federal level they tend to not do things without a lot of grass roots effort on the state level. They're not going to just, they don't generally go forward without sensing that there's a lot of concern and it's done on the state's, on the part of the state so I think that's why you're suddenly seeing now so much more activity on behalf of the state's to try to get the point across that this is -- you know, where there's smoke there's fire, there's a lot of cause to be concerned.

REP. URBAN: I absolutely agree with you on that point, that the federal government does -- if

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we push from the state level and they realize that there is a lot of concern out there for something like cadmium, then they move in that direction.

REP. PERONE: Well, yeah, there not going to take it up, they're kind of busy these days.

REP. URBAN: Can you see a reason not to ban cadmium?

REP. PERONE: I looked for one actually. I don't like raising the alarm bells and, you know, kind of scare the weak, you know I tried to find some solid sources to say that this is really overblown, there really, really isn't much there, and the more I looked it just continually the worse it continued to get. Because how it gets into our country is really fairly straightforward. I mean, it's so ubiquitous but at the same time, not entirely predictable that retailers have acted on their own to pull the stuff off the shelves. I think that having -- we can try to self police but you know, unless we have a focused effort to take it off our, to keep it out of harms way of our children, I think that it's going to continue to find it's way to, navigate into our markets.

REP. URBAN: And, also you pointed out that it's a group one carcinogen and I think you also pointed out to our Committee that we have for a long time not looked at the impact of these chemicals on children. We have looked at them on adults and now we've finally tumbled to the fact that children are growing, that they are much more, they have much more at risk for exposure and this being a group one carcinogen

is of course worrisome.

REP. PERONE: You're right. As an example when I looked at, like I said I was trying to see if there was any real substance to that, and I only found the opposite that in fact, it's really not that great news for adults now. But, it's -- cadmium in batteries is fine and you know it's there are a lot of different ways to use this material, so every use is not going to have the same impact obviously for people but I think that what they're finding, what they did was they did some studies after the fact, after they realized the impact for children, they looked at the impact for adults and they were seeing similar uptake that they were finding in other adult uses of cadmium, so I think there's a real concern there and in fact some retailers have taken jewelry for adults off their shelves as well.

REP. URBAN: I believe Senator Meyer has a question.

SENATOR MEYER: Thanks, Chris for your good advocacy. Yesterday, the Environment Committee held a public hearing on a very similar bill. The Environment Committee's bills did not include the section in this bill on cadmium but there was a great deal of support for the result and the goal of that bill. There was great concern about the process though and by the process, I'm talking about this bill today and the one we heard yesterday on delegates to the DEP the obligation to designate each year five dangerous chemicals and those chemicals as designated by DEP will be prohibited from manufacturer sale in Connecticut. And, the concern that was expressed to us was that that was an improper, inappropriate and maybe

unconstitutional delegation of the obligations of the General Assembly to one agency and therefore there is an amendment I believe, being prepared now to look at that process and I wanted you and the other Committee members just to know that is in, it's a very on-going thing and of course it's coming at the same time as we -- we're very pleased with the goal of this kind of legislation.

REP. PERONE: I was aware of the constitutionality issue and you know, was going to just let that be worked out. I think it's a valid issue in terms of who is really responsible to weigh in on this sort of thing.

REP. URBAN: Are there any other questions for Representative Perone? Seeing none, thank you so much for your testimony.

REP. PERONE: Thank you very much.

REP. URBAN: Next on our list to testify is Representative Chris Wright. Welcome Chris.

REP. CHRIS WRIGHT: Thank you Madam Chairman, members of the Committee. My name is Christopher Wright. I am the Representative from the 77th District in Bristol. I'm here today to testify on House Bill 5312, AN ACT CONCERNING CHILD DAY CARE SERVICES IN HEALTH CLUBS. I'm here today on behalf of a constituent of mine, Karen Mowad who brought this to my attention.

The testimony that she submitted has House Bill 5304 on it because actually this bill was heard yesterday in the Public Health Committee. We were fortunate enough to get it heard in two

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The rules are fairly simple and straightforward, they establish certain hours of operation. They establish that there has to be at least one provider to ten children ratio and it also requires that a background check be done on the people who are hired to take care children in these facilities because right now there is no such requirement.

In a nutshell, that is what this bill is looking to do and I ask the Committee's support.

REP. URBAN: Thank you Representative. Are there questions for Representative Wright?

Representative Jarmoc?

REP. JARMOC: Thank you. I just have one question for you and I'm looking to see if they have testimony. Do you know how the Department of Public Health feels about this?

REP. WRIGHT: You know -- I don't. I know that they -- I think they were going to testify on it yesterday but unfortunately I wasn't able to stay for their testimony and I haven't seen it. I have not been contacted by them, so I don't know the answer to that.

REP. URBAN: Are there any other questions? Seeing none, thank you so much for your testimony.

We're now going to go to the public section of our hearing and first on the list is Michael Gale? Welcome Michael.

MICHAEL GALE: Thank you. Senator Musto and

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Representative Urban and members of the Committee, thank you very much for inviting us here to day. My name is Michael Gale. I am the Executive Director of the Fashion Jewelry Trade Association and we represent both the fine jewelry industry, meaning made out of precious materials and the fashion jewelry industry. Just as the members of this Committee and the entire legislature are concerned about the safety of the products that our children come in contact with and use, so is the jewelry industry. We step forward to address the lead content in children's jewelry and we supported legislation establishing limits on lead in children's and adult jewelry and those were based on both science and technical feasibility that were adopted in many states and then ultimately at the federal level.

However, contrary to press reports, cadmium is not being substituted for lead in children's jewelry. An AP story was published in January and we've been -- our industry's been a target of misinformation on this score. We have asked the professor from Ashland University and also the AP for any data on how the tests were conducted, what materials were tested, what products were tested and they have refused to give us any information. We've even filed a federal Freedom of Information Act request for that information.

We believe in a science based standard for the states and ultimately, hopefully, as part of the federal -- any federal legislation. So, again, we and the people we work with including the Connecticut retailers in fashion and fine jewelry are all very concerned on this issue.

But a sensational story in January, unsubstantiated so far, has created a very emotional and lack of information situation for us. Nowhere in the world has any injury to a child or an adult been reported from cadmium in jewelry. Cadmium is found for specific reasons in both fine and fashion jewelry. Cadmium does not migrate out of metal and again, contrary to some reports, cadmium is not, again, I mention it's not added, but it's not used as a primary material in jewelry. However, when ores come out of the earth, particularly zinc, there are trace amounts of cadmium in those ores. And, I say trace amounts, we're talking about approximately 185 parts per million when ores come out of -- when zinc ores come out of the earth. The jewelry industry substituted the use of zinc rather than tin because there was some lead content in tin. So, in order to comply with regulations, the jewelry industry has gone to the use of zinc in terms of non-precious jewelry. And, that cadmium just does not migrate out of the material so that it's migration that is the concern, not the fact that there may be a particular material in the metal or in the plastic. If it doesn't migrate out, then it's really not a concern and the European Union has determined long ago that --

REP. URBAN: If you could just summarize your testimony for us please?

MICHAEL GALE: Yes, okay. Thank you Senator and Representative. We believe that the European Union approach which is also now found in US law is the right approach. It's migration of the -- any of the heavy metals that should be considered and we believe in standards and we believe in migration standards and not this

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bill which says there shall not be any cadmium, would be there could be no more jewelry sold, neither fine or fashion in the State of Connecticut because there could be trace amounts, totally innocuous trace amounts, in the materials that are used to make our products. I'd be glad to answer any questions.

REP. URBAN: Washington actually establishes a limit. Is that -- are you in favor of the limit that Washington establishes or are you saying that there shouldn't be any restriction on cadmium at all?

MICHAEL GALE: No, I certainly do not propose that there shouldn't be any restrictions. I'm saying there should be a safe restriction. It should be a migration standard. Washington has a total content standard. Either one, if they're appropriate could very well be used, but since the European Union and US Government has decided on migration standards for cadmium and other heavy metals, we support that.

REP. URBAN: Thank you. Are there any other questions? Thank you for your testimony.

MICHAEL GALE: Thank you for your time.

REP. URBAN: Next on our list is Tim Phelan?

TIMOTHY G. PHELAN: Thank you, Representative Urban, Senator Musto and other members of the Committee. My name is Tim Phelan, I'm the President of the Connecticut Retail Merchants Association. Connecticut Retail Merchants Association is a statewide trade association representing some of the world's largest retailers in the state's main street merchants.

We also represent the state's jewelry industry and our affiliation with Connecticut Jewelers Association.

I'm here today in testimony and opposition to House Bill 5314, AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS. As I testified yesterday before Senator Meyer's Committee, and I'll make my comments brief, this Committee has jurisdiction over issues that are not necessarily related to the commerce or business of retail. However, in our opposition to this bill, we ask you to consider that in your deliberations.

And, our opposition is primarily in two positions and for Senator Meyer, I apologize being redundant to the testimony we gave you yesterday, but in our representation of large retailers, our concern is that if this Committee or any other Committee of the General Assembly were to adopt a standard that would be specific to Connecticut, it would raise the cost of doing business in Connecticut for those particular companies.

And, in addition, to our smaller retailers that have tremendous competition, in state and within surrounding states. As you know Connecticut is very closely competitive with New York and Massachusetts and Rhode Island and with internet sales that would also force a tremendous burden on that already tough business climate.

So, there are a lot of smart people that work on this issue and a lot of scientists that are examining a lot of information. Mr. Gale gave you some reasons why we think that this bill

should not go forward from the scientific and from a practical standpoint, I would only ask that this Committee consider this bill's impact on commerce in Connecticut, in particular, it's impact on smaller retailers and large retailers that employ lots of folks here in Connecticut, so thank you for your time and I'd be happy to answer any questions you might have.

REP. URBAN: Perfect timing. Are there any questions? I have a question. Are you saying that by banning cadmium that we're going to impact the jewelry industry to such an extent that they would not be able to exist or is there a level of cadmium that could be acceptable?

TIMOTHY G. PHELAN: Representative, this is dangerous for me to get into certain scientific levels because I'm not that smart, but I think the testimony from Mr. Gale who represents the jewelry industry with a little more detail, does show it will have a dramatic effect on the jewelry industry. Now, I don't want to go so far as to say it will shut them down completely, because that may be a little bit too dramatic, but I think it will definitely have an impact on their ability to compete, especially in particular with internet sales which is already an intense competition as we stand. And, in addition to jewelry though, this bill also affects small toy retailers as well and that has to be taken into consideration. Again, a very competitive marketplace for both of those products and we certainly, we understand where the community is going and we think it's a laudable attempt. Nobody that I represent wants to be in a position where they're placing harmful products

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in front of children. But at the same time, we just want to take an approach that uses a balanced scientific risk assessed approach to making these types of decisions.

REP. URBAN: And, I understand where you're coming from but some of the scientific research based approaches have led us to not ban substances which we subsequently find out have caused pernicious cancers, etc., in our children. So, sometimes we can be proactive and impact the health of our children (inaudible) there's a balance.

TIMOTHY G. PHELAN: A health debate is always good in public policy. We just ask that sometimes our scientist, I think Mr. Gale's testimony talking about migration of cadmium is important for you to keep in mind as I know you will.

REP. URBAN: Thank you. Are there any more questions? Thank you for your testimony.

Next on our list is Greg Costa? Welcome Greg.

GREG COSTA: Thank you very much Chairman Musto, Chairwoman Urban. My name is Greg Costa, I'm with the Grocery Manufacturers Association. We respectfully wish to convey our opposition to H.B. 5314, AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS. GMA represents the world's leading food, beverage and consumer products companies.

I testified on this most of this bill yesterday before Senator Meyer and you have my testimony so I think I'll just hit a few of the highlights and I think it's interesting that the discussion that's taking place through the

last couple of witnesses, illustrates what's wrong with most of the first part of this bill. And, that is as Mr. Phelan just said that a healthy debate on these issues is very helpful in public policy and that we can together get to a correct situation, a correct level.

The fact is that the first section in this bill basically kicks all responsibility for evaluation, creating lists and banning chemicals and substances over to the Commissioner of Environment. I think that that's where we have most of the trouble. I want to be clear that GMA and its member companies support the intent of the legislation to ensure that the consumer products with which the citizens of the State of Connecticut come in contact are safe and free of unnecessary risk to health and well-being.

I want to make sure that's clear and I also think that the legislature has every right and responsibility to be involved in these issues, clearly, and -- but we further believe that these should be taken on an issue by issue basis so that this very debate can take place. Last year we saw a debate on Bisphenol A. My members may not have been happy with how that turned out, but certainly the give and take that took place, created a much better bill than we started with and you know, I think that it's important that we, again, hold that debate here in this room and on the floor of the house and senate.

I think that hits the high points of what I wanted to say. I think it's also important to point out to the legislation again, the first part of this does not take into consideration

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any process for alternatives assessment and it's also that could be debated during this process. I can take any questions. Again, you have my testimony.

REP. URBAN: Do any Committee members have questions? I would just how you feel about the cadmium section, just section three?

GREG COSTA: I'm not aware of cadmium content in a lot of the consumer products that most of my members sell. However, what we are concerned with in principal because we are involved in the gamut of 80,000 plus chemicals that are in commerce today, that again, that this process take place here and that the process be a give and take between industry, interest groups, consumer groups and the legislature and the bureaucracy so that we can find either acceptable limits or find out whether we're chasing after, not necessarily in the case of cadmium, but in the case of other chemicals whether we're talking about things that truly aren't a risk.

I think if you'll indulge me for just a second, one of the things that's going on particularly in the northeast today and around the country is we are following a series of news stories and that's both good and bad. The good obviously is that it's illustrating some of the problems that may exist in certain products and in certain chemicals and substances. The bad is that very often these news stories are not based entirely on scientific evidence -- they are at times antidotal at best and so we want to make sure that when those situations bring about a piece of legislation that it is fully vetted and fully debated and evidence presented

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on both sides.

Back to the question about cadmium, I guess we just want to make sure that it's fully evaluated and that acceptable levels are observed.

REP. URBAN: Thank you. And thank you for your testimony.

Next on our list is Andy Hackman?

ANDY HACKMAN: Senator Musto, Representative Urban, my name is Andy Hackman. I'm here on behalf of the Toy Industry Association. We have over 500 members that manufacture and distribute toys here in the United States, 20 of which are located here in Connecticut and that represents about 500 plus jobs here in this state.

We are here unfortunately in opposition to House Bill 5314. I do want to stress to this Committee though our commitment to safety. I am personally a father of a 16 month old daughter, so this is an issue that is very near and dear to my heart. As the Environment Committee heard yesterday, this is an issue that our industry is committed to.

I want to assure you that toys are safe and when they are sold in the United States they are reviewed extensively for the substances that go into those products. Specific to the issue of cadmium because we're short on time and we addressed the broader provisions of this legislation in the Environment Committee yesterday, I'll refer to the written testimony in terms of the chemicals regulation proposal.

But, specific and in terms of cadmium, toys are regulated for cadmium and are mandated by federal law to only -- for exposure for cadmium. We have a federal standard that is now a federal law ASTM Standard F-963 that regulates the exposure of children to cadmium in toys so it's legally binding and our products have to be tested by an independent third party laboratory to ensure that they meet those standard. I talked to a company just yesterday that because of the extensive regulation that we have both on the federal level through the Consumer Product Safety Improvement Act that was signed into law in 2008, and the Consumer Product Protection Act and the Federal Hazardous Substances Act, they get a report from independent laboratories before they take a product to market that's over 130 pages long of independent testing to make sure that substances that are of concern are not in toys and are not exposed to children.

So again, I want to underscore, we've got a very extensive regulatory effort federally. Beyond that when this issue became pertinent in the media, our industry formed or has a task force that is constantly reviewing our ASTM standard and that group convened and we are in the process of making sure that our standard on cadmium is the strictest in the world. That standard, once it is revised, will be federal law. On that point specifically, the Consumer Products Safety Improvement Act when it was signed into law, has provisions that preempt states from regulating products that are also regulated federally in this issue. So, those are my comments specific to cadmium specifically, since it's been the point of

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discussion on this legislation and I can answer any questions that you might have.

REP. URBAN: Thank you very much. Are there any questions from the Committee?

Senator Boucher?

SENATOR BOUCHER: Thank you, Madam Chairman and thank you for your testimony. Some of the testimony provided here talked about that the fact that the legislation does not take into consideration any process for alternative assessment. Do you have that concern as well and can you elaborate?

ANDY HACKMAN: Yeah. In terms of the larger chemicals piece of this legislation, I kind of look at it in two ways. It restricts cadmium down to an absolute zero level and then it would regulate up to five chemicals that the department could pick. It doesn't allow for consideration of an alternative in terms of the chemicals piece, specifically it doesn't require that any alternative as used necessarily be safer. As long as it's not on the list of potentially, up to 2,000 chemicals that would be selected, it would be considered safer. So, you may know nothing about the chemical, it may not be safer, but under this law you could switch to it and you would be in compliance to with the statute or with the program as it's envisioned. So, our concern is that it doesn't really look at the unintended consequences. I think MTBE is an issue that's relevant for this Committee and this state. It was seen as a clear air problem solver and then 20 years later it became more of a concern. We as downstream consumers of substances want to

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make sure we're using the safest substances possible in our products. That portion of this legislation and it's also reflected in 5130 that Senator Meyer heard about yesterday, doesn't allow for that consideration of what is truly a safer alternative.

SENATOR MUSTO: Good afternoon. I'm -- I got to tell you I'm a little concerned with your testimony here on behalf of the toy association. I can understand the jewelers and other coming out and saying this is not a big deal for them, but you know, as far as the Toy Industry Association, I'm a little, I'm shocked frankly that you would come in here and take this position. The feds are working on it as you said. At this point there's nothing and the suggestion that maybe since there might be federal law in the future you might be preempted, well fine, when that happens we'll be preempted but until then I don't really see that as an issue and as far as it may cost to implement this and you may escape this legislation this year on the grounds that we just don't have the money to implement it. But, I cannot believe after the recent, relatively recent problems we had with lead and coming out of China and the assertion that you guys are being proactive in this and that we shouldn't worry about this, I just, I don't know what to say about that. I'm really concerned about that testimony from the Toy Association.

ANDY HACKMAN: If I may, Senator, we are regulated federally. We have a mandatory federal standard that limits cadmium content in toys to 75 ppm on surface coatings and substrates. That is mandatory federal law. Our toys comply

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with that mandatory federal law. I'm not saying that this state should ignore the issue. We fully support the concern in ensuring that substances in our products are absolutely safe.

So I completely support the concept of this legislation in terms of regulating products for concerns in terms of exposure to toxic substances but we are regulated by a mandatory federal ASTM safety standard. Our products are tested by independent third party laboratories to assure that they meet those standard levels. So, it's not an issue, what we're saying to the state, refrain from taking action here because there might be federal action later on.

I'm telling you that our Committee has evaluated our standard to make sure it is the most stringent in the world to go beyond and to make the federal standard stronger if possible. But, we have a mandatory federal standard for toys and we are the only industry in the children's products area that has a mandatory federal standard for toys that regulates cadmium exposure. So, I want to clear up a potential misconception that we're saying to the state, don't take action. I can provide to you specifics and the text of our ASTM standard if you would like. It's over 100 pages long in terms of specifying the safety requirements for toys.

SENATOR MUSTO: Senator Meyer?

SENATOR MEYER: Nice to see you again.

ANDY HACKMAN: Nice to see you as well.

SENATOR MEYER: Are you going to be around tomorrow

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again?

ANDY HACKMAN: No, I'm hoping to get home. I've got a flight that should land in Cincinnati around 1:00 this morning.

SENATOR MEYER: The federal standard you're talking about, did that come in after the horrible disclosures concerning Mattel toys a couple of years ago?

ANDY HACKMAN: The federal standard was a voluntary standard prior to the Consumer Product Safety Improvement Act of 2008. The summer of last year, the Consumer Product Safety Commission made it a mandatory statute.

SENATOR MEYER: And, that came as a result of the disclosure of toxic toys? I think Mattel was the primary problem there, right?

ANDY HACKMAN: There were a number of companies that had some recall issues in terms of tainted lead paint. And, in terms of recalls I do want to state that recall is not a situation anybody wants to see. Just as we're seeing with Toyota now and other companies that have recalls. It shows that the system works though. Those products were being sold illegally regardless of what company manufactured them. They were being sold illegally here in the United States. It's an issue that was addressed and our industry has gone above and beyond. We have a toy safety certification program that provides a certificate of compliance that proves that our products meet those standards federally.

SENATOR MEYER: Well, you heard yesterday from questions asked in the Environment Committee

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that there was a time quite recently that the toy companies really did not pursue a standard and you missed it, the industry missed it with respect to the problems that occurred in 2007. What makes you think that the industry is any more cautious and careful today than it was then?

ANDY HACKMAN: I can say without a doubt after the Consumer Product Safety Improvement Act, this industry has gone through a revolutionary change in terms of testing and certification for the substances that go into our products. Because it is mandatory federal law, it's being forced by the Consumer Product Safety Commission and we have a full commission that is actively enforcing this issue. We cannot bring a product to market unless it has been certified against those standards. So, I can say to you at this date that the system that's in place is the strongest among any product category that assures safety for our products. I can't speak exactly to the issues of 2007, because the system was different at that time. But, the system that we have in place now is built on assuring that toys are safe when they're brought to market.

SENATOR MEYER: You're not suggesting are you, that the federal standard is preemptive of the state? We asked for legal advice on that and we have not been told yet by anybody that we don't have the power to act as a state. Are you suggesting that the federal standard is preemptive?

ANDY HACKMAN: The regulation of lead content in children's products was preempted. The Consumer Product Improvement Act has a

preemptive standard. If there's a specific standard set for a product category, that standard is said to take precedence under the Consumer Product Safety Act. Those provisions remain in the Consumer Product Improvement -- Consumer Product Safety Improvement Act. It would take, I think, a more detailed legal analysis to say without a doubt that this standard would be preempted, but there is federal law regulating the content of our products for cadmium specifically.

SENATOR MEYER: The General Assembly in the last few years has taken pretty strong action with respect to other toxic chemicals including lead you mentioned and Bisphenol A and we did get an opinion from the Connecticut State Attorney General that there was nothing in the federal law that preempted Connecticut from taking those actions.

ANDY HACKMAN: I think our main concern with cadmium specifically is that the standard that would be potentially established here is consistent with the federal standards that we're working on, on the federal level. Because we need consistency among the states, I think the federal standard number is protective of human health and children's health and I think that it would be appropriate for the standards to be consistent. That's what we're looking for here. So, I don't want to suggest that the state can't take action on this issue by no means. I want to make sure there's consistency between our federally mandatory legal limits.

REP. URBAN: You've piqued my interest now in what you have talked about so I just have a very quick question. Can I assume that most of the

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toys that you would be representing are imported from China?

ANDY HACKMAN: Any product that's sold here in the United States has to meet the safety standards that I've referred to. In terms of where products are imported from, Lego for example is here in Connecticut and they import products from Europe and other countries. Approximately 90 percent of toys are imported from other countries just like many electronics and other products that we buy.

What I want to assure this Committee is that every product, every toy that is sold here in the United States has to meet the same standards that products manufactured here in the United States do as well. Like I said, we've got a number of companies here in Connecticut that do manufacture in small quantities here in the state, so in terms of the percentages, as I said it's approximately 90 percent are imported from other countries but not necessarily China.

If you'd like us to provide specifics in terms of China imports, we can work on that data and try to provide it to the Committee.

REP. URBAN: Senator Meyer was just informing me that 93 percent come from outside of the United States and I would only suggest to you that when we're looking at those kinds of numbers and we have had problems with imports from China already, whether its with milk, whether it's with dog food or whether its with children's toys, that our ability to continually test and assure that we have safe products for our children, is certainly a

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monumental task in recognizing the restraints I know myself that EPA and the amount of chemicals that are out there already that haven't been tested because we simply don't have the resources to test them, you know I lean in favor of protecting our children -- significantly in favor of that. Are there any other questions from the Committee? Seeing none -- I thank -- wait, Representative Baram?

REP. BARAM: I'm just wondering if its possible for you to provide us with what you claim are the standards set forth in the federal law that we're debating whether it might preempt us or not so that we could perhaps compare those to some of the things that are set forth in the proposed legislation to see if they're really are any differences? I think that would be helpful for me anyhow.

ANDY HACKMAN: Certainly, we could provide the entire standard and summary sheet of the standards that regulate our industry for heavy metals across the globe.

REP. URBAN: Are there any other questions? Representative Jarmoc?

REP. JARMOC: I don't have a question, but a comment. I'm the legislator with Lego in her district and I will be going to Lego on Monday for a tour which is my second or third time, I can't recall. But, there a few points that I always keep in mind that have stayed with me each time we do one of these tours. And, I have absolutely the utmost confidence in Lego and the quality of the product that they're producing. Any regulation that we might place upon manufacturers as it relates to Connecticut

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would -- they don't just produce, like okay these toys go to Connecticut, these toys will go to Mass, these toys will go to Rhode Island -- so, they need to then apply that standard to all of their toys internationally and just that we keep that in mind and the impact of that on business, jobs, the economy and so that's something that I always take away with me each time that I go and I think it's an important point to make. Thank you.

REP. URBAN: Thank you Representative Jarmoc. Are there any other questions? Seeing none, thank you for your testimony.

Next on our list is Carmen Watson? Welcome Carmen.

CARMEN WATSON: Thank you Madam Chair, Representatives and Senators. My name is Carmen Watson and I'm a part-time resident of Glastonbury, Connecticut. I want to thank the Committee for raising House Bill 5313. After reading House Bill 5313 I feel it needs to be improved on the grounds that the bill, like the existing law, sets the bar too high when the terms parent-like relationship and harm are used.

Many grandparents find themselves in a parent-like circumstance despite their wish. However, the majority of grandparents just want to be grandparents; they do not want custody, nor do they want to be involved in daily parent/child decisions. In my case, I lost my daughter and my grandson lost his mother. Prior to my daughter's death, I had a significant mutually loving and caring relationship with my grandson. He trusted me and my presence in his

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TIFFANY DELANCY: Okay. Thank you.

REP. URBAN: Are there any other questions?
Tiffany, I think that it's great you have contacted your state Senator and your state Rep and we hope that this will turn out well for you and thank you for taking the time to come up here today and testify.

TIFFANY DELANCY: Well, thank you.

REP. URBAN: We really appreciate it. Thank you.

Next is Sarah Uhl? Welcome Sarah.

SARAH UHL: Thank you very much Representative Urban and other members of the Committee. My name is Sarah Uhl and I'm the Environmental Health Coordinator for Clean Water Action. I very much appreciate the opportunity to testify in support of House Bill 5314, AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS. It was mentioned that the Environment Committee held a hearing yesterday on a very similar measure and at that hearing about 30 groups testified in support through written and oral testimony including the Connecticut Public Health Association and the Connecticut Nurses Association. We weren't able to pull off a full double header today, but I want you all to know that they very much appreciate this Committee focusing on this important issue of unnecessary toxic chemicals in children's products.

We strongly support all sections of House Bill 5314. I think --

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REP. URBAN: Sarah, If I can, but not to interrupt, but is it possible for you to really talk in detail a bit about the cadmium because I think that's the difference in the two bills.

SARAH UHL: Thanks. That's right where I was going. Sure, yes. I'll focus on the cadmium provision. The Consumer Product Safety Improvement Act was mentioned. This is the federal act that was signed in 2008 and as part of this act, the ASTM F-963 standard which was previously a voluntary industry standard, did become a mandatory safety standard for a certain set of children's products. But, it's important to note two things. First, it only covers surface coatings on the products and second it doesn't cover the full range of children's products. It does not include, for example, the children's jewelry that Representative Chris Perone spoke so eloquently about at the very beginning of today's hearing.

It also does not cover clothing items, back packs, erasers, shoes and many other items in which we're finding cadmium. I personally have had the opportunity to test children's products for cadmium using an x-ray fluorescence analyzer that can test down to about one percent -- pardon me, about ten parts per million to 100 parts per million -- it's quite accurate, and we found cadmium in a wide variety of products. As I said, bags, a lot of vinyl products that would not be covered under the bill. So, in closing I'd be happy to answer any questions further about cadmium or the bill. Thank you.

REP. URBAN: Thank you, Sarah. The testimony we heard from the Toy Institute, was that this was

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totally and adequately taken care of and yet in your testimony that I'm reading right now in front of me, it appears that in fact cadmium does exist in significant percentage -- or significant concentrations in children's products. Is that --

SARAH UHL: Yes. Unfortunately that is the case. We actually worked with a variety of nonprofits around the country to test many thousands of children's products for cadmium and other heavy metals and I invite you to look at the results on healthytoys.org or it may be healthystuff.org, we've gone beyond toys. But we did, we found extremely high levels of cadmium in everything from one-sies to erasers, to cheap children's jewelry, belts, bags, toy cars, etc.

REP. URBAN: And, the contention that the federal standards are adequate to protect children, would you comment on that?

SARAH UHL: Sure. Well, as we found with lead, simply banning it in paint is not the end of the solution. Cadmium is currently legal for use in for example, a child's jewelry item that could be small enough to be swallowed and as is mentioned earlier, cadmium is just as toxic if not more toxic than lead and so we wouldn't want a situation like happened in the Midwest where a child actually swallowed a small charm and then actually passed away from that toxic exposure. While fortunately that hasn't happened yet to my knowledge with cadmium, certainly a similar situation could arise.

REP. URBAN: It was also brought forth in testimony that this was an alarmist, that there was a

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news story that was inaccurate and so our response is an alarmist response.

SARAH UHL: Again, it's unfortunately not alarmist as Representative Perone pointed out. All of the research that he's done and that I've done points to the fact that cadmium is extremely toxic. It's a known human carcinogen and it impacts a wide variety of child development. It impacts the sensory motor skills development, the timeline on which that develops, it impacts hormone systems and so to claim that we shouldn't move ahead in banning, with phasing it out really, is just not taking into account the huge body of science that we have.

REP. URBAN: And, finally, if you could just comment on the European Union standards and the idea this is migration.

SARAH UHL: Sure. Well, I'm not terribly familiar with what Europe has done. I know that they have acted to phase it out of electronic products. We're concerned about a migration standard because it doesn't get at the whole picture. In Connecticut and 19 other states, cadmium has been phased out of packaging and to my knowledge that was a whole percentage phase out, it's I believe down to 100 parts per million, it's not a migration standard. And, the reason for that was because these products could go into landfills or be incinerated and the cadmium would then be left to go into the environment. The same could happen with children's products. Also, the children's product could be entirely ingested in which case a leaching standard would not be very protective. Does that --

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REP. URBAN: Yeah. No, that's exactly where I wanted to get because I just like again be a tad incredulous that we ban it in packaging but because we're afraid of the contamination in a landfill and yet when we move from the packaging to what's inside the package, which children as we know, take toys, jewelry, whatever and put it in their mouths, it's one of the first ways they explore something, is with their mouth. So, it seems a little bit inconsistent. Do you know exactly when we banned it in packaging?

SARAH UHL: I do not know the year. I can look that up.

REP. URBAN: We'll find that one, we'll find that out. Are there questions, other questions from members of the Committee for Sarah?

SARAH UHL: Thank you so much.

REP. URBAN: Thank you so much for your testimony, Sarah.

Carolyn Goodridge? Welcome Carolyn:

CAROLYN GOODRIDGE: Thank you, Senator Musto and Representative Urban and members of the Committee. My name is Carolyn Goodridge. I did submit some written testimony but I'm here to testify on behalf of my Executive Director. Jean Fiorito is the Executive Director of the Connecticut Association of Foster and Adoptive Parents. We support, train and advocate for foster, adoptive and relative caregivers in the State of Connecticut. There are currently over 3,000 foster families in the state and

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think that the law is a good way to express the priorities of the kids that we're talking about.

REP. HAMM: Do you think it would be helpful -- and I'm just kind of trying to sort it out -- if our Committee or my subcommittee or somebody, the leadership of the General Assembly, I don't know who the people are, were to actually send a letter to the monitor and kind of inquire as to them being a little more zealous about keeping track of those numbers? Even if it's not a technical official part of that outcome measure?

SARAH EGAN: Well, like I said they do track those numbers but I think any statement that this body wanted to send, I mean certainly you have overlapping interest --

REP. HAMM: Well, whatever happened internally inside the monitor's office though, changed the Department's interest in focusing on that --

SARAH EGAN: Well, that I don't know the answer to.

REP. HAMM: -- so that's what we've got to sort out.

SENATOR MUSTO: Other questions? Thank you very much.

SARAH EGAN: Thank you very much.

SENATOR MUSTO: Linda Cannon? She decided not to stay. Okay. Next is Steve Rosario? He's left too. Mark Mitchell? Good evening, Mr. Mitchell.

MARK MITCHELL: My name is Dr. Mark Mitchell and I'm

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President of the Connecticut Coalition for Environmental Justice. We have chapters in Bridgeport and Hartford as well as New Haven and I'm here to testify in favor of HB 5314, AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS.

I am a physician. I was previously the Health Director in the City of Hartford and decided that I could help to get more policy passed working with community groups. I wanted to talk a little bit about cadmium and the health effects of cadmium.

Cadmium is a well known, well studied toxin. It is toxic to the lung when it's inhaled; it's toxic to the kidneys when it's swallowed or through food or through drink; it accumulates in the bone; it's substitutes, for example, calcium if people don't get enough calcium, they'll absorb more cadmium; and, it's a known carcinogen -- it's in the highest class of carcinogens that according to all the national and international agencies that track this kind of thing.

In the issue of it being in the bone is particularly of concern because during pregnancy, the bone metabolizes much faster and so the chemicals like lead and cadmium that are in the bone, are put back into the bloodstream and in fact can cross the placenta. So, children can be born with cadmium in their systems and that's a real problem. In addition to those, it causes learning disabilities. It's similar to lead in the fact that it causes learning disabilities. And, children are more susceptible than adults.

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Now, cadmium also leaches. We're concerned about cadmium in children's products but cadmium also leaches. It's partially water soluble. It will get into food and in beverages and we're really concerned that. And, as you may know in Connecticut we burn a higher percentage of our trash than any other state in the country. And, so when toys or other things with cadmium in it are thrown away, they go to the trash incinerators. The largest trash incinerator is in Hartford, the second largest one is in Bridgeport. About one third of the trash goes to Hartford, about a third of the trash goes to Bridgeport and then the other third goes to the other four trash incinerators in Preston, Lisbon, Wallingford and Bristol.

We're concerned that the cadmium gets into the air and people breathe it and that's again, how it becomes a lung carcinogen. There are safer alternatives to cadmium. A number of metals are much safer than cadmium and there's no reason to have it in children's products so I would ask that you ban cadmium in children's products. Thank you.

REP. URBAN: Thank you Mark so much for being here. And, the points that you made about the leaching and the trash burning, again bring us back to the fact that it's banned in packaging because we're afraid that the packaging is going to get into our landfills or it's going to be in our incinerators and yet what's inside the packaging, we have yet to address and to say --

MARK MITCHELL: Yeah, absolutely, particularly for children. They're more susceptible.

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REP. URBAN: Exactly. The only other issue that I would ask you about is that you did briefly mention passing in the placenta and I think there is a cord blood issue on a lot of these chemicals where we're finding it in the cord blood so that in fact the child has already been exposed.

MARK MITCHELL: Yes, that's absolutely true. We know that children are born with over 100 different toxins in their blood at birth and they are toxins that did not exist 40 years ago, I'm sorry, 50 years ago. So, we're very concerned.

REP. URBAN: Yeah, exactly. 50 years ago we hadn't produced these kinds of chemicals and now that we have they've been showing up in the cord blood. I really appreciate your testimony. Thank you for waiting. Do we have any questions from --? Senator Boucher?

SENATOR BOUCHER: Thank you, Madam Chairman. No, not a question, just a compliment to you. Thank you first of all for staying here for so late for this. And, secondarily, particularly for being an advocate -- four are major cities where you are absolutely correct. A good deal of our incinerators are located there and what is burned in the air is incredibly at times harmful to the individuals that are living and working there. And, they do need an advocate and I commend you for coming here and providing that testimony and being the voice with them as well. Thank you very much.

MARK MITCHELL: Thank you Representative Boucher. I also did want to point out that we did some

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testing for example of toys from the dollar stores and they contain more toxins. They contain more lead; they contain more cadmium than toys from other stores. So, we're very concerned about that.

REP. URBAN: Mark, you had talked about safer alternatives, do you happen to know what safer alternatives or if you don't could you get that to us?

MARK MITCHELL: Yeah, there are other metals that are used. For example, we know that the amount of cadmium in toys in general has not increased since they've banned lead in children's products, but sometimes in a few cases with jewelry, they have used cadmium but they've used other metals in other toys.

REP. URBAN: It would be really helpful if you could get us some of these --

MARK MITCHELL: Sure, I can do that.

REP. URBAN: -- alternatives as we move forward with this bill.

MARK MITCHELL: I'd be glad to do that.

REP. URBAN: Senator Boucher for the second time.

SENATOR BOUCHER: For the second time and I appreciate that consideration. I do have to just give a little plug for a toy company in my district, in my town, Melissa and Doug, that have gone back to the old fashioned wood toys and you know, the more we seem to improve or progress, often times we regress in finding often times of the harmful substances that

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we're using. Thank you.

MARK MITCHELL: Yeah, that's a good thing to do. Most companies don't use cadmium. It's only a few that do.

REP. URBAN: You just said something that was really interesting, that most of their, most companies don't use cadmium that we would not be hitting a vast number of companies?

MARK MITCHELL: No, no, at least with toys. I don't know about the number of companies, but I do know that most toys do not contain it.

REP. URBAN: That would be some very useful information too, so if we could have the alternatives then, just you know, what toys we think do and what toys we think don't. Because I think Representative Jarmoc raised the issue of impacting business negatively so it would be very good to have that information, Mark. Thank you. Any other questions for Dr. Mitchell? Thank you very much for being with us and thank you for all your good works.

MARK MITCHELL: And, thank you for your persistence.

REP. URBAN: Thank you. Carole Morse? Okay. Are you Kelley? Okay. Kelley Traister? Welcome Kelley.

KELLEY TRAISTER: Thank you. So, good evening Senator Musto and Representative Urban and members of the Committee. My name is Kelley Traister. I'm the Children's Education Partnership Manager with New Haven Home Recovery in New Haven, Connecticut and I'm here tonight in support of Senate Bill 292, AN ACT



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**TESTIMONY RE: RAISED BILL 5314 AN ACT CONCERNING CHILD SAFE
PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS**

**Select Committee on Children
March 2, 2010**

TO: Senator Musto, Representative Urban and members of the Select
Committee on Children
FROM: Anne Hulick, RN, MS, JD; Environmental Health Coordinator,
Connecticut Nurses' Association

Good morning Senator Musto, Representative Urban and members of the Select
Committee on Children.

Thank you for the opportunity to provide testimony on behalf of the Connecticut
Nurses' Association (CNA), the professional organization for registered nurses in
Connecticut (CT), representing over 52,000 nurses. I am Anne Hulick, RN, MS, JD, a
nurse with many years of experience in critical care, cardiology, nursing administration
and most recently, as the Environmental Health Coordinator for CNA. The Connecticut
Nurses' Association strongly supports H.B. 5314, *An Act Concerning Child Safe
Products and Banning Cadmium In Children's Products.*

H.B. 5314 builds upon Connecticut's successes in phasing out toxic chemicals,
such as lead and Bisphenol-A, from children's products. While CT now has the strongest
ban on Bisphenol-A in the country, we will not be successful in reducing exposure to
toxic chemicals by phasing them out one chemical at a time. H.B. 5314 provides a more
comprehensive approach to toxic chemical management as it requires the adoption of a

list of the most harmful chemicals which will be banned from children's products, unless there are no safer alternatives.

Why is this so important? There are three critical points to consider.

First, since 1950, over 82,000 chemicals have been introduced into commerce and are found in the products we use every day. Only a handful of these chemicals have been tested for safety because, under the federal Toxic Substances Control Act, the U.S. Environmental Protection Agency (EPA) must prove that a chemical causes an unreasonable risk to health before it can be regulated. As a result of this burden, EPA has only been able to regulate five of these chemicals.

Second, is that a significant amount of recent rigorous, independent research exists which demonstrates that many of these chemicals are carcinogens, neurotoxins and endocrine-disruptors. Medical professionals once believed that a developing fetus was shielded from exposure to toxic chemicals by the placenta. However, in recent laboratory analyses, over 287 of these toxic chemicals were found in umbilical cord blood. The issue is whether the presence of these chemicals in our bodies, particularly during critical phases of development, is associated with diseases?

Over 200 peer reviewed animal studies show that exposure to these chemicals during critical stages of development is associated with breast cancer, prostate cancer, insulin-resistance and diabetes, cardiovascular disease, birth defects, reproductive disorders, and learning and behavioral disorders such as autism-spectrum disorder and Attention Deficit Hyperactivity Disorder (ADHD).

Third, is that the incidence of many serious and chronic diseases is on the rise. For example, childhood cancer increased more than 20% between 1975 and 1990¹. Breast cancer rates increased by more than 40% between 1973 and 1998², learning and developmental disabilities appear to be on the rise, now affecting one in six children in

¹ Safer Chemicals, Healthy Families, *The Health Case For Reforming The Toxic Substances Control Act*, (2010), p. 5.

² *Id.* p. 7.

the U.S. under the age of 18³, rates of difficulty conceiving or maintaining pregnancies have increased 40% since 1982⁴, and testicular cancer has increased by 60% between 1973 and 2003 in the U.S. The rapid rise in incidence of these diseases cannot be attributed to improved diagnostics alone. In fact, early life exposure to these toxic chemicals is the number one suspect for the rise of many of these diseases.⁵ Recent concerns about the use of cadmium, a heavy metal more harmful than lead, in children's jewelry raises further support for H.B. 5314.⁶

Drs. Needleman and Landrigan, two noted researchers, stated that without knowing if exposure to these chemicals is safe, we are, by default, conducting a massive clinical toxicology trial, and our children and their children are the experimental animals."⁷ In nursing, we rely on scientific research and best evidence to inform and improve our practice. We also apply the precautionary principle which states "that when there is evidence of risk of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically"⁸

We should not continue to ignore the science. Sufficient evidence of harm exists both in animal research and in recent epidemiological studies. We should take precautionary steps now where safer alternatives are available. H.B. 5314 is common sense legislation aimed at preventing exposure of children to the most toxic chemicals, particularly cadmium.

CNA urges your support of H.B. 5314.

³ Id. p. 8.

⁴ Id. p. 12.

⁵ Environmental Working Group (2005) "*Body Burden: The Pollution in Newborns*" accessed at <http://www.ewg.org/reports/bodyburden2/part3.php>

⁶ See <http://abcnews.go.com/Health/WellnessNews/wireStory?id=9527916>

⁷ Herbert L. Needleman M.D., Philip J. Landrigan, M.D. (1994) "*Raising Children Toxic Free*"

⁸ Wingspread Statement (1998) accessed at: <http://www.gdrc.org/u-gov/precaution-3.html>.

**Written Testimony of Laura Anderson of Wethersfield, CT,
Select Committee on Children
March 2, 2010.**

**Testimony in Support of House Bill 5314, An Act Concerning Child Safe
Products and Banning Cadmium in Children's Products**

Dear Senator Meyer, Representative Urban, and honorable members of the Select Committee on Children,

My name is Laura Anderson and I am a resident of Wethersfield. I am in writing because I strongly support HB 5314 An Act Concerning Child Safe Products and Banning Cadmium in Children's Products.

In 2007 I agreed to participate as a volunteer in a biomonitoring project called "Is It In Us?" (IsItInUs.org). For this project, I donated samples of my blood and urine to be tested for the presence of 3 chemicals. I had learned from reading and from a friend in public health that our current lifestyles expose us to chemicals that have been associated with many growing health problems. I wanted to learn more about these chemicals and learn if I had them in my own body. I especially wanted to learn this information to protect my daughters and family, and help make the public aware of these unknown hazards. I knew that, like myself, in general, other people don't know about the toxic chemicals they are exposed to every day in their own environments and the extent of burden they carry as a result.

The results indicated that, like 95% of the U.S. population, I carried bisphenol-A, phthalates, and PBDE's in my body. The most important lesson for me from this experience was that toxic chemical exposure is not necessarily from our neighborhood factories or industrial parks. Much of our exposure to these chemicals is in our own homes, cars and workplaces. Bisphenol-A is used to make certain plastics used for things like food containers and water bottles. It is also used in the epoxy liner of food cans. The chemical leaches into the liquid or food. Phthalates are also widely used in food containers and plastics, and in personal care products (lotions, nail polish, etc.). PBDE's are chemicals that act as flame retardants and are used in the manufacture of all kinds of items in our homes. For example, furniture upholstery, rugs, fabric or curtains, electronics, mattresses are made with PBDE's.

As I reflected on these results, I began to think back to some experiences I have had that I suspect are related to chemical exposure since these chemicals are associated with cancers, infertility and reproductive problems, learning disabilities to name just a few. First, I have known a handful of families who have had a child treated for cancer. I don't remember any child in my community when I was young who died of cancer. I

**Written Testimony of Sue Harkness of
Conversations for a Green Connecticut,
Before the Select Committee on Children
March 2, 2010**

**Testimony in Support of House Bill 5314, An Act Concerning Child Safe
Products and Banning Cadmium in Children's Products**

Dear Senator Meyer, Representative Urban, and honorable members of the Select Committee on Children,

My name is Sue Harkness and I am a resident of Ashford and a member of Conversations for a Green CT, a group that is concerned about environmental issues and brings more awareness of these issues to the public through programs and activities.

I am writing because I strongly support HB 5314 An Act Concerning Child Safe Products and Banning Cadmium in Children's Products. I am concerned about this issue as all folks should be if they value their health and the health of everybody else, especially young children. Most of us do not have the knowledge necessary to know everything about these dangerous chemicals; I was shocked to find out that there was cadmium in children's jewelry! Why is there no regulatory oversight of these products?

Many studies have linked toxins to diseases such as cancer, diabetes, Alzheimer's and Parkinson's as well as asthma, infertility and learning disabilities. Young children and developing fetuses are especially vulnerable; exposure to even a small amount can affect a child for life. Connecticut has been a national leader by phasing out lead, mercury and BPA but we cannot continue to play toxic chemical "whac-a-mole" with our children's health. Please pass HB 5314 to establish a comprehensive approach to phase out of chemicals of high concern from children's products. Parents should not have to wonder whether common household products, like bedding, toys or food can linings, are damaging their children's futures!

I would like to thank the Select Committee on Children for their leadership in this area. Please make passing HB 5314 a priority this legislative session.

Very truly yours,

Sue Elizabeth Harkness
322 Ashford Center Road
Ashford, CT 06278

Written Testimony of Erika Correa
On behalf of The Learning Disabilities Association of Connecticut
Before the Connecticut General Assembly Select Committee on Children,
March 2, 2010

Testimony in support of HB 5314 An Act Concerning Child Safe Products and Banning Cadmium in Children's Products

Senator Musto, Representative Urban and members of the Select Committee on Children,

I am writing in support of House Bill 5134. I am a registered nurse, a parent, and volunteer with the Learning Disabilities Association of Connecticut.

I am very concerned with the health of our community. We are all exposed to a wide range of chemicals regularly. Many of these chemicals have been shown to be harmful. **Even small exposures to some chemicals, such as cadmium, can cause learning and developmental problems in children and developing fetuses.** Developmental and learning disabilities are a heavy burden on our community and educational system.

I am proud to know that Connecticut has been a national leader in reducing environmental exposure to mercury, lead and BPA. HB 5134 will allow us to take a comprehensive approach to reducing children's exposure to high risk chemicals, while also taking action on one of the most well-recognized toxic substances: cadmium. I have met many parents who worry about what their children are exposure to, but find it difficult keep track of what chemicals to avoid and how to avoid them. This bill will take that responsibility off of individual parents and allow all of us to enjoy safer homes, workplaces and environments.

I hope the Select Committee on Children with make passing HB 5134 a priority. I thank you for your continued leadership in this area.

Sincerely,

Erika Correa
154 Shagbark Rd
Glastonbury, CT 06033

Testimony of Carolyn Stearns, resident of Mansfield

March 2, 2010

Select Committee on Children

Testimony in Support of House Bill 5314, An Act Concerning Child Safe Products and Banning Cadmium in Children's Products

Dear Senator Meyer, Representative Urban, and honorable members of the Select Committee on Children,

My name is Carolyn Stearns, and I am a resident of Mansfield. I am writing in support of HB 5314, An Act Concerning Child Safe Products and Banning Cadmium in Children's Products.

My daughter walked in the door, her face was dark and foreboding and then she blurted... "Mom I have cancer!" It is my hope that one day in Connecticut there will be a time when Mothers never have to live that moment, they will never have to see that look on the face of a family member. I wish for mothers to never have to sit through long grueling chemo treatments for daughters or sons.

It was October 2008 when my daughter, age 28 came home with the frightening news. It was not long after that tests revealed she was harboring Stage 4 Hodgkins Lymphoma Cancer, as the stage is determined, there were many tumors above and below the diaphragm. Hodgkins is common in young people, the cancer is linked with chemicals.

After 12 rounds of chemotherapy I am ecstatic to say that my daughter is cancer free at this time. It has impacted all our lives, loss of work time, extreme medical bills, compromised her future health, a one, five, 10 year plan for control and watching, followed by a lifetime plan.

Childhood and youth should be protected from the onslaught of everyday chemicals. Children don't read labels, children don't volunteer to absorb these substances. Our job as adults, parents, leaders and Government is to protect the innocent. Let us work to give them back the freedom of knowing their environment at home, school and in the community is safe. If we act today, if we dare to be so bold as to enact protective legislation then the day will come when Mothers won't hear - Mom, I have cancer!

Please make passing HB5314 a priority this legislative session.

Carolyn Stearns
440 Mansfield City Rd.
Storrs, Ct. 06268
cstearns07@hotmail.com

Crafty Baby®



February 28, 2010

To: Senator Scott Franz Scott.Frantz@cga.ct.gov
 Senator Andrew McDonald amcdonald@pullcom.com
 Representative Jim Shapiro Jim.Shapiro@cga.ct.gov

Re: H.B. No. 5314 - An Act Concerning Child Safe Products and Banning Cadmium in Children's Products

My family run, hand crafted children's accessories business has been operating for 11 years within the state, providing safe and beautiful fabric items for children. My desire to provide an alternative to mass produced products, while crafting safe and high quality goods, have been guiding principles in my business model.

The last year has been a difficult one indeed. In addition to managing the obvious hurdles that we have all needed to overcome due to the economy, I have had the additional hardship of understanding and complying with the Consumer Product Safety Improvement Act (CPSIA) of 2008. After the many toy recalls in 2007 and 2008 from products primarily made overseas in China, Congress took action. This well intentioned law, though, put unfair testing burdens on small, micro businesses such as mine - treating my company the same as one would treat Mattel or Fisher Price. While I whole-heartedly agree with the intent and the safety precautions in the legislation, I have been actively engaging my CT representatives in Congress and the Consumer Product Safety Commission (CPSC) for common sense changes and allowances for small producers of children's products.

While I agree that cadmium has no place being added to children's products, I do have a number of concerns with the legislation currently being considered at the state level. It should be noted that cadmium is already addressed by the federal government. The CPSC has the authority to regulate cadmium in children's jewelry under the Federal Hazardous Substances Act (FHSA). When asked last month by the Product Safety Letter whether the CPSC needed Congressional action to deal with cadmium, CPSC Chair Inez Tenenbaum, an appointee of President Obama, replied: "Well, we have the Federal Hazardous Substances Act, and we regulate cadmium under that act for children's jewelry. Also, under the CPSIA, we will adopt the ASTM toy standard, F96. That has limits of cadmium in surface coatings. So we have the tools to regulate cadmium and we are already testing materials." Indeed, the CPSC has already issued recalls for the jewelry cited by the AP in their original story.

In addition, the Senate has already introduced federal legislation to address concerns regarding cadmium in children's products. To create competing mandates at the state level on this issue would undermine the CPSC's efforts, creates confusion in the marketplace, and unnecessarily increases costs to manufacturers, retailers, and consumers.

I am also concerned about the wording of H.B. 5314 as it bans the existence of cadmium completely in all children's products. Because cadmium is a naturally occurring substance, not allowing for a testable level (such as the CPSIA allows for lead at 300 parts per million), could quite possibly eliminate certain products from the market, even though there is little or no risk of cadmium exposure from the product. In addition, the third party testing requirement is extremely cost prohibitive for small businesses such as mine (often running between \$300- \$4000 per product tested). Cadmium can be detected by an XRF scanning devise – a testing procedure that is easily accessible, much more affordable and routinely used by the CPSC.

I understand the desire to do something about the troublesome issue of cadmium in children's jewelry in particular and children's products in general. I wish to remind the legislature, however, that this problem was found only in mass market discount chain stores. I strongly believe that any effort to address this problem should therefore support small batch manufacturers and independent retailers rather than punish them. Since the CPSC is already taking steps to address this problem, the only legislation I would recommend at the state level would be to empower the state Attorney General with the discretion to prosecute violations of federal law. This authority already exists under the CPSIA, but a legislative affirmation would contribute to instead of undermining the CPSC's efforts and support the overall goal of ensuring a global supply of safe children's products.

Best Regards,

Jill Chuckas
Owner, Designer, Crafty Baby
Board Member – Handmade Toy Alliance

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For Immediate Release: February 26, 2010
Contact: Paul Mounds (Larson) 860-278-8888
Kaelan Richards (DeLauro) 202-225-3661

Larson, DeLauro Support Legislation to End the Import of Toxic Jewelry For Children

Washington, DC- This week, U.S. Congressman John B. Larson (CT-01) signed on to co-sponsor legislation that will protect our children from exposure to harmful metals in their jewelry. Larson joined Congresswoman Rosa DeLauro (CT-03), an original co-sponsor, in supporting H.R. 4428, The Children's Toxic Metals Act, which will prohibit the manufacture, sale or distribution of children's jewelry that contains cadmium and other toxic metals.

Cadmium is a heavy metal that has been used widely in children's jewelry, exported from China to the United States. Exposure to the metal can cause immediate respiratory and gastrointestinal effects on children. The U.S. Centers for Disease Control and Prevention ranks the metal as #7 on its list of hazardous substances but there is currently no ban on the use of cadmium in imported products for children.

"Toxic chemicals and metals should never be in our children's toys. Every parent should know that the jewelry they bring home for their children are safe and harmless," said Congressman Larson. "Plain and simple, cadmium is a dangerous metal and we must act to protect our families from it."

After the passage of the Consumer Product Safety Improvement Act in 2008 limiting lead in children's products imported into the United States, many Chinese manufacturers used cadmium in its place because it is cheap to use and it is an abundant metal. Recently stores like Wal-Mart, one of our nation's largest sellers of children toys and jewelry, has pulled from their shelves products that contain cadmium.

Congresswoman DeLauro, who over the years has introduced numerous bills to strengthen our country's consumer product safety laws, continues to be a strong advocate for protecting our children from hazardous toxics and metals.

"From our food, to our medicine, to jewelry, we must be at our most vigilant when our children's safety is at stake. It is astounding to me that a toxic chemical like cadmium is so commonly found in such high concentrations in jewelry specifically made for children—it simply should not be allowed," Congresswoman Rosa DeLauro said.

"Congressman Larson understands the urgent need to act in the face of this dangerous situation, and I look forward to working with him on this worthy bill."

"I can't think of a more committed partner to work with to progress this legislation than Congresswoman DeLauro. She is truly a leader in Congress and our nation when it comes to protecting consumers and our children," said Congressman Larson

**Testimony of Gretchen Raffa, Community Organizer,
Planned Parenthood of Southern New England**
in support of HB 5314 *An Act Concerning Child Safe Products and Banning Cadmium in
Children's Products*

Senator Musto, Representative Urban and members of the Select Committee on Children, my name is Gretchen Raffa, Community Organizer for Planned Parenthood of Southern New England testifying in support of HB 5314 *An Act Concerning Child Safe Products and Banning Cadmium in Children's Products*. Planned Parenthood of Southern New England's mission is to protect the right of all individuals to control their own fertility. Over the past decade new studies demonstrate that environmental contaminants and exposure to chemicals can have a detrimental effect on one's reproductive health. As a trusted provider of reproductive health care to over 70,000 patients every year we are committed to educating ourselves and patients about the dangers and health risks from exposure to chemicals for women and their families.

Mounting scientific evidence shows some industrial chemicals act as endocrine disruptors which can cause serious risks for women's health such as infertility, breast cancer, polycystic ovarian syndrome, uterine fibroids, endometriosis, miscarriage and shortened lactation. Hazardous chemicals in everyday products such as cosmetics, personal care products cleaning products, and our environment get into women's bodies, their breast milk, and in their uterus. The timing and level of exposure to these chemicals can affect how a woman's body develops and functions.

What research confirms is more women are experience difficulty in conceiving and maintaining a pregnancy, which affected 40% more women in 2002 than in 1982. The incidence of reported difficulty has almost doubled in younger women, ages 18-25ⁱ.ⁱⁱ There is evidence of a growing trend in the U.S. toward earlier breast development and onset of menstruation in girls. Studies suggest that endocrine-disrupting chemicals, particularly estrogen mimics are important factors associated with altered puberty timing.ⁱⁱⁱ Cadmium, a metal used in batteries, metal coatings and plastics has been linked to reduced sperm motility and to gynecological disorders such as endometriosis.^{iv} Yet no chemicals are currently regulated under the Toxic Substances Control Act because of their potential harm to reproduction or development. But other authoritative bodies have listed more than 50 industrial chemicals as reproductive toxins.^v

Planned Parenthood of Southern New England and those working to promote reproductive justice have long fought for a woman's right to control her reproductive destiny. We have a growing concern that the complexities of a woman's environment, including her physical geography, race, class, access to healthcare, place of employment to name a few, can play a debilitating role on her fertility and reproductive health. This is why we have turned our attention to the environmental toxins that are affecting the ability of women to become pregnant, have a healthy pregnancy, and give birth to a healthy child.

The time is now to reduce exposure to chemicals for children and women of childbearing age. We urge you to support HB 5314 *An Act Concerning Child Safe Products and Banning Cadmium in Children's Products*. We at Planned Parenthood of Southern New England believe this is an urgent matter of reproductive justice. All women should be guaranteed the right to control their own fertility, bear healthy babies and live in safe and healthy communities. Thank you.

ⁱ Anjani Chadra and Elizabeth Hervey Stephen, "Impaired Fecundity in the United States: 1982-1995," *Family Planning Perspectives*, 30, no 1, (1998): 34-42.

ⁱⁱ Kate Brett, "Fecundity in 2002 National Survey of Family Growth Women 15—24 Years of Age," Hyattsville, MD, National Center for Health Statistics (2008)

ⁱⁱⁱ Susan W. Buling, et al., "Role of Environmental Factors in the Timing of Puberty," *Pediatrics*, 121, S3 (February 2008): S167-71.

^{iv} Tracey J. Woodruff, et al., "Proceedings of the Summit on Environmental Challenges to Reproductive Health and Fertility: Executive Summary," *Fertil Steril*, 89, no. 2 (February 2008): 281-300.

^v California Environmental Protection Agency, "Proposition 65: The Safe Drinking Water and Toxic Enforcement Act of 1986," Chemicals Known to the State to Cause Cancer or Reproductive Toxicity List as of September 11, 2009



CLEAN WATER ACTION

645 Farmington Avenue, Hartford CT 06105

pg 14,
line 22

Written Testimony of Sarah Uhl, Environmental Health Coordinator
On behalf of Clean Water Action
Before the Connecticut General Assembly's Select Committee on Children, March 2, 2010

Testimony in Support of HB 5314 "AAC Child Safe Products and Banning Cadmium in Children's Products"

Thank you for the opportunity to provide written comments in support of House Bill 5314. My name is Sarah Uhl, and I am the Environmental Health Coordinator for Clean Water Action in Connecticut. Clean Water Action is a non-profit organization with one million members nationwide and over 20,000 members in Connecticut. Our Hartford-based staff works with local groups and citizen leaders around the state on issues affecting our health, environment, and quality of life.

Clean Water Action sincerely appreciates the Select Committee on Children's attention to the problem of toxic chemicals in children's products. Thanks to your efforts, Connecticut has received national recognition for passing health-protective chemical policies such as the lead and asbestos phase-outs that originated in this committee in 2008. Unfortunately, lead and asbestos are two of many dozens of chemicals of high concern that are currently allowed and being used in products for young children. For some other examples, please see Washington State's list of 66 high priority chemicals on which children's manufacturers will soon be required to disclose usage information: <http://www.ecy.wa.gov/programs/swfa/cspa/pdf/ChemicalReportingList.pdf> The chemicals used in children's products and other consumer products often migrate out into house dust, rub off onto hands, leach into saliva when being sucked on, or otherwise end up in the home environment. And because of these exposure pathways, many hundreds of synthetic, hazardous chemicals are now found in children's bodies and linked with a wide range of chronic diseases and disorders that are on the rise (for more information on the problem, please see <http://healthreport.saferchemicals.org/>).

House Bill 5314 would set us on a path toward a more comprehensive solution by requiring the Department of Consumer Protection to create a short list of priority chemicals of high concern that would be slowly phased out of consumer products meant primarily for use by children. The bill would make Connecticut one of four states that are implementing this type of modernized chemicals policy (the others being Maine, Washington, and California). Maine and Washington are in the final stages of publishing well-synchronized lists of this type. Clean Water Action strongly agrees with this goal of prioritizing and phasing out the most dangerous chemicals, particularly in children's products. If not the Department of Consumer Protection, we hope that one state agency, in consultation with the other relevant agencies, will take the lead on this important process so that it can move forward. Since Connecticut has access to other states' lists and the rationales and scientific evidence used by the toxicologists who produced them, our state agencies could easily move forward with selecting some of the most dangerous chemicals that are found in children's products.

House Bill 5314 would also phase out the highly neurotoxic and persistent metal cadmium from children's products. Cadmium is frequently found in PVC plastic children's toys (see list on next page) because it is added as a stabilizer. Cadmium is also often found in children's jewelry. Clean Water Action strongly supports taking fast action on cadmium because:

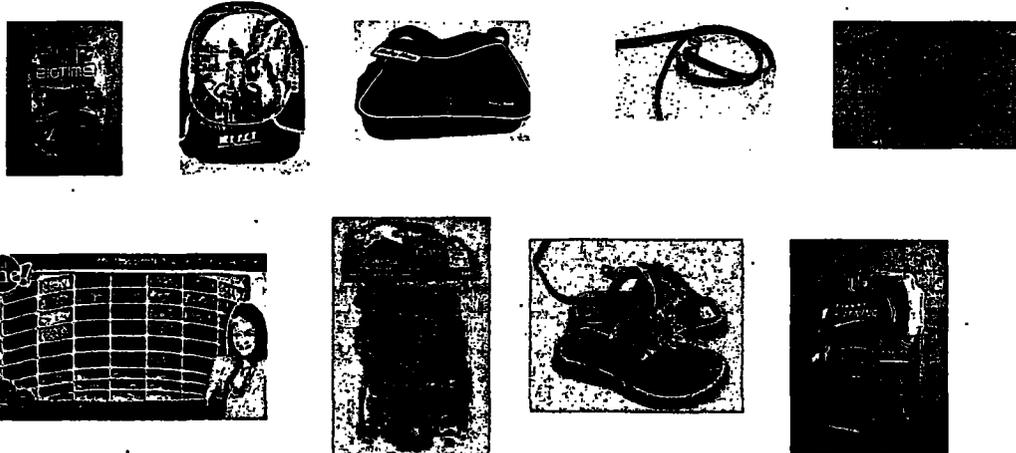
- Cadmium is classified as a **known human carcinogen** by the National Toxicology Program in the US, the International Agency for Research on Cancer, and the State of California (Proposition 65 in 1987)

- It is well-documented in animal studies that cadmium can impact child development by:
 - delaying sensory-motor skills development
 - changing hormone systems, and
 - altering behavior

It is because of these and other health concerns that Connecticut and 18 other states have passed legislation restricting cadmium in packaging materials, such as shopping bags and product wrappings. The European Union restricts cadmium in plastics, including PVC, and in electronic products such as toys. Washington State also limits the amount of cadmium allowable in children's products and components of such products.

While the Consumer Product Safety Improvement Act (CPSIA) that passed at the federal level in 2008 was a move in the right direction, it only addressed a narrow set of chemicals in a very limited set of products/product components. I believe this is why Connecticut is currently one of 10 states with proposed legislation designed specifically to restrict cadmium in children's products. The CPSIA directly addressed lead and phthalates for certain uses. We know there are many more uses for those chemicals (even among children's products), and then many more chemicals. The previously voluntary ASTM F963 standard was made mandatory in CPSIA, but this standard only regulates a handful of chemicals in surface coatings. For example, cadmium is now regulated in the coating or paint on a product under CPSIA because of the mandatory F963 standard, but not in children's jewelry and many other types of products that children can suck on or even swallow.

A few examples of children's products in which we have found high amounts of cadmium:
(testing performed in October and November of 2009)



For more details or product testing information, please see:

<http://www.healthystuff.org/departments/toys/>

Thank you very much for considering my testimony in support of House Bill 5314.

Sincerely,

Sarah Uhl

Sarah Uhl

Environmental Health Coordinator, Clean Water Action

645 Farmington Ave, 3rd Floor, Hartford CT 06105 / suhl@cleanwater.org / 860-232-6232 (office)



State of Connecticut
 HOUSE OF REPRESENTATIVES
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pg 5,
line 4

REPRESENTATIVE CHRIS PERONE
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VICE CHAIRMAN
 FINANCE, REVENUE AND BONDING COMMITTEE

MEMBER
 COMMERCE COMMITTEE
 TRANSPORTATION COMMITTEE

*Testimony of Representative Chris Perone of Norwalk
 Before the Select Committee on Children Raised Bill 5314, An Act Concerning Child
 Safe Products and Banning Cadmium in Children's Products*

Senator Musto, Representative Urban, and members of the Select Committee on Children, I would like to thank you for raising HB 5314, AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN CHILDREN'S PRODUCTS.

The State of Connecticut has been a leader in preventing poisoning from and exposure to hazardous chemicals in children's products. In 2008, the General Assembly passed Public Act 08-106, An Act Concerning Child Product Safety, which prohibited the manufacture, distribution, and sale of any children's product that has been designated as a banned hazardous substance.

In the interest of time and clarity, I would like to address my remarks to section three of this bill. This section would prohibit the sale, manufacturing, and distribution of children's products that contain cadmium in the state of Connecticut.

Current state law bars packaging or any packaging component from being offered for sale or promotional purposes in this state, by its manufacturer or distributor, if it is composed of cadmium. (Sec. 22a-255i) However, when it comes to the contents of such packaging, state law is silent. Specifically, there is no state law banning the use of cadmium in children's toys even in the face of growing evidence that it is an element considered to be as harmful as lead.

Cadmium is an extremely toxic, cancer-causing metal that has found its way into children's jewelry and other toys manufactured overseas. Prolonged exposure has been shown to lead to damage to the central nervous system and, in a recent study by the University of Cincinnati medical school, was shown to lower IQ more than lead. This is completely unacceptable. As any parent with very young children will tell you, infants

and toddlers explore their world by putting things in their mouths. And it is through this way that children can be exposed to continual low-level doses. By sucking or biting jewelry with high amounts of cadmium.

Meanwhile, there are many organizations and individuals who have weighed in the subject of cadmium. The U.S. Consumer Product Safety Commission chairwoman recently advised parents not to allow young children to be given or to play with cheap metal jewelry due to concerns over cadmium. The Department of Health and Human Services ranks it 7th on its Priority List of 275 Hazardous Substances - ahead of cyanide (28th) and asbestos (90th). The Centers for Disease Control has referred to cadmium as "poison" and the International Agency for Research on Cancer classifies cadmium as a group 1 human carcinogen - this category is used when there is sufficient evidence of carcinogenicity in humans. And late last week, United States Representatives Larson and DeLauro signed on to co-sponsor legislation that would ban cadmium in toys for children under 12.

Additionally, several other states have moved in the direction of banning cadmium. The State of Washington has implemented a ban of children's products containing more than 0.004% cadmium; the State of California has also implemented a ban of various hazardous chemicals, including cadmium. States such as Florida, Illinois, Minnesota, Mississippi, New Jersey, and New York are currently considering cadmium legislation.

Despite this knowledge, due to lax enforcement overseas, cadmium is increasingly finding its way into children's toys in the US. Cutting corners and trimming costs have become even more critical to manufacturers in poorly regulated countries since the financial crisis sent purchase orders plummeting.

In the wake of a complete ban on lead, manufacturers began substituting 100% cadmium or, "zinc alloy" - an alloy that contains just a very small amount of zinc, and 80 to 90 percent cadmium, for lead in jewelry products, particularly in children's charm bracelets.

This issue isn't that complicated. When you break it down, there are three key things we know for certain: Cadmium is extraordinarily toxic. It is in our children's toys. And we are in a position to do something about it.

Thank you very much for this opportunity today and I urge the committee's favorable report.

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line 19

March 2, 2010

The Honorable Anthony J. Musto
Co-Chairman, Select Committee on Children
Room 011, Capitol Building
Hartford, CT 06106

The Honorable Diana S. Urban
Co-Chairman, Select Committee on Children
Room 011, Capitol Building
Hartford, CT 06106

RE: HB-5314 Opposition

Dear Chairmen:

On behalf of the Grocery Manufacturers Association, I respectfully wish to convey our opposition to HB-5314, "An Act Concerning Child Safe Products and Banning Cadmium in Children's Products." GMA represents the world's leading food, beverage and consumer products companies. The Association promotes sound public policy, acts as a champion of initiatives that increase productivity and growth, and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of fifty-two chief executive officers from the Association's member companies.

The Grocery Manufacturers Association and its member companies support the intent of this legislation, to ensure that consumer products with which the citizens of the State of Connecticut come in contact are safe and free of unnecessary risk to health and wellbeing. However, we believe that this legislation cedes the discretion and authority of the legislature and the protections of the legislative process to an unelected bureaucracy without benefit of a defined risk assessment process. As difficult and daunting as the legislative process we are currently following can be for the proponents and opponents alike; and as technical as the subject matter may be for the legislature and staff, we feel that the proper forum for such far-reaching decision making is here in the legislature, not in the less deliberative regulatory process.

This legislation would confer enormous and possibly unprecedented authority on the Commissioner of Environmental Protection. This legislation would authorize the commissioner to designate as "high priority chemicals," or chemicals to be banned from inclusion in nearly all consumer products manufactured or sold in Connecticut, a randomly determined number of substances that meet a broad criteria based on exposure

GROCERY MANUFACTURERS ASSOCIATION

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rather than hazard. HB-5314 permits no distinction between the mere presence of a chemical in human tissue, home environments and even the natural environment, and the toxicity or hazard of that chemical. Furthermore, the mere presence of a chemical on a list of "priority chemicals" published by just one of any number of government agencies including those of other states and the World Health Organization would be enough to earn the "banned" label in Connecticut. We believe that the study and evaluation of chemicals for approval for use in food and consumer products is best handled by the federal government. The products affected by this legislation, whether made here in Connecticut or elsewhere, are manufactured for use in all 50 states. While this legislature clearly has the mandate to protect the citizens of this state, I would ask that you also consider the level of expertise and dedication of our public servants at the FDA, EPA and other federal agencies that work to safeguard the public's health and safety. Given the present level of protection, Connecticut's consumers, taxpayers and its employees of the industries that produce the products that could be banned from manufacture, distribution or sale in this state, are well served by a fulsome and deliberate debate on the merits of banning a given chemical or product right here in this committee.

Additionally, this legislation does not take into consideration any process for alternatives assessment. There is no provision in this bill that would require, or even facilitate such a process and the legislation would in fact allow for the use of alternatives to a banned chemical as long as the alternative does not appear on any of the above-described lists. A non-existent or flawed alternatives assessment process could result in regrettable substitutions. HB-5314 fails to consider alternatives assessment issues and does not even direct the commissioner to make provision for a stringent assessment process in regulation.

This legislation, while well intentioned, reaches too far, considers too little in the way of science and cedes a staggering level of discretion to the commissioner. This bill would be damaging to the economic health of Connecticut without getting any nearer to any possible sources of health or environmental hazard. For the above stated reasons we urge you to vote no on HB-5314. I look forward to working with you and the members of the committee in the coming days and weeks to address the issue of child safe products.

Sincerely,



Gregory J. Costa
Director, State Affairs

cc: Members, Environment Committee

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line 23

TESTIMONY OF
TOY INDUSTRY ASSOCIATION (TIA)

SUBMITTED TO

SELECT COMMITTEE ON CHILDREN
HOUSE BILL 5314

**AN ACT CONCERNING CHILD SAFE PRODUCTS AND BANNING CADMIUM IN
CHILDREN'S PRODUCTS**

MARCH 2, 2010

www.toyassociation.org

Toy Industry Association
Testimony Opposition: HB 5314
Select Committee on Children

Chairman Musto, Chairwoman Urban and Members of the Select Committee on Children, the Toy Industry Association (TIA) appreciates this opportunity to provide testimony in on House Bill 5314. TIA is a not-for-profit trade association composed of more than five hundred (500) members, both large and small in size, located throughout North America. TIA has approximately 20-member companies in Connecticut with over 500 employees.

The Toy Industry Association and its members have long been leaders in toy safety. In this role, we develop safety standards for toys, working with industry, government, consumer organizations, and medical experts. TIA commends the bill sponsors for their keen interest in the safety of children. We share that interest, and our industry is founded on the mission of bringing fun and joy to children's lives – and in that pursuit protecting the safety of our young consumers is our top priority.

However, we have serious concerns regarding House Bill 5314 as it does not consider the existing robust safety system for toys sold in this country – including federal regulation and international standards - and will create unnecessary burden on companies doing business in Connecticut with arguably no measurable increase in safety. It further will burden the State to implement a chemical assessment, reporting, and restriction system at a time when resources are scarce.

Cadmium is Already Regulated in Toys

This legislation would attempt to place a ban on cadmium in children's products; however, federal law preempts Connecticut from including toys in this prohibition. The Consumer Product Safety Improvement Act (CPSIA) provides mandatory consumer product safety rules for toys sold in the U.S.

Section 106 of the CPSIA adopts the toy standards from ASTM (American Society for Testing and Materials) F-963, which applies to ALL toys intended for children under the age of fourteen. ASTM F-963 specifically limits the amount of soluble cadmium in the surface coatings of toys to 75 parts per million (.0075%). Section 106(f) of the CPSIA expressly preempts any state legislation that regulates a consumer product falling under a federal rule.

Toy Industry Association
Testimony Opposition: HB 5314
Select Committee on Children

Therefore, House Bill 5314 would be preempted in two respects. The first is by attempting to regulate the amount of cadmium in toys in a manner not identical to the federal law. The second is that the broad regulation of jewelry provided for in this bill, would incorporate toy jewelry into its definition. Toy or play jewelry is considered that which is intended for play, role-playing and/or dress-up and is usually made of plastic. This jewelry is clearly considered a toy and is subject to the CPSIA/ASTM standards, thus preempting any state regulation of these products. Children's jewelry, on the other hand, is meant for adornment or accessorizing only; it has no play value or other functional use. This is the type of jewelry that has been mentioned in recent media reports and is outside the scope of the pre-emptive mandatory ASTM toy safety standard.

TIA has the highest regards for the safety of its members' products. It is because of this concern for safety, that the toy industry has a task group to look at the issue of cadmium in substrate materials of toys. TIA also plans to use its knowledge in this area to provide guidance to other children's product industries which do not yet have such standards for heavy metals.

Toys are Already Highly Reviewed for Safety

Product safety is the number one-priority for toy manufacturers when developing a product. TIA's members perform rigorous safety assessments prior to the marketing of any product and take into consideration potential impacts on a consumer or child. In addition to meeting stringent internal product safety requirements, toys must also comply with numerous federal environmental and safety regulations under a variety of laws and regulations including: including the Consumer Product Safety Act (CPSA), the Child Safety Protection Act (CSPA), the Federal Hazardous Substances Act (FHSA), the American Society for Testing and Materials (ASTM) Safety Specification on Toys (and which was adopted as a mandatory federal standard on February 10, 2009), the Toxic Substances Control Act; as well as, the many provisions added under the comprehensive Consumer Product Safety Improvement Act (CPSIA) signed into law in 2008. Under this network of requirements, it is illegal to sell toys or children's products containing various substances known to be harmful to children and to which children might be exposed.

Since the rash of recalls for lead in paint used in certain toys in 2007-8, the toy industry has been working diligently to repair the lapse that had occurred in our otherwise strong safety assurance system. We have been recognized by members of the U.S. Congress, federal agencies and other

policymakers and consumer organizations for our efforts to address this issue head on. New federal legislation (CPSIA) further strengthens the requirements and enforcement of toy safety on the national level. We are pleased to report that these efforts have paid off – with a dramatic decrease in the incidents of lead in toys and various assessments that have found toys on store shelves to be in full compliance. We urge Connecticut to consider aligning itself with the federal approach. We support strong regulations for toys but they must be safety-based and national in scope to allow for consistently safe products across the nation.

Legislation Relies on Flawed Scientific Approach

Additionally, HB 5314 is fundamentally flawed in that it lacks the scientific resources and justification to create such a complex and costly new regulatory system. House Bill 5314 would require the Agency of Natural Resources to identify chemicals of concern and then require manufacturers and distributors of products that contain “priority chemical” compounds to report the presence of a chemical. These chemicals could then be banned in a short timeframe and manufacturers of products containing a priority chemical would be mandated to find and use a “safer alternative,” with little time to do a proper assessment on such a replacement. This scenario would likely result in regrettable substitutions and provides a disincentive to carefully consider all data on alternative chemicals.

This approach to chemicals management is based on the flawed premise that the mere presence of a chemical with certain hazard traits equates to a safety concern. Rather, safety assessments that consider both exposure and harm are the key to ensuring that products are safe when used by consumers and children. Safety assessments are necessary to ensure that toys are safe for use and existing federal and international regulatory structures already ensure that toys are reviewed in this manner. Additionally, toy manufacturers have knowledge of their products’ use patterns and physical requirements and make safety and protecting human health an essential element of product development and product stewardship.

Policies that seek to restrict the use of certain chemicals or products must be based on credible, safety-based science and should include full consideration of the level of exposure and harm. No clear recognition of safety or exposure is included in this bill. Specifically, there is no allowance for situations where there is little or no route of exposure to a “chemical of concern” and the

Toy Industry Association
Testimony Opposition: HB 5314
Select Committee on Children

risks from a substance are adequately controlled. Without establishing a clear criterion that prioritizes action to exposure and safety concerns, from a substance, in a product; decisions under this program are likely to result in inflexible chemical bans, and create the potential for regrettable substitutions.

Immense Cost to Businesses and the State of Connecticut

Legislation to regulate "chemicals of concern" in consumer products and toys place an immense burden on manufacturers and government agencies. State-based standards that are inconsistent with international, federal or other state requirements make compliance difficult and costly and will likely threaten the viability of toy manufacturers, distributors and retailers in Connecticut. Specifically, in California where similar legislation passed in 2008 to regulate "chemicals of concern" in consumer products, it has been estimated that **the cost of the program to the State will be \$7.3 million-dollars over the first five years¹**. While House Bill 5314 is slightly narrower in focus, the costs to the state would be similar to those estimated in California.

Additionally, this legislation creates a state-specific chemicals restriction program and establishes **broad chemical substitution mandates** based purely on the hazards of a substance that may-or-may-not be contained in a product. Ensuring compliance with the new requirements of this proposal would mandate **fast-paced chemical substitutions**, unnecessary product recalls, product testing, and extensive research and development costs. For product manufacturers, and especially small and medium sized companies, this state-based chemicals substitution mandate is simply too costly to bear in the current economy, *or any economic condition* and ***will not*** result in measurable improvements to public health.

This legislation also does not provide the necessary resources needed to properly implement this program through a science-based approach that evaluates both exposure and harm from a chemical used in a product and places burdensome data development mandates on product manufacturers. The resource burden of this program would also escalate over time to continually review and certify products for sale in Connecticut and could jeopardize the viability of many businesses in Connecticut and around the country. This burden of this type of broad-reaching

¹ California State Senate Appropriations Committee Fiscal Summary, AB 283. Available at: http://info.sen.ca.gov/pub/07-08/bill/asm/ab_1851-1900/ab_1879_cfa_20080807_131956_sen_comm.html

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policy is simply too extensive to be instituted on a state-by-state approach. Such a burden of this type of program would threaten the very existence of many smaller toy manufacturers.

Lack of Adequate Stakeholder Input

House Bill 5314 also does not provide for adequate stakeholder input into the designation of priority chemicals or banning certain chemicals in a product category; or even the development of this program in general. The lack of such processes undermines an adequate dialogue and sharing of relevant scientific data and would likely result in arbitrary and misguided chemical use bans and elimination of products. Additionally, there is no option for a product manufacturer to demonstrate that the risks associated with the use of chemicals are adequately controlled in their product formulations. This is absolutely essential to ensuring viable and safe products remain on the market and regrettable substitutions do not result as a consequence of this program.

Conclusion

The Toy Industry Association and its members have always recognized the special relationship we have with children, who are our principal consumers; their safety and well-being is always our top priority. As parents ourselves and an industry devoted to bringing joy (and safety) to childhood, we share your interest in the safety of toys and we urge you to carefully consider the unintended consequences of the provisions proposed in this legislation and how this bill will hurt those doing business in Connecticut and force Connecticut consumers to source products through other means, at no measurable increase to product safety. Therefore, we respectfully request that you oppose the passage of House Bill 5314

On behalf of the over 500 members of Toy Industry Association, including our member companies in Connecticut, we thank you for consideration of these concerns. TIA would be happy to address any questions that you and the members of the Committee might have with regard to our concerns on this legislation.