
SUBSTITUTE HOUSE BILL 2882

State of Washington

60th Legislature

2008 Regular Session

By House Select Committee on Environmental Health (originally sponsored by Representatives Wood, Hudgins, Hasegawa, and Ormsby)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to labeling of lead-containing products; adding a
2 new chapter to Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that lead hazards
5 associated with lead-containing consumer products represent a
6 significant and preventable environmental health problem. Lead
7 negatively affects every system of the body. It is harmful to
8 individuals of all ages and is especially harmful to children and
9 adults of childbearing age. The effects of lead on a child's
10 cognitive, behavioral, and developmental abilities may necessitate
11 large expenditures of public funds for health care and special
12 education. The irreversible damage to children and subsequent
13 expenditures could be avoided if exposure to lead is reduced. When
14 consumers are provided with more and accurate information about
15 products, consumers may better choose products that they feel will
16 provide the best benefit to them individually, and the marketplace
17 works more efficiently.

18 (2) For the welfare of the people of the state of Washington, this

1 chapter establishes labeling requirements for lead-containing consumer
2 products to help educate the general public regarding its exposure to
3 lead.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Consumer" means an individual who seeks to obtain, obtains, or
7 has obtained a lead-containing consumer product from a retailer that is
8 to be used primarily for personal, family, or household purposes.

9 (2) "Department" means the department of ecology.

10 (3) "Director" means the director of the department of ecology.

11 (4) "Lead-containing consumer product" means a product, commodity,
12 chemical, or compound that contains lead and is being sold to a
13 consumer for personal, family, or household use. "Lead-containing
14 consumer product" includes products with a component that contains lead
15 or a lead compound.

16 (5) "Manufacturer" includes any person, firm, association,
17 partnership, corporation, governmental entity, organization, or joint
18 venture that produces a lead-containing consumer product or an importer
19 or domestic distributor of a lead-containing consumer product produced
20 in a foreign country. In the case of a multicomponent product
21 containing lead, the manufacturer is the last manufacturer to produce
22 or assemble the product. If the multicomponent product containing lead
23 is produced in a foreign country, the manufacturer is the importer or
24 domestic distributor.

25 (6) "Package" means the immediate container or wrapping in which
26 any product is contained for marketing, protecting, handling, or for
27 use by consumers, and also means any outer container or wrapping used
28 in the retail display of such a product to consumers.

29 (7) "Retailer" means a retailer of a lead-containing consumer
30 product.

31 (8) "Wholesaler" means every person who purchases, sells, or
32 distributes lead-containing consumer products to retailers for the
33 purpose of resale only.

34 NEW SECTION. **Sec. 3.** Nothing in this chapter should be
35 interpreted to apply when in conflict with federal law.

1 NEW SECTION. **Sec. 4.** (1) Effective January 1, 2010, a
2 manufacturer or wholesaler may not sell a lead-containing consumer
3 product at retail in this state, to a retailer in this state, or for
4 use in this state, unless the lead-containing consumer product is
5 labeled according to the guidelines listed under subsection (2) of this
6 section. However, this section does not apply to: (a) Lead-containing
7 consumer products that contain less than nine-thousandths percent lead;
8 (b) ammunition; (c) lead-containing consumer products that are under
9 one-half inch in all dimensions; or (d) lead-containing consumer
10 products in which the lead portion of the product does not come into
11 human contact during installation or use.

12 (2) A lead-containing consumer product is considered properly
13 labeled under this section if it has:

14 (a) A label that states the percentage content of lead in a minimum
15 ten-point font affixed on the outer portion of the package viewable to
16 consumers at time of purchase, or, if the lead-containing consumer
17 product is not contained in a package, then affixed directly onto the
18 lead-containing consumer product (for example, if the lead-containing
19 consumer product contains eight percent lead, the label must state
20 "eight percent lead content"); and

21 (b) An imprint directly on the lead-containing consumer product
22 that identifies the percentage content of lead in a minimum ten-point
23 font.

24 (3) The responsibility for affixing labels and the imprint required
25 under this section is on the manufacturer and not on the wholesaler or
26 retailer.

27 (4) Nothing in this section restricts the ability of a
28 manufacturer, importer, or domestic distributor from transporting
29 products through the state or storing products in the state for later
30 distribution outside the state.

31 NEW SECTION. **Sec. 5.** A manufacturer, wholesaler, or retailer may
32 not remove from a lead-containing consumer product any label or imprint
33 affixed to it that relates in whole or part to lead or lead hazards and
34 which label is required by this state.

35 NEW SECTION. **Sec. 6.** A violation of this chapter or any rule
36 adopted under this chapter is punishable by a civil penalty not to

1 exceed one thousand dollars for each violation in the case of a first
2 violation. Repeat violators are liable for a civil penalty not to
3 exceed five thousand dollars for each repeat violation. Penalties
4 collected under this section must be deposited in the state toxics
5 control account created in RCW 70.105D.070.

6 NEW SECTION. **Sec. 7.** The department may adopt rules to implement
7 this chapter.

8 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
9 a new chapter in Title 70 RCW.

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