

Legislative District 23-A
Prince George's County

Health and Government
Operations Committee

Chairman
Public Health and
Long Term Care Subcommittee

Joint Committee on
Children, Youth, and Families

Joint Committee on
Federal Relations

Joint Committee on
Investigation



The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

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February 6, 2008

TO: Members, House Health and Government Operations Committee
Members, Senate Finance Committee

Dear Colleagues,

The Peoples Republic of China is questioning this legislature's authority to protect Maryland's children from the harmful effects of lead. HB62 and SB97 would prohibit the production and sale of consumer and children's products that contain lead, irrespective of where those products are manufactured. Our purpose with these bills is to ensure that our kids are safe from exposure to toxic products that could impact their health. The bills would ban lead tainted toys and other products—including lead-tainted toys from China like those that were found and highlighted in the media during the past holidays—from entering our stores and eventually our homes.

Last week I became aware of China's concern about the bills following a communication from Beijing to the U.S. federal government and our Department of Legislative Services. China joined the World Trade Organization in 2000, and this communication came from its national WTO office. China's remarks are aimed at last special session's HB8, which I reintroduced this session as HB62 and Senator Pugh introduced as SB97. Their written comments were translated from Chinese to English,

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and I have had a chance to review the concerns, which center on trade.

In its formal communication, China acknowledged that the proposed 'technical regulation' of lead by Maryland "*will...protect the health of children,*" but nonetheless China argued that Maryland's proposed ban on lead-tainted toys "*may create unnecessary barriers to international trade.*" The statement appears to suggest that protecting our children's health is less important than international trade.

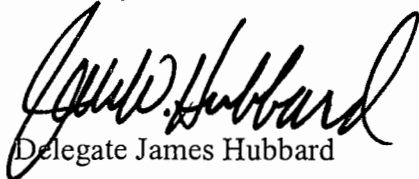
Apparently, our federal government alerted China to our bill, which resulted in the General Assembly being notified that this bill could violate international trade agreements. China appears to be requesting that the federal government try to interfere with this Maryland legislative initiative. Neither the US Trade Representative nor any other federal official has had the courtesy to contact the sponsors directly.

This interference in our legislative process concerns me deeply as I hope it does you. I discussed this issue with our friends at the Forum on Democracy and Trade, who you may recall are experts on trade and federalism policy. The Forum has prepared a few documents (see attachments) and raised questions about both the position of China and the apparent position of our government.

I believe that this interference in the state of Maryland's legislative authority is alarming and should not be taken lightly. I have invited the United States Trade Representative in Washington, DC to appear before the legislature to testify on this legislation and answer our concerns regarding the USTR and China's interference.

If you have any questions, please contact my office.

Sincerely,



Delegate James Hubbard

Cc: The Honorable Michael E. Busch, Speaker of the House
The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Kumar P. Barve
The Honorable Edward J. Kasemeyer