

Oregon House Health Care Committee
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Hearing on HB 3162
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Washington's Children's Safe Products Act passed in 2008. The law has two parts: it limits the use of lead, cadmium and phthalates in children's products sold in Washington; and it requires manufacturers of children's products to notify Ecology if their products contain chemicals of high concern for children. The limits are substantially preempted by the federal Consumer Product Safety Improvement Act but the reporting requirements were not affected.

Ecology's task was to identify chemicals of high concern for children. The statute included the characteristics of these chemicals in terms of toxicity and potential for exposure. The Governor established a goal of "about 50" chemicals.

We began by compiling two lists of chemicals: one that met the toxicity criteria and one that met the exposure potential criteria. For toxicity we relied on authoritative sources that had done a review of the existing data- like EPA's IRIS (Integrated Risk Information System) assessments and California's Proposition 65 list. For exposure we relied on authoritative sources such as the Danish EPA study of chemicals in products and NHANES (National Health and Nutrition Examination Survey) which is a nationwide biomonitoring survey done by the Centers for Disease Control and Prevention. The overlap of these two lists consisted of 476 chemicals so we began a prioritization process to whittle the list down to about 50.

Working with the state Department of Health and the University of Washington's Pediatric Environmental Health Specialties Unit (PEHSU), we focused on effects that are especially important for children- developmental and reproductive toxicity, endocrine disruption, and carcinogenicity. We also eliminated chemicals that we believed were unlikely to be found in children's products or where the data on toxicity or exposure was not well vetted. In the end, we evaluated about 3700 chemicals and identified 66 as chemicals of high concern for children.

All of the chemicals on the list were either known to be in children's products, found in human tissue through biomonitoring studies or are PBTs (persistent, bioaccumulative and toxic chemicals). The following link is to a report the agency provided to the legislature describing in detail the process we used to develop the list.

<https://fortress.wa.gov/ecy/publications/summarypages/0907014.html>

Ecology adopted rules to implement the CSPA in August, 2011. The rules include the list of chemicals of high concern and describe how manufacturers comply with the reporting requirements. We worked extensively with manufacturers around the country to determine what information should be reported and how we will use the collected information. In the end, we decided to require manufacturers to report on the amount of chemical by product component and product category. We also phased in the reporting schedule so the smallest manufacturers would report last. Finally, we required manufacturers to report on-line, which required the development of a data base as well.

Manufacturers began submitting information last August and we just completed the second round of reporting in February. Due to some state specific security requirements there have been some minor glitches, but for the most part we are very pleased with the data base. 247 companies have successfully registered to use the system. To date we have received reports on about two thirds of the chemicals on our reporting list. The next reporting deadline is in August, 2013 when the largest manufacturers will provide their first reports on their use of chemicals of concern in products like toys.

The data base includes a public portal to provide access to the reported information. This portal allows the public to search the information by a wide range of parameters. For example, you can search by chemical name, company name, function of the chemical or CAS number. The portal also allows the public to download the entire data set for their own use. To date, we have not had any complaints from the public regarding access to the information. Here is a link to the public portal. <https://fortress.wa.gov/ecy/cspareporting/default.aspx>

The Children's Safe Products Act is primarily a disclosure law and does not include the ban and alternatives assessment provisions that HB 3162 includes. We will use the data to identify where particular chemicals are widely used in the supply chains for children's products. If chemicals are found in multiple products and product components we can recommend that for that use, a safer alternative is desirable, but we cannot require it. Additional legislative action would be required. Both Oregon and Washington have been working with 6 other states to develop guidance for conducting alternatives assessments. Since that work is nearing completion, it makes sense for Oregon to take the next step and require such assessments for chemicals of concern.