Toy Industry Association, Inc.
www.toyassociation.org

April 3, 2013

The Honorable Mitch Greenlick
House Committee on Health Care
900 Court St NE, H-493
Salem, OR, 97301

RE: HOUSE BILL 2928 – OPPOSE

Dear Chairman Greenlick:

On behalf of the Toy Industry Association (TIA) and our members we respectfully write to inform you of our **opposition to House Bill 2928.** This bill includes provisions that modify the definition of "hazardous substance" and expands Oregon's hazard communications requirements.

TIA is a not-for-profit trade association composed of six hundred (600) members, both large and small in size, located throughout North America. TIA 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 consumers. 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.

TIA has concerns that, as drafted, HB 2928 is a vague expansion of existing law related to hazard communication requirements. Additionally, the provisions of the bill are duplicative, but not fully aligned, with requirements in the Federal Hazardous Substances Act (FHSA).

Our key concern is that new terms used in the bill are not properly defined, and critical processes are not outlined or detailed. Specially, this bill adds the term "chronic adverse health effect" to

the definition of "hazardous substance" without providing a clear definition, or criteria, to be used in determining what is a "chronic adverse health effect."

In Section 3 of the bill, language is added to require the director of the Oregon Health Authority (OHA) to adopt standards "for the labeling of articles that contain hazardous substances," with specific labeling requirements, but no outline or detail regarding the process, or scientific framework, to used by the Director to determine which "articles" require labeling. Line 25 specifies requirements for labeling of children's products that are NOT determined to be a hazardous substance, but does not identify the process or criteria the Director of OHA will use to determine how products qualify for this provision.

Finally, the provisions of this bill are duplicative of the FHSA, but the definitions of critical terms are inconsistent or nonexistent. The FHSA already provides requirement for labeling of "hazardous substances," and detailed guidelines for determining chronic toxicity of products subject to the FHSA are provided by the U.S. Consumer Product Safety Commission (CPSC) in 16 CFR 1500.

We respectfully request that you oppose the passage of House Bill 2928 due to the lack of clear definitions, and refrain from passing similar legislation unless amended to align with the Federal Hazardous Substances Act.

We thank you for consideration of these concerns. If you have any further questions please do not hesitate to contact Jennifer Gibbons, Director of State Government Affairs directly at 646.512.1320 or jgibbons@toyassociation.org.

Sincerely,

Jennifer Gibbons
Director, State Government Affairs
Toy Industry Association (TIA)