

Testimony to the Ways and Means Subcommittee on Human Services on House Bill 3162

May 13, 2013

Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We bring Oregonians together for a healthy environment.

The Oregon Environmental Council (OEC) **supports HB 3162**. This legislation will designate a list of high priority chemicals of concern for children's health, allows the Oregon Health Authority (OHA) to collect data on the presence of these chemicals as ingredients in children's products sold in Oregon, and require manufacturers to replace them with safer alternatives.

HB 3162 is smart public health policy that provides OHA with the necessary tools to effectively protect the health of Oregonians by reducing exposures to hazardous substances that may be encountered by children everyday.

Chemicals linked to disease are found in consumer products and in our bodies

The [Centers for Disease Control and Prevention \(CDC\) biomonitoring studies](#)¹ regularly find several hundred toxic chemicals in our bodies. According to the CDC, sources of exposure include "using products with chemicals in them or products stored in containers made with the chemicals."² Chemicals used in products are detected in our homes, air, dust, and dirt. Yet the precise origin of these chemicals is uncertain: ingredient information is not fully disclosed to consumers or health officials.

Infants and children are at greatest risk

CDC biomonitoring studies have found higher concentrations of many toxic chemicals in the youngest age groups. The natural habits of children—being on the floor; putting everything in their hands straight into their mouths; gumming, sucking and teething behaviors—these all contribute to children having higher exposures to potential harmful chemicals.

Early childhood is a critical period for preventing chronic disease

The immature metabolism of children means that their bodies are often less able to remove harmful substances from their bodies. In addition, the brain and body are most vulnerable to chemical exposure during critical windows of development, in utero through adolescence. These exposures can be a significant risk factor for chronic disease later in life.

Extensive health studies over the past 30 years have demonstrated that a range of chemicals are contributing to increases in childhood cancers (up more than 20% since 1975), breast cancer, infertility in women and men, asthma, and other chronic disease

including obesity and diabetes. It is clear that with chemicals the proverbial ounce of prevention is the best way to mitigate the effects of these chemicals.

In 2010, the [President's Cancer Panel](#)³ confirmed that toxic chemical exposure is an important risk factor for cancer. The Panel summarized its investigation into evidence linking environmental chemicals to various kinds of cancer, and concluded that, despite remaining uncertainties, **we know enough to act to reduce exposures to chemicals of concern.**

There is no doubt that one effective tool to prevent cancer and other disease is to eliminate exposure to cancer-causing and other harmful substances. We can have the greatest impact on improving our population's health if we address the exposures that occur when people are most vulnerable: in infancy and childhood.

Lack of data is a barrier to reducing health risks

Children are exposed to skin lotions, toys, bedding, comfort items and many more consumer products every day. Emerging data from Washington's Children's Safe Products Act show that children's products on the market today are currently manufactured with chemicals including formaldehyde, toluene and arsenic.⁴ If we are to prioritize exposure reduction and focus limited resources on interventions that result in the greatest improvements to our children's health, we must first understand where, when, and how exposures to potentially harmful chemicals occur.

The information obtained through HB 3162 provides data to OHA that could be used to determine which children's products are of concern, fully assess potential exposure pathways for a prioritized list of chemicals, and advance our scientific understanding of the contribution that these exposures are making to the health challenges we face.

Specifically, HB 3162 does the following:

- Designates a "High Priority Chemicals of Concern for Children's Health" list.
 - This list is the overlap of Oregon's Department of Environmental Quality [focus list of toxic chemicals](#)⁵ and Washington's ["Chemicals of High Concern for Children."](#)⁶
 - Currently that overlap is a total of 19 chemicals including formaldehyde, arsenic, bisphenol A, mercury, phthalates, cadmium, and other chemicals demonstrated through peer reviewed scientific studies to be harmful to health (see attachment for details on all 19 chemicals including health concerns, toxicity and potential sources of exposure).
- Publishes this list on the Oregon Health Authority's website with information on potential health impacts of exposure.
- Requires manufacturers of children's products sold in Oregon to disclose chemical information on those products to OHA.
 - Manufacturers of children's products with annual worldwide gross sales of less than \$5 million per year are exempt from HB 3162.
- Authorizes OHA to receive and share information about chemical ingredients with other states, advancing knowledge about the possible exposures to toxics from children's products. This includes participation in the Interstate Chemical Clearinghouse.
 - The [Interstate Chemicals Clearinghouse \(IC2\)](#)⁷ is an association of state, local, and tribal governments that promotes a clean environment, healthy communities, and a vital economy through the development and use of safer chemicals and products.

- Requires manufacturers to remove or substitute any chemicals on the list from their product(s) within 5 years.
 - Manufacturers who have removed the chemical must demonstrate that the product with any substitute chemical is inherently less hazardous.
 - Manufacturers who have not removed the chemical from the product within 5 years must apply for a waiver. A waiver can be approved based on:
 - An alternatives assessment to demonstrate that there are not economically or technologically viable alternatives that can be used in place of the chemical of concern. An alternative assessment is a recognized protocol to evaluate the environmental and health impacts of potential alternatives to problematic chemicals⁸; or
 - A quantitative exposure assessment to demonstrate that the chemical in the product does not present an exposure risk to a child.

States take the lead to reduce health risk

In 2009, the Environmental Protection Agency (EPA) acknowledged that outdated chemical laws don't protect consumers from harmful exposures to chemicals in everyday products. The President's Cancer Panel includes state governments among those responsible for setting "tangible goals for reducing toxic environmental exposures implicated in cancer causation." The same experts recommend information sharing as a "bedrock component of the environmental health regulatory system."

With federal action stalled, Washington, Maine, Minnesota and California have passed laws to identify and provide information on chemicals that pose a risk to health in consumer products. The information collected through HB 3162 can help OHA gain a better understanding of what chemicals are in the products used by children and help to evaluate whether or not there is a hazard and, if so, what can be done about it.

Companies large and small are creating safer products

In August 2012, Johnson & Johnson announced it would remove potentially cancer-causing and other dangerous chemicals from nearly all its adult toiletries and cosmetic products worldwide in less than four years. Johnson and Johnson is on track to have baby products, including its Johnson's *No More Tears* baby shampoo, reformulated with safer ingredients by the end of 2013. Adult products will be reformulated by the end of 2015.⁹

In 2009, SC Johnson began listing all of the ingredients in their products on a new website, and is also making the ingredient lists public on product labels and through a consumer hotline. The company has had all ingredients for hair care and home cleaning products public since January 2012 on its website: www.WhatsInsideSCJohnson.com. SC Johnson is listing not only the product ingredients, but providing explanations of what the ingredients do.

Oregon companies are finding profitable market niches with less toxic products.

[gDiapers](#), a Portland based biogradable diaper company that is Cradle to Cradle certified. gDiapers worked with suppliers throughout their supply chain to eliminate hazardous chemicals from their product and in the process helped suppliers across the country manufacture less toxic inputs.

[Milkies](#), a global company based in McMinnville manufactures breastfeeding products that are free of chemicals of concern such as bisphenol A and phthalates.

Milkies' WIC approved products are sold throughout Oregon, nationwide and exported to 35 countries.

HB 3162 takes an efficient and cost-effective approach by providing a streamlined process to track chemicals of concern, rather than addressing one at a time. Under HB 3162, Oregon will collect information in a manner that is already being used successfully in other states such as Washington, which avoids placing undue burdens on manufacturers.

HB 3162 provides a prime opportunity for Oregon to take meaningful steps to protect the health of our most vulnerable citizens while spurring innovation, creating niche markets and growing jobs.

The Oregon Environmental Council (OEC) urges you to support HB 3162 as a step toward reducing preventable exposures to toxic chemicals and improving the health of all Oregonians.

Thank you again for the opportunity to testify before this Committee.

On behalf of Oregon Environmental Council
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¹ Centers for Disease Control and Prevention. *National Report on Human Exposure to Environmental Chemicals*
<http://www.cdc.gov/exposurereport/>

² <http://www.cdc.gov/exposurereport/faq.html>

³ http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf

⁴ <https://fortress.wa.gov/ecy/cspareporting/default.aspx>

⁵ <http://www.deq.state.or.us/toxics/docs/ToxicsFocusList2010-2011.pdf>

⁶ <http://www.ecy.wa.gov/programs/swfa/cspa/chcc.html>

⁷ NEWMOA: IC2 Fact Sheet. <http://www.newmoa.org/prevention/ic2/about/factsheet.cfm>

⁸ United States Environmental Protection Agency, Design for the Environment (DfE)

http://www.epa.gov/dfe/alternative_assessments.html; Washington Department of Ecology, Alternatives

Assessment Guidance Document <http://www.ecy.wa.gov/programs/hwtr/ChemAlternatives/altAssessment.html>

⁹ <http://www.safetyandcarecommitment.com/>