



Representing Household & Institutional Products

Aerosol - Air Care - Cleaners - Polishes  
Automotive Care - Antimicrobial - Pest Management

March 19, 2013

The Honorable Mitch Greenlick  
Chair, House Committee on Health Care  
Oregon State Legislature  
900 Court St. NE  
Salem, Oregon 97301

**RE: HB 3162 - OPPOSE**

Dear Chairman Greenlick:

On behalf of the Consumer Specialty Products Association, I respectfully oppose House Bill 3162 (Keny-Guyer, et al), which establishes an expensive regulatory system, duplicative of other state and federal efforts which may not result in any additional public health and/or environmental protections. HB 3162 is scheduled for hearing in the Committee on Health Care on March 20.

The Consumer Specialty Products Association (CSPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$80 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. CSPA member companies employ hundreds of thousands of people globally. Products CSPA represents include disinfectants that kill germs in homes, hospitals and restaurants; candles, and fragrances and air fresheners that eliminate odors; pest management products for home, garden and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care<sup>®</sup>, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety and sustainability of their products.

CSPA members are committed to providing products that are thoroughly evaluated for human and environmental safety before they are brought to market. Our members' products meet or exceed the safety requirements of all state and federal agencies in the United States and Canada charged with regulating those products. Our industry produces products that improve the quality of human life, are necessary to maintain public health, and protect against dangerous diseases, infestations and unsanitary conditions.

**HB 3162 fails to protect confidential business information.** CSPA supports protection of investments in innovations and maintains that any green chemistry program should provide sufficient protection of trade secret/confidential business information to promote product innovations. Product formula information is a trade secret and critical part of a company's intellectual property. Product formulations can reveal the "recipe" of flagship brands that provide decades of market success for manufacturers.

The Honorable Mitch Greenlick

March 19, 2013

Page 2

While CSPA member companies understand the public's interest in formula ingredient information, this public interest requires a careful evaluation and balance with trade secret protection in a competitive market. Disclosure of seemingly isolated pieces of information about a product formula, including ingredient chemical names, concentrations, Chemical Abstract Service names and numbers, and physicochemical properties, provide key "clues" to a trained eye to unravel sophisticated formulary science in which a manufacturer made a significant R&D investment to create.

We are very concerned HB 3162 fails to adequately protect investments in innovation. Failure to protect confidential business information/trade secrets would undermine the very investment in innovation it is intended to spur. In addition, Section 7 (4) allows the Oregon Health Authority to require manufacturers to submit information to the Interstate Chemicals Clearinghouse. CSPA is concerned about a mandate to provide such confidential business information to a third party with no assurance of protection of the information.

**HB 3162 does not adequately provide for stakeholder input.** HB 3162 does not provide opportunity for public input in the creation or prioritization of the list of high priority chemicals of concern, nor in the subsequent review process. CSPA is also concerned there does not appear to be a method for removing chemicals from the list.

As drafted, the measure may result in decisions not based upon scientific rigor or merit. Additionally, the language does not adequately address issues related to essential protections of confidential business/trade secret information which is critical to continued innovation and availability of products to consumers. In some cases, it may not be in the best interests of manufacturers to sell in Oregon if competitors have access to this sensitive information.

Given the concerns noted above, we regretfully oppose HB 3162. Please contact me at (916) 838-3587 or [kpowers@cspa.org](mailto:kpowers@cspa.org) if you have questions about the Association's position on the measure.

Sincerely,

A handwritten signature in cursive script that reads "Kristin Power".

Kristin Power

Director, State Affairs – West Region

cc: Members, Committee on Health Care  
CSPA State Government Affairs Advisory Committee