

**Testimony to the Senate Health Care and Human Services Committee
February 4th, 2014**

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 SB1569**. As you know, OEC has worked for three sessions on this legislation to protect children's health and spur green chemistry innovation in manufacturing. The bill has bi-partisan sponsors and passed the House last year with a bi-partisan vote of 39-21.

However, while we continue to be confident that SB 1569 is the best way to protect children's health, we acknowledge that not all Legislators agree. We know that there is broader interest in adopting Washington's disclosure law to at least start tracking where these chemicals occur most frequently before deciding possible next steps. That is why, in the spirit of compromise, we support amending the bill and moving forward with Washington's disclosure law. Washington's law was passed in 2008 with 41 Republicans and 91 Democrats – a near unanimous vote with only 11 Legislators opposing.

I'd like to highlight 4 differences between SB 1569 as introduced and Washington's law.

1) The first is that Washington's law only requires that manufacturers of children's products disclose when chemicals are used. The bill that passed the Oregon House last year also included a phase-out of the chemicals.

2) The second is that Washington's list of chemicals of concern is 66 chemicals, instead of the 19 proposed in the original SB 1569.

The state of Washington went through an extensive scientific review to develop their list. They developed an initial list of 1800 chemicals that were found by federal and internationally recognized health agencies to harm the development of a child, cause cancer, genetic, reproductive, endocrine or nervous system damage, or be persistent and bioaccumulate in the body. From that list of 1800 chemicals, Washington narrowed it down to 66 Chemicals of High Concern to Children by using the following criteria:

- a) The chemical has been found in human umbilical cord blood, human breast milk, human urine, or other bodily tissues or fluids;
- b) The chemical has been found in household dust, indoor air, drinking water, or elsewhere in the home environment; or
- c) The chemical is present in consumer products.

3) The third difference is that Washington requires disclosure for companies of all sizes, while both the original SB 1569 and the proposed amendment only pertain to companies

with gross sales of at least \$5 mil/year. This small business exemption allows larger companies to lead the way and create space in the market for green chemistry.

4) The fourth difference is that Washington allows the public to add or remove chemicals from the list by petition while the original SB 1569 does not. Washington's Department of Ecology reviews submitted petitions and takes them into consideration when revising the list. This has been successfully used twice in Washington – once to add a chemical to the list and once to remove a chemical. Since the petition system has worked well in Washington, it is included in the proposed amendment.

The Washington law is working - in a six-month period in 2013, 78 manufacturers reported to Washington state more than 4,500 children's products containing any of 49 chemicals of high concern for children. Among the chemicals reported are formaldehyde, bisphenol A (BPA), phthalates, heavy metals and industrial solvents. These chemicals are carcinogens, endocrine disruptors, and chemicals toxic to the reproductive system or to development. Manufacturers include well-known national entities such as Gymboree and Mattel. Products reported on included toys, bedding, clothing, personal care products and tableware.

SB 1569 is smart public health policy that provides Oregon Health Authority with the necessary tools to effectively protect the health of Oregonians by reducing exposures to hazardous substances that may be encountered by children everyday.

There are many reasons to support SB 1569 and the public's right-to-know what chemicals are present in children's products.

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

The [Centers for Disease Control and Prevention \(CDC\) biomonitoring studies](#)ⁱ 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.”ⁱⁱ 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](#)ⁱⁱⁱ 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.**

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^{iv}. In order 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 SB 1569 provides data to OHA that could be used to determine which children's products are of concern, fully assess exposure pathways for a prioritized list of chemicals, and advance our scientific understanding of these exposures to adverse health impacts.

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 SB 1569 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.^v

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.

SB 1569 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 SB 1569, 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.

The Oregon Environmental Council (OEC) urges you to support SB 1569 and the proposed amendment 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
Angela Crowley-Koch

ⁱ Centers for Disease Control and Prevention. *National Report on Human Exposure to Environmental Chemicals*
<http://www.cdc.gov/exposurereport/>

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

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

^{iv} <https://fortress.wa.gov/ecy/cspareporting/default.aspx>

^v <http://www.safetyandcarecommitment.com/>