

Oregon Senate Committee on Environment and Natural Resources  
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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 first 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. As part of our list development, we consulted extensively with our department of Health and with the physicians and toxicologists at the University of Washington. All of the chemicals on the list are 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 in August, 2012 and we have completed three rounds of reporting to date. 449 companies have registered and we've received almost 25,000 reports on chemicals present in children's products sold in WA. There are a number of lessons learned so far. One is that our definition of contaminant is too broad and doesn't tell us enough about why a chemical is present in a product. This information is important for assessing alternatives and evaluating opportunities for further action. I believe the definitions in SB 478 will address this issue and improve the quality of the data you get without any additional burden to manufacturers who have to report.

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>

In the 2014 budget, Ecology requested and received funding to test products covered by CSPA and other product laws now on the books. We depend on product testing as our primary

method of assuring compliance and developed a separate data base to help us manage the information we are gathering on products sold in Washington. This data base also has a public face. (<http://www.ecy.wa.gov/programs/swfa/cspa/>)

I've brought along several examples of children's products we've tested. This little shoe was tested in 2012. The orange bottom of the sandal contains 440,000 ppm phthalates (44%). Since it isn't a toy, it is not regulated by the federal government and our standards apply. We worked with the company and they removed the product from the shelves and reformulated.

Here is a small sheriff's badge that contains more than 400 ppm lead. It exceeds our standards but is a toy and is therefore regulated by the Consumer Product Safety Commission. We forwarded our information to them for action.

The Children's Safe Products Act is primarily a disclosure law and does not describe how the agency should use the reported information. We are currently working to analyze the reported data to prioritize the most concerning uses of chemicals for possible further action. Since our law doesn't give the agency the authority to require alternatives assessments or to restrict uses of these chemicals, at this point we can only recommend these steps be taken. Our legislature is considering proposed legislation that would authorize Ecology to require alternatives assessments, including hazard assessments, to help identify safer alternatives to chemicals of high concern and avoid regrettable substitutions.

Both Oregon and Washington worked with 6 other states to develop guidance for conducting alternatives assessments. That work is now completed and the National Academies of Science have also issued guidance on alternatives assessment. It makes sense for states to take the next step and begin using these new tools to protect people and the environment.

Finally, we know that any list of chemicals of concern cannot be static. Currently we are planning to update the rule and our list in 2017.