

SB 478: Toxic-Free Kids Act

Rep. Alissa Keny-Guyer Testimony to Senate Environment Committee, 3/2/15

I am honored to co-sponsor SB 478, the Toxic-Free Kids Act, on behalf of Oregon families. This common-sense bill will help protect Oregon's children from exposure to dangerous chemicals linked to serious developmental disorders and deadly diseases.

Numerous Oregon businesses, community and environmental groups, such as Oregon Environmental Council, and health organizations, including OMA, ONA, OHSU, Providence, Legacy Health Systems, Moda, Upstream Public Health, and Oregon Public Health Institute, support this bill because scientific evidence links certain chemicals to an epidemic of chronic diseases and disorders.

Research has shown that dangerous toxins, including arsenic, mercury, formaldehyde, phthalates and BPA are present in children's products, and show up in children's bodies, human cord blood, breast milk, urine and other bodily tissues.

Toxic chemicals have been linked to cancer, asthma, Parkinson's disease, infertility and genetic damage, fetal & child development, learning disabilities, liver toxicity, and diabetes. Pediatricians are now diagnosing children as young as five with diabetes because hormone disruption is speeding up the development of the disease.

The cost of environmentally attributable childhood diseases and disabilities in OR is estimated at \$1 billion per year.

Oregon is transforming our health care system to improve coordinated, with a special focus on better managing the care of the 20% of the population who consume 80% of the costs, often due to chronic diseases.

We are also transforming our education system from birth to 20 to better coordinate support for children who are at risk due to health challenges, learning disabilities, ADD, and autism, among other factors.

In addition to better coordinating our health, education, and human services for those who most need it, we must do all we can to prevent the occurrence of chronic diseases and disorders. SB 478 aims to do just that.

Given how the federal government regulates the safety of food and the National Highway Traffic Safety Administration regulates car seats for crash safety, many people are shocked to learn that companies are currently not required to disclose the presence

of toxic chemicals in their products to either the health department or the consumer. Oregon parents don't know whether the teething ring they hand their infant, the rubber duckie they put in their toddler's bath, or even the car seat they use to keep their newborn safe, contains chemicals that could make them sick.

SB 478 will help protect our kids' health through the following steps:

- OHA will establish a list of the 66 "High Priority Chemicals" that pose the biggest threat to children's health.
- It will publish this list on its website with information about potential health impacts of exposure.
- Within 2 years of passage, the bill requires manufacturers of children's products with gross annual worldwide sales of \$5 million or more to tell the Oregon Health Authority when their children's products contain any of these dangerous chemicals.
- These steps mirror the measures already passed by the Washington legislature with strong bipartisan support in 2008. Our bill intends to cover the same products and the same chemicals, making it easy for manufacturers to comply, and allowing Oregon to build on the rule making and implementation in Washington. The disclosure part of our bill has two main differences with the Washington program:
- SB 478 exempts manufacturers with global sales under \$5 mil/yr, and it redefines contaminants since the definition in Washington's law was vague and has caused problems. We are fortunate to have a representative from the WA Dept of Ecology here to share how her program works, and to be able to build on the lessons learned in WA.
- Within 6 years of passage, SB 478 requires these manufacturers to phase out these toxins in products **where the greatest exposure and harm can occur**: products that go in the mouth, products that go on the skin and hair, and products intended for children under 3.
- Manufacturers can apply for a waiver if they show that children are not exposed to the chemicals in the product, or if there are no economically feasible alternatives on the market.

The point of the bill is that **if there are safer alternatives to toxic chemicals, large manufacturers should replace them!** And we give them 6 years to do so!

This bill is not only good for our kids, it is good for Oregon's economy, first by helping Oregon's emerging green chemistry entrepreneurs and encouraging innovation among manufacturers (including our home grown ones) who sell to businesses in Oregon.

Oregon universities and entrepreneurs are leading research & development of new, safer alternatives to replace chemicals of concern. A joint OSU/UO center received \$20 million in federal funding for commercialization of innovative, safer chemicals for use by key industries in Oregon and beyond. Once they develop safer alternatives, manufacturers should use them!

The bill will also help local retailers have confidence in the safety of the products they sell—and may even increase sales in other states when consumers hear about the steps Oregon has taken to protect children's safety.

SB 478 uses state resources efficiently by providing clear authority and a streamlined process to track chemicals of concern. Clear guidelines and promoting safer alternatives through the hazards assessment will combat these dangers more efficiently than addressing emerging risks one at a time.

This bill does not regulate chemicals in products that are already regulated by the federal government. In addition, food and food packaging is exempt from this bill. But when it comes to chemicals in other children's products, the federal government recognizes the need for greater protection but has been slow to pass and implement laws. If/when Congress does pass an updated and more effective Toxic Substances Control Act, it will pre-empt state regulation over chemicals in those products.

We cannot wait for the federal government to take action to protect Oregon's children. Like Washington, Maine, Minnesota and California—states which have acted to protect their children—it is our responsibility to protect ours. This bill makes sense for Oregon's businesses, Oregon's parents, and most importantly, Oregon's children. We have the scientific knowledge to know which chemicals are dangerous to our children and the responsibility to protect our children from them. SB 478 will allow us to do just that.