

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Environment and Natural Resources

REVENUE: No revenue impact (-8)**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Beth Reiley, Administrator**Meeting Dates:** 3/2, 3/18

WHAT THE MEASURE DOES: Requires Oregon Health Authority (OHA) to establish and maintain list of high priority chemicals of concern for children's health when used in children's products. Instructs OHA to include on list any chemical currently listed on Washington State Department of Ecology's Reporting List of Chemicals of High Concern to Children. Requires OHA to post list and information on health impacts associated with exposure on its website. Requires OHA to review and revise list every three years. Requires manufacturers of children's products sold in state containing chemical included on list in amount over or above specified minimum level to provide biennial notice including name, registry number, amount and function of chemical used in the children's product. Requires manufacturer to remove, make substitution or seek waiver for chemical present in children's product on or before date on which manufacturer submits third biennial notice if chemical is mouthable, cosmetic, or made for or marketed to children under three years of age. Authorizes manufacturers with 25 or fewer employees to apply for two year extension on requirement to remove or substitute chemical in children's product. Requires manufacturer to submit a hazard assessment to the authority upon removing listed chemical explaining how the product and any substitutes are less hazardous than before substitution. Requires OHA to grant waiver to manufacturer if removal of the chemical of concern is not technically or financially feasible, or includes a quantitative exposure assessment demonstrating a health risk is not reasonably anticipated to occur. Exempts manufacturers with annual worldwide gross sales of less than \$5 million. Authorizes OHA to participate in Interstate Chemicals Clearinghouse, conduct tests of children's products, establish fees for manufacturers based on administration of program and deposit fees in High Priority Chemicals of Concern for Children's Health Fund. Authorizes OHA to impose civil penalty for violation of disclosure or removal or provisions of Act of not exceeding \$5,000 or \$10,000 for continuing violation. Authorizes OHA to impose civil penalties not to exceed \$2,500 or \$5,000 for each subsequent violation if manufacturer violates disclosure of certain notice requirements and fails to cure the violation within 90 days of receiving notice from OHA. Requires authority to report to the public health, environment and natural resource committees of legislature no later than September 15 of each odd-numbered year and include certain information related to the program.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

(Proposed -4 Amendment) Replaces measure. Requires Oregon Health Authority (OHA) to establish and maintain list of high priority chemicals of concern for children's health when used in children's products. Instructs OHA to include on list any chemical currently listed on Washington State Department of Ecology's Reporting List of Chemicals of High Concern to Children. Authorizes OHA to review and make recommended revisions to list. Requires OHA to present recommended revisions to Legislative Assembly. Prohibits OHA from adopting revision until Legislature expresses consent. Requires manufacturer of children's product containing chemical on list to provide notice to OHA that product contains certain chemical, if it has been removed, or if product is no longer for sale. Authorizes OHA to adopt rules to carry out provisions of Act. Authorizes OHA to participate in Interstate Chemicals Clearinghouse. Authorizes OHA to impose civil penalties not to exceed certain limits. Requires OHA to adopt rule schedule phasing in reporting requirements. Sunsets Act January 2, 2020.

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This summary has not been adopted or officially endorsed by action of the committee.

(Proposed -7 Amendment) Removes kitchen merchandise from definition of children's product.

Proposed -8 Amendment) Removes kitchen merchandise from definition of children's product. Clarifies children's product is not food and packaging regulated by United States Department of Agriculture. Defines Manufacturer.

BACKGROUND: Senate Bill 478 (High Priority Chemicals of Concern for Children's Health) would establish a list of high priority chemicals for children's health used in children's products, require manufacturers to provide notice of chemicals on the list, and requires manufacturers to remove or substitute for the chemical under certain circumstances. Similar legislation has been passed in other states, notably Maine's Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products and Washington's Children's Safe Products Act.