



**Testimony to the Human Services Subcommittee on SB 478A
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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative solutions to Oregon's environmental challenges for today and future generations.

The Oregon Environmental Council (OEC) **supports SB 478A**. This bipartisan legislation will designate a list of high priority chemicals of concern for children's health, allow the Oregon Health Authority (OHA) to collect data on the presence of these chemicals as ingredients in children's products sold in Oregon, and, for certain products, require manufacturers to replace them with safer alternatives.

SB 478A is smart public health policy that provides OHA with the necessary tools to effectively protect children's health by reducing exposures to hazardous substances that may be encountered by children everyday.

If there is just one point you take home today, I hope it is this: there is sound scientific evidence showing that each of the chemicals on this list are of high concern to children's health. Each of them are found to have one or more of the following properties:

- a) Harm the normal development of a fetus or child or cause other developmental toxicity;
- b) Cause cancer, genetic damage, or reproductive harm;
- c) Disrupt the endocrine (hormones) system;
- d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;
- e) Be persistent, bioaccumulative, and toxic; or
- f) Be very persistent and very bioaccumulative.

Manufacturers do not have to use toxic chemicals; many safer alternatives are already on the market.

Knowing this, and that children are more vulnerable to toxic exposures than adults, it is time to take common sense steps to create a safer conditions for our kids.

Common sense, bipartisan bill

SB 478A is nearly the same as HB 3162 that passed the House of Representatives in 2013 with bipartisan support. The bill was crafted in 2013 by Rep. Keny-Guyer and Rep. Conger, is narrow in scope, and includes common sense provisions for small and large businesses alike. In particular, I want to remind you of the waiver process – if a company cannot technically or economically replace a chemical, they can apply for a waiver. In addition, if a company demonstrates that the chemical is not leaching out of the product, they can also apply for a waiver.

This bill is also reasonable when looking at other states. The disclosure piece of the bill will be streamlined with Washington. California has taken a much broader approach, with a list of around 1,200 chemicals, a required alternative analysis on the full lifecycle of every product. SB 478A is a modest next step from Washington's bill, but not as comprehensive as California's law.

Amendments

In the Senate Environment and Natural Resources Committee, amendments were adopted that made several technical changes and two substantial changes.

SB 478A includes the following changes:

1. Deletes "Kitchen Merchandise" from the list of items defined as children's products
2. Includes "beverage and food and beverage packaging" in the current list of exemptions
3. Includes food and beverages regulated by the USDA in the current list of exemptions
4. Fixes a technical error in the definition of manufacturer
5. Allows analysis used in California's Green Chemistry Law to be used in this bill
6. Limits the number of chemicals to five that OHA can add to the list of chemicals during its review of the list every three years
7. Changes the definition of "mouthable" in the phase-out section to narrow the scope of products that fall under that definition

The bill sponsors are asking for two additional amendments to be adopted.

The -16 amendment clarifies the existing food packaging exemption.

The -18 amendment makes the following changes:

1. Changes the definition of "contaminant" and "intentionally added chemical" to classify more chemicals of concern as contaminants, in alignment with Washington
2. Expands product exemptions to specifically include a broader range of "sporting equipment and accessories"
3. Requires OHA to grant exemptions to manufacturers for the notice requirements when a chemical of concern is present in a kids product as a contaminant, provided that the manufacturer has a "Manufacturing Control Program" in place as described in rulemaking - this is also a provision in Washington state's law

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.

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.**

There is no doubt that one effective tool to help 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. With chemicals the proverbial ounce of prevention is worth a pound of cure.

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. 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}. If we are 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 478A provides data to OHA that could be used to determine which children's products are of concern, fully assess potential exposure pathways for a prioritized list of chemicals, and advance our scientific understanding of the contribution that these exposures are making to the health challenges we face.

Specifically, SB 478A does the following:

- Designates a "High Priority Chemicals of Concern for Children's Health" list, which is identical to Washington's list of 66 Chemicals of Concern.
- Publishes this list on the Oregon Health Authority's website with information on potential health impacts of exposure.
- Requires manufacturers of children's products sold in Oregon to disclose chemical information on those products to OHA.
 - Manufacturers of children's products with annual worldwide gross sales of less than \$5 million per year are exempt from SB 478A.
- Authorizes OHA to receive and share information about chemical ingredients with other states, advancing knowledge about the possible exposures to toxics from children's products. This includes participation in the Interstate Chemical

Clearinghouse.

- The [Interstate Chemicals Clearinghouse \(IC2\)](#)^v is an association of state, local, and tribal governments that promotes a clean environment, healthy communities, and a vital economy through the development and use of safer chemicals and products.
- Requires manufacturers to remove or substitute any chemicals on the list from a subset of product(s) within six years.
 - Manufacturers who have removed the chemical must demonstrate that the product with any substitute chemical is inherently less hazardous.
 - Manufacturers who have not removed the chemical from the product within six years must apply for a waiver. A waiver can be approved based on:
 - An alternatives assessment to demonstrate that there are not economically or technologically viable alternatives that can be used in place of the chemical of concern. An alternative assessment is a recognized protocol to evaluate the environmental and health impacts of potential alternatives to problematic chemicals^{vi}; or
 - A quantitative exposure assessment to demonstrate that the chemical in the product does not present an exposure risk to a child.

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 478A 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 of its adult toiletries and cosmetic products worldwide in less than four years. Johnson and Johnson reformulated its baby products to have safer ingredients in 2013. Adult products will be reformulated by the end of 2015.^{vii}

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. A couple of examples include:

[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 478A 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 478A, 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.

SB 478A provides a prime opportunity for Oregon to take meaningful steps to protect the health of our most vulnerable citizens while spurring innovation, creating niche markets and growing jobs.

The Oregon Environmental Council (OEC) urges you to support SB 478A 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.

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 NEWMOA: IC2 Fact Sheet. <http://www.newmoa.org/prevention/ic2/about/factsheet.cfm>

^{vi} United States Environmental Protection Agency, Design for the Environment (DfE)
http://www.epa.gov/dfe/alternative_assessments.html; Washington Department of Ecology, Alternatives Assessment Guidance Document <http://www.ecy.wa.gov/programs/hwtr/ChemAlternatives/altAssessment.html>

^{vii} <http://www.safetyandcarecommitment.com/>