

STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Fiscal: Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/15/15**Action:** Do Pass With Amendments. (Printed A-Eng.) Request Referral To Ways And Means .**Meeting Dates:** 03/02, 04/15**Vote:**

Yeas: 3 - Dembrow, Edwards, Prozanski

Nays: 2 - Olsen, Thomsen

Prepared By: Beth Reiley, Committee Administrator**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 but stipulates that no more than five chemicals can be added to list during each three-year revision period. 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 hazard assessment to OHA upon removing listed chemical. Requires OHA to grant waiver to manufacturer if removal of chemical of concern is not technically or financially feasible, or includes quantitative exposure assessment demonstrating 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 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 violation within 90 days of receiving notice from OHA. Requires OHA to report to 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:

- Eligibility for waivers
- Public health risks
- Effect of certain chemicals on developing children
- Federal process for regulating chemicals

EFFECT OF COMMITTEE AMENDMENT:

Removes kitchen merchandise from definition of children's product. Clarifies children's product is not beverages and disposable packaging for food and beverages regulated by United States Department of Agriculture. Defines "manufacturer" and "mouthable." Stipulates Oregon Health Authority may not add more than five chemicals to list of high priority chemicals during each three-year revision period. Authorizes assessment or quantitative exposure assessment to be conducted in manner consistent with California's program for reducing toxic chemicals in consumer products. Stipulates first biennial notice for chemicals contained in children's products included on list adopted on January 1, 2016 must be submitted no later than January 1, 2018.

BACKGROUND:

Senate Bill 478A would establish a list of high priority chemicals for children's health used in children's products, require manufacturers to provide notice including the name, registry number, amount and function of the chemicals on the list used in the children's product, and require 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.