

SB 836 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 4/5

WHAT THE MEASURE DOES:

Redefines "de minimus level" as a concentration of 100 parts per million. Creates exemption from specified provisions of Toxic-free Kids Act for any component of children's product that is inaccessible and would not under reasonably foreseeable use or abuse come into direct contact with the skin or mouth of a child under 12 years of age. For purposes of applying for an exemption from certain notice requirements, allows a manufacturer to conduct a single manufacturing control program for multiple contaminants. Limits fees for applications for exemptions to \$2,000 for an initial application, \$500 for a revised application, and \$250 for an application renewal.

Directs Oregon Health Authority (OHA) to conduct an analysis to determine which chemicals should be subject to removal and substitution requirements and to quantify the risk a chemical poses for a child on the basis of likely exposure from intended or reasonably anticipated use. Requires that OHA find that a chemical poses an unreasonable risk to children to determine it must be removed and substituted. Requires OHA to consider if state actions would be duplicative of federal law or rule. Requires OHA to prepare and submit report to an interim legislative committee related to health following a determination of which chemicals should be subject to removal and substitution. Specifies report contents. Upon receiving report, directs interim committee to file a request for a proposed legislative measure to ratify the OHA determination.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2015, the Legislature established the "Toxic-Free Kids Act" requiring the Oregon Health Authority (OHA) to establish and maintain on its website a list of designated high priority chemicals of concern for children's health used in children's products and to periodically review and revise the list (Senate Bill 478). The Act requires manufacturers of certain children's products to provide notice to OHA regarding the chemicals on the list and to remove, make substitution, or seek a waiver for a chemical present in a children's product on or before the date on which the manufacturer submits a third biennial notice if the product is mouthable, cosmetic, or made for or marketed to children under three years of age. Similar legislation has been passed in other states, including 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.

Senate Bill 836 would require legislative ratification of chemicals in certain children's products that the OHA determines should be removed and substituted.