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DATE: April 5, 2017

TO: Senate Environment & Natural Resources Committee
FROM: Joel Nigg, Ph.D.
RE: Testimony in Opposition to Senate Bill 836

Dear Chairman Denbrow and Distinguished Committee Members:

Thank you for the opportunity to comment in opposition to SB 836. I conduct research at Oregon Health & Science University. While I work at OHSU and while OHSU fully supported SB 478, the Toxic Free Kids Act, I emphasize that I am representing only myself in my remarks today and not OHSU.

My research examines causes and correlates of children's neurodevelopmental, mental, and behavioral disorders. In that regard I have published some 200 peer-reviewed scientific articles, many about cognitive development and ADHD, including genetics and toxic exposures. I speak today from my perspective on the science and my career work of promoting children's healthy brain development and seeking to reduce these conditions.

I oppose SB836 because for all practical purposes it would roll back protections for children established previously under SB 478 the "Toxic Free Kids Act" and put more hurdles in the way of kids' health.

I'd like to share my perspective on the scientific basis for the Toxic Free Kids Act. In general, it's my opinion that the precautionary process the legislature established for the Toxic Free Kids Act is scientifically sound. The changes proposed under SB 836 would weaken the process you created. I offer four points for your consideration:

First, the science is there to justify strong protections for kids.

The scientific evidence on many chemicals of concern is substantial. These are not speculative concerns. These are well-substantiated concerns reflected in a large and ever-growing body of peer-reviewed scientific literature. The history of research and policy in this area over the past century is instructive and sobering. Once research demonstrates that a chemical is a threat to children's health, further research almost invariably finds that the picture is worse, not better, than initially thought. SB 836 ignores this trend.

Second, chemicals can move.

Since chemicals can move and migrate from products, it is almost never scientifically sound to *assume, without testing*, that a chemical used in a product is "inaccessible". Inaccessibility should have to be demonstrated. Assuming that a chemical of concern is safe until proven otherwise, especially after a scientific basis of concern has emerged, is not a scientifically sound approach and has robbed opportunity from many children. SB 836 would create a major loophole around inaccessible components.

Third, science not politics should drive decisions about kid's health.

The Toxic Free Kids Act appropriately adopted a more precautionary hazard-based, rather than risk-based, approach to protecting children. That's a big step in the right direction. SB 836 would throw this into reverse—it would needlessly raise the bar for action and move decisions away from science and into politics.

Finally, we need urgent action on this issue.

The urgency of protecting kids from toxic chemicals, like those that harm the brain, grows every year. The scientific community has no ambiguity about the big disconnect between what we know, and what we are doing about it. The Toxic Free Kids Act takes action on a variety of chemicals of concern that are already scientifically linked to health impacts like cancer and brain development.

Below is an excerpt from a consensus statement signed by 50 scientists and public health professionals published in 2016 in a leading scientific journal:¹

Our failures to protect children from harm underscore the urgent need for a better approach to developing and assessing scientific evidence and using it to make decisions. We as a society should be able to take protective action when scientific evidence indicates a chemical is of concern, and not wait for unequivocal proof that a chemical is causing harm to our children.

We need to overhaul our approach to developing and assessing evidence on chemicals of concern for brain development. Toward this end, we call on regulators to follow scientific guidance for assessing how chemicals affect brain development, such as taking into account the special vulnerabilities of the developing fetus and children, cumulative effects resulting from combined exposures to multiple toxic chemicals and stressors, and the lack of a safety threshold for many of these chemicals ([Committee on Improving Analysis Approaches Used by the U.S. EPA 2009](#)).


We call on businesses to eliminate neurodevelopmental toxicants from their supply chains and products, and on health professionals to integrate knowledge about environmental toxicants into patient care and public health practice.

This statement reflects the general consensus among scientific experts. We've already taken too long to address this issue. Willfully neglecting to take action despite the scientific evidence means that more harm will come to the next generation of children. That is not acceptable.

The Toxic Free Kids Act provides a modest, sensible, even minimal approach. Let it do its job for Oregon families, parents, and kids. Let Oregon Health Authority use the science and implement the best science-based process. Don't add obstacles to kid's safety by moving back into the realm of vested interests and political dispute.

I encourage you to stay the course in protecting children and oppose Senate Bill 836.

Thank you,



Joel Nigg, Ph.D.

¹ The TENDR Consensus Statement. [Environmental Health Perspectives](https://ehp.niehs.nih.gov/ehp358/), Vol 124, Issue #7. July, 2016. Available at <https://ehp.niehs.nih.gov/ehp358/>