



April 5, 2017

Senator Michael Dembrow, Chair
Senate Committee on Environment & Natural Resources
State Capitol
Salem, Oregon

RE: SENATE BILL 836 – SUPPORT

Dear Chair Dembrow & Committee Members:

On behalf of the Toy Industry Association (TIA) and our members we appreciate the opportunity to comment in support of Senate Bill 836, which proposes changes to the regulatory program established in 2015 by Senate Bill 478. SB 836 is necessary because the implementation of the law has resulted in a regulatory program that is overly broad and poses significant compliance challenges for the regulated community.

TIA is a not-for-profit trade association representing over nine hundred (900) toy makers, marketers, distributors and retailers, large and small, located throughout North America. TIA is founded on the mission of bringing fun and joy to children's lives, and TIA and our members have long been leaders in toy safety. In this role, we develop safety standards for toys, working with industry, government, consumer organizations, and medical experts. Manufacturing safe and compliant products is a top priority for our members, and we have worked with the Oregon Health Authority (OHA) since this law was passed to identify and address compliance challenges through program rules.

TIA supports Senate Bill 836 because it provides a reporting exemption for "inaccessible parts or components" which aligns Oregon's program with those in Washington State, Vermont and Maine. Additionally, both international regulations and federal laws, under the Federal Hazardous Substances Act and the Consumer Product Safety Improvement Act, acknowledge that "inaccessible components" pose little to no exposure risk. The OHA issued a determination during the rulemaking process that they were unable to exclude "inaccessible components" from reporting due to statutory definitions.

SB 836 seeks to define "inaccessible component" as, "any component of a children's product that is inaccessible and that would not during reasonably foreseeable use of the product or reasonably foreseeable abuse of the product, come into direct contact with the skin or mouth of a child under 12 years of age." This aligns Oregon with other state programs without compromising consumer safety.

Additionally, OHA established a schedule of fees that companies will pay for reporting, as well as fees for exemption requests. The current fee schedule provides that OHA outside consultants will be paid \$12,000 up front to review information from a manufacturer to demonstrate processes they already have in place. It's unclear how this fee was determined. SB 836 limits fees provided to outside consultants for these reviews to \$2,000 since much of the information being reviewed is compliant with, or certifications from, federally and internationally recognized safety regulations and standards. The bill does not change fees paid to the OHA for reporting which funds the program.

Lastly, SB 836 gives the legislature the opportunity to review the program before the most costly portion of the law become effective. This bill requires the OHA to analyze the data collected, and provide a report to legislature prior to implementing the costliest phase of the program which bans certain materials and products. The cost and complexity of this program requires direct legislative oversight to ensure success.

Senate Bill 836 does not repeal the current law, and OHA will still be charged with implementing regulations that go beyond the requirements of any other state, federal or international law. Companies will still be required to report to the OHA the presence of 66 chemicals in their products by December 31, 2017. OHA will still have the authority to add chemicals to that list for future reporting. Product reports will still be made available to the public. Companies will still pay higher fees to comply with Oregon's program than similar programs in other states.

We thank you for your consideration of these proposed changes to existing law to ensure companies are able to comply with this program, and can continue to sell safe and fun products in Oregon. TIA would be happy to address any questions that you and the members of the committee might have regarding current program rules, or our support of this legislation. Please feel free to contact me at jgibbons@toyassociation.org or 646-512-1320 for more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Gibbons', with a long horizontal flourish extending to the right.

Jennifer Gibbons
Senior Director, State Government Affairs
Toy Industry Association (TIA)