



April 5, 2017

**To:** Senate Environment and Natural Resources Committee members  
**From:** Consumer Technology Association  
**Subject:** SB 836 Toxic Free Kids Act and Inaccessible Components

Dear Chairman Dembrow and Committee Members,

Consumer Technology Association writes in support of Senate Bill 836, specifically Section 2 which excludes inaccessible components from the requirements of the 2015 Toxic Free Kids Act. This would bring Oregon's policy on "inaccessible components" in line with the State of Washington, which was the original intent of legislators who passed SB 478 in 2015.

The Consumer Technology Association (CTA) and their members are requesting that the state or Oregon follow similar regulatory requirements found in other state (e.g., Vermont, Maine, Washington) and federal programs. In doing so, the law should distinguish between inaccessible components that do not come into contact with children and therefore, do not create an unreasonable risk of exposure and other parts of the product that do come into contact with or are likely to come into contact with children. Without this distinction, our members and many other businesses will face new, expensive regulatory requirements that will not further the goals of the statute or product safety.

The statute states in pertinent part:

SECTION 4(1)(a) A manufacturer of a children's product sold or offered for sale in this state that contains a chemical included on the list... in an amount at or above de minimis level shall provide a biennial notice...to the Oregon Health Authority..." [emphasis added]

CTA agrees that manufacturers and those responsible for the sale of "children's products" as defined by statute must abide by regulations created in SB 478 (2015), unless granted a waiver. It is, however, important to understand both what a "children's product" is and what it is not for purposes of future regulation.

A “children’s product” means products made for or marketed to children under 12, including children’s clothing, footwear, car seats, cosmetics, children’s jewelry, toys and “[a]ny component part of a product specified” of those items identified above. Importantly, any component part of a product does not mean “all” component parts, including inaccessible components. Instead, “any” refers to “one, some or all indiscriminately of whatever quantity.” Providing a clear distinction in statute – not including inaccessible components – is consistent with Washington’s current reporting requirements.

Lastly, mirroring Washington’s reporting program is consistent with the legislative intent of SB 478, which established the Toxic Free Kids Act. Representative Keny-Guyer, a key sponsor of that bill, stated in her testimony on March 2, 2015 that the bill requirements:

“...mirror the measures already passed by the Washington legislature with strong bipartisan support in 2008. Our bill intends to cover the same products and the same chemicals, making it easy for manufacturers to comply and allowing Oregon to build on the rule making and implementation in Washington.” [emphasis added]

In order to better meet both legislative intent and Oregon APA policy objectives conforming state rules to equivalent federal laws, OHA should, in statute, exclude inaccessible components from regulation.

Consumer Technology Association urges the Committee to pass SB 836.