

HB 3055 -1 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

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Meeting Dates: 3/28

WHAT THE MEASURE DOES:

Defines terms. Defines "fire-retardant chemical," subject to the provisions of this Act, as (Tris(2-chloroethyl) phosphate), (Tris(1,3-dichloro-2-propyl) phosphate), or another chemical within the class of polybrominated diphenyl ethers that is used for the purpose of reducing flammability of fabrics, foams, or other components of mattresses or children's products and that the Oregon Health Authority (OHA) determines by rule poses an unacceptable risk to the health of consumers in Oregon. Prohibits a retailer from selling or offering for sale in Oregon a mattress or children's product that incorporates or bears a fire-retardant chemical in concentrations of more than one tenth of one percent by mass, unless the person affixes or attaches a visible and conspicuous warning to the item. Specifies what the warning must say. Establishes civil penalties of \$1,000 for a first violation and \$2,500 for each subsequent violation, to be imposed by the OHA. Authorizes OHA to petition a circuit court for an injunction restraining further violations of the provisions of this Act. Becomes operative January 1, 2020 and applies to sales of mattresses and children's products on or after the operative date. Authorizes OHA to adopt rules and take any other action necessary for the administration of the provisions of this Act. Takes effect on 91st day after sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Modifies definition of "children's product" to mean a consumer product that is designed or intended for the care of or use by a child under 12 years of age. Modifies definition of "fire-retardant chemical," subject to provisions of this Act, to mean (Tris(2-chloroethyl) phosphate) or (Tris(1,3-dichloro-2-propyl) phosphate). Removes exception for sale of product with a warning affixed or attached. Removes definition of "visible and conspicuous" and specific language for the warning.

BACKGROUND:

To help reduce injury and loss of life related to fire, flame retardants, also called fire retardants, can be added to foams and fabrics to delay combustion of furniture and other household items.

Polychlorinated biphenyls (PCBs) were used in the U.S. from the 1920s through the 1970s, and polybrominated biphenyls (PBBs) were used primarily during the 1970s, as flame retardants, coolants, and lubricants, until scientists documented their health hazards. These health hazards included persistence in the environment, ability to accumulate in the human body, cancer, damage to the stomach, kidney, and liver, and thyroid problems. Polybrominated diphenyl ethers (PBDEs) were introduced in the 1960s, and production quickly increased as an alternative to PCBs and PBBs, which were phased out of use in the mid to late-1970s. However, scientists found that PBDEs also persist in the environment, build up rapidly in breast milk and human blood, and cause cancer, neurological deficits, hormone disruption, developmental problems, and impaired fertility. Makers of PBDEs in the U.S. stopped production of certain PBDEs in the early 2000s, and remaining PBDEs are in the process of being phased out. Meanwhile, PBDEs remain present in older furniture, products containing foam, carpet padding made of recycled foam, casings of older electronics, wire insulation, some textiles, automobiles, and airplanes. The category of chemicals called chlorinated tris, which includes tris (2-chloroethyl) phosphate (TCEP) and tris (1,3-dichloro-2-propyl) phosphate (TDCPP), was introduced around the same time as PBDEs, and for the same

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reason. These chemicals are still widely used in furniture foam, as well as baby products containing polyurethane foam. Some studies have linked these chemicals to cancer and neurological deficits.

House Bill 3055 would prohibit the sale or offering for sale in Oregon of mattresses or children's products containing certain fire-retardant chemicals, including TCEP, TDCPP, and PBDEs, unless the item has a visible and conspicuous warning attached. The Act would establish civil penalties for violations, and authorize the Oregon Health Authority to seek an injunction restraining continued violations of the prohibition.