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Written Testimony on House Bill 3355 House Committee on Energy and Environment

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Chair Helm and Members of the Committee:

Oregon Environmental Council is here to support Oregon families, businesses, and medical experts in voicing our **strong support** for ideas included in House Bill 3355.

This bill provides a number of common sense updates to Oregon's landmark children's health law, the Toxic Free Kids Act. The provisions included in HB 3355 will significantly improve the quality of information collected about the use of toxic chemicals in children's products. It will increase transparency for families and health professionals and empower consumers to make more informed decisions.

Since the Toxic Free Kids Program was created by the Oregon Health Authority to implement the law, we have gained valuable insight into where toxic chemicals are used in kids products. Our analysis of the initial round of reporting data for the law reveals some disturbing trends. For example:

- Over 4,300 reports were filed with Oregon Health Authority on chemicals of concern used in children products
- Over 100 manufacturers reported that they sold products in Oregon that contained chemicals of concern in 2017
- Over 1,100 reports of chemicals of concern used in products designed for children under 3 years of age

This data makes it clear that we need continue to take action to protect Oregon kids from the health threats posed by chemicals of concern in children's products. The improvements included in House Bill 3355 will help strengthen these protections in a number of important ways.

OEC supports revising the definition of “mouthable” to better protect children

This provision would further strengthen alignment between Oregon’s Toxic Free Kids Act and Washington’s Children’s Safe Products Act by adopting the same definition of “mouthable” for children’s products.

Aligning the definition of “mouthable” among states will provide greater clarity and make it easier for regulated entities to report on chemicals of concern used in children’s products. It may also help reduce costs for state agencies by making it easier to manage and analyze reporting data.

OEC supports improving the chemicals of high concern listing process

This provision would further strengthen alignment between Oregon’s Toxic Free Kids Act and Washington’s Children’s Safe Products Act by removing the arbitrary limit on the number of chemicals of high concern the Oregon Health Authority can add or remove to their list through rulemaking.

The current limitation placed on the number of chemicals (five) that the Oregon Health Authority can add to the list of high priority chemicals unnecessarily constrains Oregon’s ability to incorporate developments in scientific understanding and changes in how chemicals are used in commerce. For example, the State of Washington recently added over 20 high priority chemicals as part of the Children’s Safe Products Act based on increases in scientific understanding about how chemicals can impact children’s health.

OEC supports providing families and health professionals with better information

This provision would better align and harmonize Oregon’s Toxic Free Kids Act with Vermont’s Chemicals Disclosure for Children’s Products law by requiring chemical ingredient disclosure at the product level as opposed to the product category level (ORS 431A.258 Section 2(b)).

Requiring disclosure of the use of toxic chemicals at the product level will dramatically improve the usability of information. First, it will provide consumers with information they can actually use to make informed decisions. The increased transparency for regulators will also make enforcement much more practical and reduce costs. Finally, product level disclosure will also likely further accelerate transition to safer ingredients in the marketplace through more robust public scrutiny and accountability.

OEC supports clarifying the exemption process

Revising this provision would significantly improve the clarity of the Toxic Free Kids Act by eliminating a redundant “quantitative exposure assessment” provision associated with the waiver process. Existing statute includes an “alternatives assessment” provision that serves as the primary mechanism for ensuring that manufacturers don’t substitute one listed toxic chemical ingredient for another.

All credible alternatives assessments require an evaluation of exposure in order to be considered complete which makes a separate provision for exposure assessment unnecessary, confusing, and expensive to evaluate. Removing the quantitative exposure assessment will help reduce regulatory uncertainty and agency costs by streamlining the exemption process.