

Subject: SUPPORT - [HB2495](#) - Safer chemicals for children's products

Dear Representative Marsh and the House Committee On Energy and Environment,

Northwest Green Chemistry, a nonprofit organization, that provided input on rule-making for Oregon's Toxics Free Kid's Act and regularly conducts applied scientific research and analysis for Oregon's Department of Environmental Quality, recommends your **support for HB2495** for these important reasons:

- 1) Passage will allow chemical classes to be added to the list High Priority Chemicals of Concern to Children's Health (HPCCCH). This allows the Oregon Health Authority to avoid having to identify and list each and every member of a toxic class of chemicals. A toxic chemical class may include thousands of members or more. Having to list each individual chemical is an unnecessary bureaucratic burden and further complicates industry efforts to select inherently less hazardous chemicals for children's products. The ability to list chemical classes is more efficient and effective, reducing opportunities for regrettable substitutions. Other states have already adopted this approach, such as Washington State in the "Safer Products for Washington" legislation. (Kwiatkowski, 2020; Blum, 2016; Ecology, n.d.)
 - a) If a chemical class is listed on the HPCCCH list, and it is later found that an individual member does not have the same toxicity concerns as the chemical class, it should be possible to remove the individual member from the HPCCCH without affecting the other members of the class. This should follow the procedure for removal of individual chemicals.
- 2) It removes limits on how many chemicals may be added to the HPCCCH list. There is no limit in the real world as to how many toxic chemicals may be used in children's products. With tens of thousands of chemicals currently used in products, and with an average of 1,500 new chemicals being introduced into commerce every year, a limit of five chemicals every three years is unacceptable. (US GAO, n.d.)
- 3) The bill requires reporting by brand name and model. This additional transparency enhances consumer choice, allowing consumers to avoid products that contain HPCCCHs. Current reporting options are too broad and do not support consumer choice. It is not possible for a consumer to confidently identify impacted products. An amendment has been proposed with the intent of delaying these reporting requirements in order to allow sufficient time to update the database; **we would support an amendment that delays only reporting requirements and not the other provisions.**
- 4) It requires review and updates of chemical hazard assessments (CHAs). This allows OHA to consider the latest toxicology. The GreenScreen for Safer Chemicals, the current methodology used for CHAs, allows for certain data gaps when benchmarking chemicals. While chemicals with known high hazard are excluded, chemicals with these data gaps may be allowed as substitutes. Further research may reveal that a data gap is actually a high hazard. This review process protects children's health by then excluding that chemical from substitution. (CPA, 2018)

- a) This has further implications for the alternatives assessments (AAs) that may provide exemptions to manufacturers, allowing them to continue to use HPCCCHs in their products. Assessing the hazard of the potential alternatives is one of the first steps, and may completely change the results of the AA. There is significant ongoing research and development into safer alternatives, and a full review of an AA every three years would provide an opportunity to identify novel alternatives, revise cost estimates, and reconsider technical feasibility. This further enables the AA process to be used as intended when no suitable alternative is identified: as a driver for the design of safer alternatives, as opposed to a reason to continue using HPCCCHs in children's products. (Heine, 2018; Tickner, 2021)
- 5) Finally, it streamlines language to align with similar legislation in Washington. This decreases the burden on manufacturers and allows them to submit reporting once for both states.

Together, these changes strengthen the program and protect the health and wellbeing of our children while improving the reporting process for businesses.

We urge you to support HB2495.

Thank you,



**Northwest
Green Chemistry**

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References:

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