

HB 3043 -2 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

Prepared By: Erin Pischke, LPRO Analyst

Meeting Dates: 1/25, 3/15

WHAT THE MEASURE DOES:

Authorizes Oregon Health Authority (OHA) to include a "class of chemicals" on the list of high priority chemicals of concern for children's health when used in children's products and if it does, it may exclude from the list specific members of the class of chemicals that do not share the same hazards as the other members of the class of chemicals. Defines "class of chemicals" as "a group of chemicals that are related or similar based on their structure, use, physical property, radiological property or other factors." Directs OHA when establishing by rule the practical quantification limits to consider for classes of chemicals on the list to consider guidance developed by the State of Washington and other federal, state, and nongovernmental organizations with the applicable expertise. Applies requirement that OHA review and revise list every three years to certain aspects of high priority class of chemicals. Removes provision prohibiting OHA from adding more than five chemicals to the list of high priority chemicals during each three-year revision period. Requires a manufacturer of a children's product sold or offered for sale in Oregon that contains a member of a class of chemicals included on the list established to provide a biennial notice containing the brand name and model of the children's product that contains the chemical, in addition to the product category. Authorizes a manufacturer, if OHA fails to act within 180 days and the hazard assessment is deemed approved, to continue to sell or offer for sale in Oregon the children's product for which the manufacturer submitted a hazard assessment for a period of three years after the date of submission of the hazard assessment and requires manufacturer resubmit the hazard assessment at the end of the three-year period. Requires OHA to grant a waiver to a manufacturer of children's products that applies for a waiver to comply with ORS 431A.260 if the application includes a quantitative exposure assessment demonstrating that the high priority chemical of concern for children's health used in children's products is inaccessible to the consumer of the high priority chemical of concern for children's health used in children's products. Provisions adding "class of chemicals" become operative on January 1, 2024. Takes effect on 91st day following adjournment sine die.

- *Fiscal: Minimal fiscal impact*
- *Revenue: No revenue impact*

ISSUES DISCUSSED:

- Definitions in bill
- Provisions of measure

EFFECT OF AMENDMENT:

-2 Restores definition of "mouthable." Defines "subclass of chemicals." Allows "a subclass of chemicals" to be excluded from the list of high priority chemicals of concern for children's health when used in children's products that do not share the same hazards as the other members of the class of chemicals. Provides that notices containing the brand name, model, and product category of the children's product that contains a chemical, are to be submitted to OHA on or after January 31, 2026.

BACKGROUND:

Children's products contain toxic chemicals, including heavy metals and flame retardants, that can cause health problems. The risks of exposure to and negative health impacts from these chemicals are higher for children than adults because they handle—and place in their mouths—toys and accessories. In some states, manufacturers are

HB 3043 -2 STAFF MEASURE SUMMARY

required to limit the use of and report the chemicals used in children's products.

Senate Bill 478 (2015) directed the Oregon Health Authority to establish a list of high priority chemicals for children's health used in children's products; required manufacturers to provide notice including the name, registry number, amount, and function of the chemicals on the list used in the children's product; and required manufacturers to remove or substitute for the chemical under certain circumstances. Similar legislation has been passed in other states, notably Maine's Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products and Washington's Children's Safe Products Act.

House Bill 3043 would authorize Oregon Health Authority (OHA) to consider including classes of chemicals on the list of high priority chemicals of concern for children's health when used in children's products.