

January 25, 2023

To: The Honorable Pam Marsh, Chair
Members, Oregon House Committee on Climate, Energy and Environment

From: PRINTING United Alliance

Re: Opposition of HB 3043

PRINTING United Alliance is writing to express our opposition to HB 3043, legislation that would, among other things, grant new authority to the Oregon Health Authority (OHA) to include “a class of chemicals” on the state’s list of high priority chemicals of concern.

As background, PRINTING United Alliance represents the interests of facilities engaged in producing a wide variety of products through screen printing, digital imaging, flexographic, and lithographic print processes. The print industry is comprised primarily of small businesses, with approximately 95 percent of the printing industry falling under the definition of a small business as described by the Small Business Administration.

Though we appreciate the intent of the legislation, adding “classes of chemicals” to the state’s existing reporting law is a complex undertaking that could pose significant compliance challenges for the regulated community. While some of the products manufactured by our members may be subject to the state’s reporting law, this legislation would set a precedent for this requirement and future chemical management programs.

In our view, establishing any list of chemicals for regulatory purposes should be done after a fact-based evaluation about the nature of these substances, how they differ from each other and what risk, if any these substances may present to human health or the environment. Though the names of chemicals may be similar, the differences in their use, structure, health and environmental profiles make them unique.

State and federal entities, including the National Academy of Sciences, the Environmental Council of the States (ECOS) and the National Academies of Science, Engineering, and Medicine (NASEM) have all recognized the challenges associated with a class-based approach to chemical regulation as it applies to Per- and Polyfluoroalkyl Substances (PFAS):

- ECOS – the Environmental Council of the States – which represents state and territorial environmental agency leaders, several of whom have implemented regulatory programs in their home states, has said: “Many regulators and subject-matter experts advise against grouping PFAS as an entire class.” (*ECOS. Processes & Considerations for Setting State PFAS Standards (February 2020)*)

- The National Academy of Sciences stated in 2019 that organohalogen flame retardants (OFRs) “cannot be treated as a single class for hazard assessment.” “The committee found that OFRs cannot be distinguished as a single class from these other chemically similar analogues. In addition, OFRs do not have a common chemical structure or predicted biologic activity and therefore cannot be treated as a single class.” [National Academy of Sciences Concludes Chemicals \(FRs\) Cannot Be Assessed for Hazards as a Single Class, But Can Be Assessed in Subclasses](#)
- The Vermont Department of Environmental Conservation, which was specifically charged by the legislature to develop a class regulation or to explain why such a regulation wasn’t possible said, “The Review Team spent over a year deliberating, researching, and discussing the potential to regulate PFAS as a Class. After reviewing the current peer-reviewed literature, as well as the available toxicology data for PFAS, the Review Team determined that at the current time it is not feasible to regulate PFAS as a Class.” [\(https://dec.vermont.gov/sites/dec/files/PFAS/20180814-PFAS-as-a-Class.pdf\)](https://dec.vermont.gov/sites/dec/files/PFAS/20180814-PFAS-as-a-Class.pdf)
- And federal scientists participating in a workshop convened by the National Academies of Science, Engineering, and Medicine (NASEM) to review the federal PFAS research program acknowledged the broad diversity of properties with this group of substances, concluding that “PFAS substances thus present unique challenges for grouping into classes for risk assessment.” NASEM. *Workshop on Federal Government Human Health PFAS Research, October 26-27. Board on Environmental Studies and Toxicology (2020).* <https://www.nap.edu/read/26054/chapter/1>
- In a recently published peer review conducted by a panel of experts, most agreed that all PFAS should not be grouped together for risk assessment purposes. Most experts also agreed that it is inappropriate to assume equal toxicity/potency across the diverse class of PFAS. <https://scipinion.com/panel-findings/risk-assessment-of-pfas/>

Thank you for the opportunity to comment and highlight our concerns on this legislation. We urge you to oppose HB 3043 in its current form. If you have any questions, please do not hesitate to contact me.

Sincerely,



Gary A. Jones
 Director EHS Affairs
gjones@printing.org
 703-359-1363

