



January 24, 2023

The Honorable Pam Marsh, Chair
House Committee on Energy and the Environment
Oregon State Legislature
900 Court St. NE, Salem Oregon 97301

Re: Concerns with House Bill 3043 (Toxic Free Kids Act Amendments)

Dear Chair Marsh and Members of the House Committee on Energy and the Environment:

The Juvenile Products Manufacturers Association (JPMA) is writing to express concerns on House Bill 3043 that would **add “classes of chemicals”** to the list of Chemicals of High Concern to Children (CHCCs), under the Toxic Free Kids Act (TFKA) and will also mandate the manufacturer of a children’s product to include the product category, **brand name and the model number** of the children’s product on the notice to the Department.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Safety is the number-one priority for juvenile product manufacturers. JPMA’s members perform rigorous safety assessments prior to the marketing of any product and take into consideration potential impacts on an infant and child. The issues at play in House Bill 3043, do not improve the safety of children’s products but add incredible complexity of the TFKA Program. Therefore, JPMA notes the following core concern areas, with House Bill 3043:

Consistency is Critical - Since passage of the TFKA in 2015, JPMA’s members have worked diligently to comply and invested significant resources to comply with Oregon’s TFKA, the Washington Children’s Safe Products Act, the Maine Safer Chemicals in Children’s Products Act, Vermont Act 188 – Toxic Chemicals, New York’s Toxic Chemicals in Children’s Products Law and California’s Safer Chemicals in Consumer Products Act. While none of these six laws are 100-percent consistent, the consistency between Washington and Oregon has been critical for common compliance and commonality between the markets in two closely adjoining states.

Requiring manufacturers to report model numbers and brand names is inconsistent with other states that have similar programs, except Vermont. Other than Vermont, no other jurisdiction in the world requires that level of detail for such broad groups of chemicals and products. Since Vermont developed this requirement the Vermont Department of Health has received millions of reports, and the information has been often times unusable and confusing. Further, it would prevent Oregon’s continued participation in the Interstate Chemicals Clearinghouse (IC2) database, since Vermont (with requirements similar to HB

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2495) is not currently supported in the IC2 High Priority Chemicals Data System (HPCDS) - an online platform that supports reporting of information on the presence of chemicals of concern in children's products required in Washington and Oregon.

“Classes of Chemicals” Exponentially Grows the Program: Finally, the inclusion of each “class of chemicals” could also significantly expand the list of CHCCs and cause the TFKA to further deviate from consistency with Washington State and other state programs that rely on Washington State's CHCC list. Additionally, in some cases classes of chemicals could add thousands of chemicals beyond a specific listed chemical to the CHCC list. Specificity is needed in order for children's product makers to determine their responsibility and ensure compliance with the TFKA and any such similar program. Including “classes of chemicals” significantly jeopardizes the ability of companies to ensure compliance with the program.

Safety Remains the Juvenile Products Industry's Priority: In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental regulations under a variety of laws and regulations including:

- The Consumer Product Safety Improvement Act (CPSIA),
- The Federal Hazardous Substances Act (FHSA),
- The Toxic Substances Control Act (TSCA), and
- The Lautenberg Chemical Safety Act (LCSA) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children's products containing various substances known to be harmful to children and to which children might be exposed.

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss HB 3043, however, have significant concerns with the changes that this legislation would make that would drive Oregon out of consistency with other similar state chemical regulatory programs.

Therefore, JPMA respectfully requests that you consider the significant consequences of this legislation and **oppose** HB 3043, as currently drafted. Thank you for your consideration in this important matter.

Respectfully Submitted,



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Executive Director