



May 4, 2023

TO: Members of the Senate Committee on Energy and Environment

FR: Derek Sangston, Oregon Business & Industry

RE: Opposition to HB 3043A

Chair Sollman, Vice-Chair Findley, members of the Senate Committee on Energy and Environment. For the record, I am Derek Sangston, policy director and counsel for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

OBI opposes HB 3043A because the bill, and the -A3 amendment, would significantly expand and complicate current law. By adding "classes of chemicals" that are related or similar based on specified characteristics – like structure, physical property, and radiological property – to Oregon's list of high priority chemicals, the bill would broaden the number of products covered under the law to a currently unknowable degree. Expanding Oregon's list of high priority chemicals so substantially would also put Oregon's program further out of alignment with similar laws in neighboring states.

If the committee believes changes to current law are necessary, then aligning with the laws passed in Washington and California is crucial because the supply chains upon which manufacturers and retailers rely are national, not local. Inconsistency among the states and with the federal government when it comes to laws impacting supply chains places intense burdens on businesses throughout those chains - with consumers ultimately carrying the burden in the end. Oregon is simply too small of a market to justify the unique, outlying law proposed.

Manufacturers already perform rigorous safety assessments to ensure that all products sold are safe and comply with industry safety standards as well as federal laws. In addition, current Oregon law already requires the agency to create a list of high priority chemicals of concern in children's products. It has also required manufacturers to report the presence of high priority chemicals in their products since 2018 and remove or substitute any chemicals they report from certain classes of products. The changes proposed by HB 3043 are not necessary.

OBI is committed to engaging in a meaningful process to ensure children's products are safe according to reliable scientific evidence and will continue to work with the Oregon Health Authority to develop the rules for Oregon under the current law. We have represented our

manufacturing and retail members throughout the adoption of the Toxic-Free Kids Act (TFKA) and associated rulemaking proceedings. Those proceedings are on-going because the TFKA has not yet been fully implemented. Until the TFKA is fully implemented, it is extremely difficult to see how businesses could effectively manage the changes required by HB 3043A.

For these reasons, OBI respectfully requests this committee to oppose HB 3043A. Thank you for your consideration.

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