

**Testimony to the Senate Energy & Environment Committee  
on House Bill 3043**

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Chair Sollman, Vice-Chair Findley, and Members of the Committee-

For the record, my name is Jamie Pang and will be speaking on behalf of the Oregon Environmental Council in support of HB 3043 today. But I also want to note that over 2 dozen organizations, businesses, and government entities have endorsed this bill and have submitted a coalition letter as testimony.

Eight years ago, a Bipartisan Toxic Free Kids Act passed to require manufacturers of kids' products to disclose harmful chemicals and ultimately *phase them out* or replace them with safe alternatives. The bill was standard-setting for its time, and we have learned a lot since 2015, when the Toxic Free Kids Act was first passed- to justify the modernization that HB 3043 is calling for.

HB 3043 is unfinished business from 2021 and has been worked on extensively in an open Bipartisan stakeholder process. As a result, HB 3043 passed the House- Bipartisan 42-12.

Since 2021, industry opponents have proposed at least two dozen conflicting amendments- some of which have been addressed this Session and 2021. So I want to focus on my remarks today on some of these specific changes that made a flexible bill that works for both businesses and environmental health.

- HB 3043 allows for the regulation of **chemical classes** but this authority is permissive- not mandatory- to account for Washington's authority. And the 2 amdt it would allow for the use of individual chemicals or subclasses if it is shown to not have the same hazards. Thus, the policy avoids regrettable substitutions while allowing for market changes based on scientific developments.
- HB 3043 makes reporting more consumer friendly- by requiring brand name and product model to be reported, so that families can make more informed buying decisions. And the -2 amdt **extends the timeline by 3 years** to allow manufacturers to comply.

- The -2 amdt changed the **definition of “mouthable”** product back to its currently operating definition, when industry opponents disagreed with each other.
- And now, with the -3 amdt, we would strike the word “use” from the definition of classes of chemicals– which detracts from the definition adopted from the CDC, which defines classes as chemicals related by “structure, use, physical property, radiological property or other factors. While the change is in our view a **big compromise** regarding health-protective language, a strong administration can use the flexibility of the all “other factors” umbrella to regulate chemicals by certain traits.

While we would have loved to stick with the CDC definition verbatim we are happy and appreciative of being able to bring manufacturers like Nike along, and demonstrate that different stakeholders can collaborate effectively for a workable solution. As such, we do support these amendments. This bill is equitable and flexible to both businesses and consumers. It has no fiscal impact.

And lastly, the 2015 Toxic Free Kids Act is fully implementable. The last phase of TFKA rulemaking ended and became effective in [March 2021](#). Opponents (the Toy Assn) filed a lawsuit in [December 2021](#). A temporary restraining order was denied by a federal judge in [June 2022](#) and a final judgment denying their claims was entered on [Jan. 24, 2023](#). This means the law can be enforced unless otherwise decided by another Court.

I urge you to support HB 3043. Thank you.

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