

February 22, 2021

Chair Marsh and Committee Members
House Committee on Energy and Environment

RE: HB 2495 (Toxic Free Kids Act)

Dear Chair Marsh and Committee Members:

On behalf of the government entities, businesses, medical professionals, businesses, and undersigned organizations representing thousands of members, we would like to express our support for HB 2495, the Toxic Free Kids Act expansion bill. The first Toxic Free Kids Act (TFKA) passed in 2015, illustrating that bipartisan leadership prioritizing environmental and health matters *can* and will be successful. It requires all major manufacturers who want to sell or produce children's products in Oregon to report high priority chemicals placed in their products and ultimately phase them out in specific products.

Thousands of toxic chemicals lurk in products our kids use every day, and the EPA estimates that over 1,500 new chemicals are introduced into commerce *each year*.¹ Since the Toxic Free Kids Act Program was enacted 7 years ago, over 4000 reports have been filed disclosing harmful substances like arsenic, lead, and formaldehyde in children's products.² The health impacts from exposure to these chemicals in products are great. Risks can include skin irritation, allergies, respiratory illness, headaches, endocrine disruption, reproductive disruption, and in the worst cases, cancer.

While we have made great progress in the last 7 years by requiring that all major manufacturers report high priority chemicals in their products, we still have work to do. HB 2495 modernizes and strengthens the Toxic Free Kids Act Program based on what we have learned will be the most impactful.

- Manufacturers are currently required to phase out high priority chemicals by January 1, 2022 unless OHA grants them an exemption. HB 2495 will ensure that these exemptions are not granted in perpetuity, but rather limited to 3 years, to account for – and push producers to adopt – safer alternatives. The only way to get toxic chemicals out of our kids' bodies and our landfills and surrounding environment is to stop them from being put there in the first place. It is ultimately more cost-effective for companies to phase out toxic chemicals than to keep trying to apply for exemptions each cycle.
- HB 2495 also removes the limit on the number of chemicals that can be regulated and authorizes Oregon Health Authority (OHA) to add as many chemicals to the high priority list as necessary to protect children's health, thereby expanding the scope of protections under the TFKA program.
- The bill also gives OHA the authority to regulate classes of chemicals, as opposed to the “whack-a-mole” approach of only regulating individual chemicals, to avoid cases of regrettable substitution.

¹ https://www.gao.gov/key_issues/toxic_chemicals/issue_summary.

² <https://oeconline.org/toxic-free-kids-act-all-manufacturers-2018/>.

- HB 2495 harmonizes some definitions with Washington’s law, which will make it easier for manufacturers to report on chemicals of concern. This will also reduce costs by enabling both states to use the same reporting system to manage and analyze reporting data.
- Lastly, the bill is flexible and common-sense in requiring that brand name and model be included in the reporting of toxics starting in 2024. This gives manufacturers time to prepare, while also giving consumers the information they need to make safe choices.

We urge you to work with your colleagues to pass HB 2495.

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