

HAZARDOUS SUBSTANCES; RADIATION SOURCES  
PUBLIC HEALTH AND SAFETY  
GENERAL PROVISIONS

**453.235 Distribution of material containing toxic substances; warnings required; exemptions.** (1) No person shall distribute any art or craft material containing toxic substances causing chronic illness on which the person:

(B) A potential human carcinogen and does not contain a human carcinogen, the warning shall contain the statement: "POSSIBLE CANCER HAZARD! Overexposure might create cancer risk."

(C) A toxic substance causing chronic illness, the warning shall contain, but not be limited to, the following statement or statements where applicable:

(i) "May cause sterility or damage to reproductive organs."

(ii) "May cause birth defects or harm to developing fetus."

(iii) "May be excreted in human milk causing harm to nursing infant."

(iv) "May cause central nervous system depression or injury."

(v) "May cause numbness or weakness in the extremities."

(vi) "Overexposure may cause damage to (specify organ)."

(vii) "Heating above (specify degrees) may cause hazardous decomposition products."

(D) More than one chronically toxic substance, or if a single substance can cause more than one chronic health effect, the required statements may be combined into one warning statement.

(c) Has failed to affix on the label a list of ingredients that are toxic substances causing chronic illness.

(d) Has failed to affix on the label a statement or statements of safe use and storage instructions, conforming to the following list. The label shall contain, but not be limited to, as many of the following risk statements as are applicable:

**453.245 Order or purchase by school of material considered to contain toxic substance prohibited; exceptions.** (1) Art or craft material that is considered by the Oregon Health Authority to contain a toxic substance causing chronic illness may not be ordered or purchased by a school or school district for use by students in kindergarten and grades 1 through 6.

(2) Any substance that is a toxic substance causing chronic illness may not be ordered or purchased by a school or school district for use by students in grades 7 through 12 unless the substance meets the labeling standards specified in ORS 453.235.\

(Information; Labeling) **453.312 Legislative findings.** The Legislative Assembly finds and declares that:

(1) The public's health and safety may be endangered by a lack of knowledge about hazardous substances located within this state.

(2) Information on the use of hazardous substances in this state should be made readily available to members of the public, allowing them to take measures to protect themselves against dangers posed to health and safety.

**453.255 List of authorized art and craft materials; distribution of lists; information about and disposal of toxic materials.** (1) By June 1, 1986, the Oregon Health Authority shall develop a list of those art or craft materials which can be purchased or ordered for use in kindergarten and in grades 1 through 6 and a list of materials which, while not currently sold or manufactured, may be reasonably suspected to still exist at some schools. In developing the lists, the authority shall consult with manufacturers of art supplies, artists' groups, health organizations and toxicologists as the authority considers appropriate.

(2) The Superintendent of Public Instruction shall distribute the lists to all school districts and shall make the lists available to preschools, child care centers and other businesses and organizations which involve children in the use of art or craft materials.

(3) The superintendent shall inform school districts of the requirements of ORS 453.205 to 453.275 and shall encourage school districts to dispose of art or craft materials which may contain human carcinogens, potential human carcinogens or toxic substances causing chronic illness, but which are not affected by ORS 453.205 to 453.275. [1985 c.539 §§6,7; 2009 c.595 §894]

**453.370 Limitations on local community right to know regulatory programs; local fees.** (1) In order to maintain and ensure the effectiveness of state programs established under ORS 453.307 to 453.414, as well as to ensure the effectiveness of local efforts, a local government may establish, enforce or enact a local community right to know regulatory program provided that the local program complies with the requirements of this section.

(e) The local government has provided an opportunity for written and oral public comment on the proposed program.

(5) Any local government that operates a local community right to know regulatory program shall:

(a) Provide for an opportunity to report data electronically;

(b) Place data reported under the program on the Internet with instructions for the general public that explain the organization of the data; and

(c) Keep records of data usage and otherwise document interest in the collected data.

(6) Data and other information presented under a local community right to know regulatory program:

(a) Shall clearly distinguish, where appropriate, public health interpretations from the raw data;

(b) May, where feasible, indicate specifically which hazardous substances and toxic substances are being released into the local air, water and land; and

(c) Shall include locations where a person may obtain epidemiological statistics related to health effects of the hazardous substances and toxic substances, if available.

(7) For any hazardous substance or toxic substance that a local government proposes to require an employer to report under a local community right to know regulatory program established pursuant to this section, the local government shall seek written and oral public comment and provide written notice to interested parties prior to adoption as a reporting requirement. The local government must provide the public with an opportunity to comment on the appropriateness of reporting on the proposed hazardous substance or toxic substance, including but not limited to commenting on health and environmental considerations, economic concerns and feasibility of compliance. The local government shall consider the comments before adopting a list or making additions to a list of hazardous substances and toxic substances to be reported.

(8) In administering a local community right to know regulatory program, a local government shall

## RADIATION SOURCES

**453.605 Definitions for ORS 453.605 to 453.800.** As used in ORS 453.605 to 453.800, unless the (3)  
“Director” means the Director of the Oregon Health Authority.

(4) “Electronic product” means any manufactured product or device or component part of such a product or device that has an electronic circuit which during operation can generate or emit a physical field of radiation, such as, but not limited to microwave ovens, laser systems or diathermy machines.

(6) “General license” means a license, effective under rules of the authority without the filing of an application, to acquire, own, possess, use or transfer a device or equipment that produces radiation, or a

(b) Any electromagnetic radiation that can be generated during the operations of electronic products and that the authority has determined to present a biological hazard to the occupational or public health and safety but does not mean electromagnetic radiation that can be generated during the operation of an electronic product that is licensed by the Federal Communications Commission.

**453.635 State Radiation Control Agency; duties; applicability of ORS 453.605 to 453.800.** (1) ORS chapter 469. To protect occupational and public health and safety against radiation hazards the authority shall:

(a) Develop programs to evaluate hazards associated with the use of radiation sources; and

(2) To protect occupational and public health and safety against radiation hazards the authority or its authorized representative may:

(a) Advise, consult and cooperate with other agencies of this state, the federal government, other states, interstate agencies, political subdivisions of this state or other states and with groups concerned with control of radiation sources;

(b) Encourage, participate in or conduct studies, investigations, training, research or demonstrations relating to control of radiation sources;

(c) Accept and administer loans, grants or other funds or gifts, conditional or otherwise, from the federal government or from any other source, public or private;

(d) Collect and disseminate information relating to control of radiation sources; and