



February 6, 2020

The Honorable Karin Power
House Energy and Environment Committee
900 Court Street
NE Salem, OR 97301

RE: House Bill 4024 (Fahey) - Other

Dear Chair Power:

The Household & Commercial Products Association (HCPA) appreciates the opportunity to offer testimony on HB 4024.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply and market a wide variety of products packaged in an aerosol form.

HCPA supports the goals of the bill to prohibit the use of high global warming potential (GWP) hydrofluorocarbons (HFCs), as we have with each state that has either acted or is in process of taking action on these substances. HCPA appreciates Oregon and other states taking leadership on this critical issue in which the federal government has not replaced its original rules to address high GWP HFCs. By utilizing the 2015 and 2016 EPA Significant New Alternatives Policy (SNAP) Program Rules, states like Oregon ensure a consistent approach with other states that have undergone the same activity.

Due to the original timeline of the SNAP Rules, the aerosol industry has already moved away from the use of high GWP HFCs except for the critical uses that are still allowed within the rules. As such, HCPA supports an effective date for aerosol propellants to be January 1, 2021.

The one concern HCPA has with HB 4024 is the disclosure requirement of substitutes. Because of the wide array of products that utilize the aerosol technology, there are several federal government agencies with the jurisdiction over a product's label. Some federal agencies have strict labeling requirements that not only make it difficult to change the text of the label for what manufacturers are allowed to say, but makes it even more challenging to list the propellant on the label, such as a prescription drug or and EPA-FIFRA registered product. For instance, EPA would consider a FIFRA-registered product that listed the propellant on the label to be misbranded and adulterated. Due to these federal constraints on certain aerosol products, HCPA recommends that Oregon not move forward with a labeling component for disclosure of propellants in this bill.

Rather than require disclosure on the product label, HCPA suggests that the bill allow the Environmental Quality Commission to utilize a product's Safety Data Sheet (SDS), as a means of disclosure. Under the

U.S. Occupation Safety and Health Administration's (OSHA) hazard communication standard, the SDS will contain the information of propellant in a product because these substances are responsible for the pressure of the product. While consumer products, prescription drugs and EPA-FIFRA registered products are outside of the scope of OSHA, manufacturers and marketers of virtually all consumer products have appropriate corresponding SDS. Manufacturers and marketers have generated SDS for virtually all aerosol products because they are produced and stored in workplace settings and many retailers require them as part of doing business. HCPA believes that utilizing the SDS for an aerosol product to verify compliance is the best and most efficient option for enforcement as the aerosol propellant, no matter the GWP, must be listed.

HCPA appreciates the opportunity to offer this testimony. By developing consistent regulations, states can achieve a reduction in HFC emissions without imposing impediments to interstate commerce.

For these reasons, HCPA urges that the committee make the recommended changes to House Bill 4024 in align with similar regulations in other states before passage.

Respectfully Submitted,



Allyson Azar
Director, State Government Relations and Public Policy

CC: The Oregon House Energy and Environment Committee Members