

HB 2495 -1, -2, -4, -5, -6, -7 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

Prepared By: Erin Pischke, LPRO Analyst

Meeting Dates: 2/22, 2/24, 4/12

WHAT THE MEASURE DOES:

Authorizes Oregon Health Authority (OHA) to include a class of chemicals on the list of high priority chemicals of concern for children’s health when used in children’s products. Removes the restriction on adding more than five chemicals to the list of high priority chemicals during each three-year revision period. Requires a manufacturer of a children’s product sold or offered for sale in this state that contains a chemical or member of a class of chemicals included on the list established to provide a biennial notice containing the brand name and model of the children’s product that contains the chemical, in addition to the product category, which becomes operative January 1, 2022. Requires a manufacturer, whose hazard assessment had been approved through inaction of OHA, to resubmit the hazard assessment at the end of a three-year period following the hazard assessment approval. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Establishes that the biennial notices containing the brand name, model, and product category of the children’s product that contains the chemical apply to notices submitted to the Oregon Health Authority on and after January 31, 2024.
- 2 Establishes that the biennial notices containing the brand name, model, and product category of the children’s product that contains the chemical apply to notices due to be submitted to the Oregon Health Authority on and after January 31, 2024.
- 4 Repeals statutes relating to requirement to remove or substitute high priority chemicals of concern (ORS 431A.260), process for substituting chemicals (431A.263), and process for waiving requirement to remove or substitute chemicals (431A.265).
- 5 Authorizes manufacturer to continue to sell or offer for sale in this state the children’s product for which the manufacturer submitted a hazard assessment for a period of three years after the date of submission of the hazard assessment if the authority fails to act within 180 days and the hazard assessment is deemed approved. Requires a manufacturer to resubmit the hazard assessment at the end of the three-year period once a hazard assessment approved or deemed approved is valid for a period of three years after the date of submission of the hazard assessment.
- 6 Authorizes Oregon Health Authority (the Authority) to exclude from the list of high priority chemicals of concern for children’s health specific members of the class of chemicals that have a sufficiently reduced toxicity profile and do not share the same hazards as the other members of the class of chemicals, if the Authority includes a class of chemicals on the list. Requires a manufacturer of a children’s product sold or offered for sale in this state that contains a chemical or member of a class of chemicals included on the list established to provide a biennial notice containing the brand name and model of the children’s product that contains the chemical, in addition to the product category, which becomes operative January 31, 2024. Authorizes a manufacturer, if the Authority fails to act within 180 days and the hazard assessment is deemed approved, to continue to sell or offer for sale in this state the children’s product for which the manufacturer submitted a hazard assessment for a period of three years after the date of submission of the hazard assessment and requires manufacturer resubmit

This summary has not been adopted or officially endorsed by action of the committee.

the hazard assessment at the end of the three-year period.

-7 Requires the Oregon Health Authority (OHA) to consider including on the list of high priority chemicals of concern for children's health when used in children's products chemicals that are listed as chemicals of high concern in Washington, Maine, Vermont, or Minnesota. Authorizes OHA to include a class of chemicals on the list and if it does, it may exclude from the list specific members of the class of chemicals that do not share the same hazards as the other members of the class of chemicals. Establishes how chemicals and classes of chemicals are listed, added, or removed from high-priority chemicals list or included in children's products sold in this state. Requires a manufacturer of a children's product sold or offered for sale in this state that contains a chemical or member of a class of chemicals included on the list established to provide a biennial notice containing the brand name and model of the children's product that contains the chemical, in addition to the product category, which becomes operative January 31, 2024. Authorizes a manufacturer, if the Authority fails to act within 180 days and the hazard assessment is deemed approved, to continue to sell or offer for sale in this state the children's product for which the manufacturer submitted a hazard assessment for a period of three years after the date of submission of the hazard assessment and requires manufacturer resubmit the hazard assessment at the end of the three-year period.

- *FISCAL: Fiscal Impact*
- *REVENUE: No Revenue Impact*

BACKGROUND:

Senate Bill 478A (2015) established a list of high priority chemicals for children's health used in children's products, required manufacturers to provide notice including the name, registry number, amount, and function of the chemicals on the list used in the children's product, and required manufacturers to remove or substitute for the chemical under certain circumstances. Similar legislation has been passed in other states, notably Maine's Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products and Washington's Children's Safe Products Act.

House Bill 2495 would revise provisions relating to chemicals in children's products and would become operative January 1, 2022.