



The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

February 15, 2021

To: House Committee On Energy and Environment
Representative Pam Marsh, Chair

Re: HB 2495 - Relating to chemicals in children's products - **Support**

The League of Women Voters positions support maximum protection of public health, and HB2495 enhances public health by:

1. Allowing chemical classes to be added to the list High Priority Chemicals of Concern to Children's Health (HPCCCH). This allows the Oregon Health Authority (OHA) to avoid having to identify and list each individual toxic chemical. A toxic chemical class may include thousands of members or more. Having to list each individual chemical is an unnecessary bureaucratic burden and further complicates industry efforts to select inherently less hazardous chemicals for children's products. The ability to list chemical classes is more efficient and effective, reducing opportunities for regrettable substitutions. Other states have already adopted this approach, such as Washington State in the "Safer Products for Washington" legislation. (Kwiatkowski, 2020; Blum, 2016; Ecology, n.d.)
2. Removing limits on how many chemicals may be added to the HPCCCH list. There is no limit in the real world as to how many toxic chemicals may be used in children's products. With tens of thousands of chemicals currently used in products, and with an average of 1,500 new chemicals being introduced into commerce every year, a limit of five chemicals every three years is unacceptable. (US GAO, n.d.)
3. Requiring reporting by brand name and model. This additional transparency measure enhances consumer choice, allowing consumers to avoid products that contain HPCCCHs. Current reporting options are too broad and do not allow even savvy consumers to confidently identify actual retail products. An amendment has been proposed with the intent of delaying these reporting requirements in order to allow sufficient time to update the database; **We would support an amendment that delays only reporting requirements and not the other provisions.**
4. Requiring regular review and updates of chemical hazard assessments (CHAs). This allows OHA to consider the latest toxicology. The GreenScreen for Safer Chemicals, the current methodology used for CHAs, allows for certain data gaps when benchmarking chemicals. While chemicals with known high hazard are excluded, chemicals with these data gaps may be allowed as substitutes. Further research may reveal that a data gap is actually a high hazard. This review process protects children's health by then excluding that chemical from substitution. (CPA, 2018)
 - a. This has further implications for the alternatives assessments (AAs) that may provide exemptions to manufacturers and allow them to continue to use HPCCCHs in their products. Assessing the hazard of the potential alternatives is one of the first steps, and may completely change the results of the AA. There is significant ongoing research and development into safer alternatives, and a full review of an AA every three years would provide an opportunity to identify novel alternatives, revise cost estimates, and reconsider technical feasibility. This further enables the AA process to be used as intended when no suitable alternative is identified: as a driver for the design of safer alternatives, as opposed to a reason to continue using HPCCCHs in children's products. To the extent

that this legislation can trigger a review of the full AA, it should. (Heine, 2018; Tickner, 2021)

5. Streamlines some definitions to align with similar legislation in Washington. Because Oregon and Washington use the same reporting system, this decreases the burden on manufacturers and allows them to submit reporting once for both states.

Together, these changes strengthen the program and protect the health and wellbeing of our children, while improving the reporting process for businesses. **We urge you to support HB 2495.**

Thank you,



Rebecca Gladstone
LWVOR President



Amelia Nestler, PhD
LWVOR Toxics Portfolio

References:

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- Kwiatkowski, C. F., Andrews, D. Q., Birnbaum, L. S., Bruton, T. A., DeWitt, J. C., Knappe, D. R., ... & Blum, A. (2020). Scientific basis for managing PFAS as a chemical class. *Environmental Science & Technology Letters*, 7(8), 532-543. Retrieved 2/9/2021 from <https://pubs.acs.org/doi/full/10.1021/acs.estlett.0c00255>
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