



February 15, 2021

Chair Marsh, Vice-Chairs Helm and Smith, and Members of the Committee:

On behalf of the American Association of University Women (AAUW) of Oregon, we express our full support for House Bill 2495.

As is often the case, the heart of a law often lies in details which obfuscate the intent of the law itself. Examples of this truism can be found in Oregon's current law regulating the use of toxic chemicals in children's products and (1) its definition of "mouthable" and (2) three lines which allow a manufacturer to substitute a chemical in lieu of one determined to be a high priority chemical of concern if the Oregon Health Authority fails to act within 180 days after the manufacturer files a hazard assessment report.

Both provisions supply loopholes that severely undercut the intent of regulating chemicals in children's products.

Under current law only products which are intended to be placed in the mouth are regulated. However, anyone who has contact with young children knows that it is impossible to prevent their exploration by putting almost anything they come across into their mouths, often chewing it. "Baby mouthing" represents a normal stage of development, much like crawling. It helps establish coordination and builds the immune system. Mouthing can be self-soothing, particularly when babies are teething.¹

The likelihood that children will "mouth" items is unfortunately equal to the likelihood that the items they are exposed to contain toxic chemicals. Children are also more vulnerable to chemical exposure.²

Plastics, for example, often contain synthetic chemicals or additives, and their presence in our environment is ubiquitous. Research has demonstrated the link between these chemicals and serious health conditions.³

¹ *Baby Mouthing - AKA Why Do Babies Put Everything In Their Mouths?*, Parenthood, 16 October 2020, <https://www.healthline.com/health/baby/baby-mouthing-takeaway>.

² Rashmi Joglekar, *Chemicals Lurking in Toys and Costumes are Harmful to Children. EPA Must Act Now*, EarthJustice, 12 November 2020, <https://earthjustice.org/from-the-experts/2020-november/chemicals-lurking-in-toys-and-costumes-are-harmful-to-children-epa-must-act-now>.

³ Liza Gross, *The Harmful Chemical Lurking in Your Children's Toys*, New York Times, 23 November 2020, <https://www.nytimes.com/2020/11/23/parenting/home-flame-retardants-dangers.html>

The definition of "mouthable" as a product that may be brought or placed in the mouth so that it can be sucked or chewed constitutes a much more realistic and appropriate limitation on the potential exposure of children to toxic chemicals.

The second loophole identified above gives a manufacturer permission to substitute one chemical for another if the Oregon Health Authority fails to act within 180 days on a hazard assessment report filed by the manufacturer. While it is commendable to substitute another chemical for one deemed to be a high priority chemical of concern for children's health, this provision is tantamount to giving an unlimited pass to use the substitute chemical.

There are a number of reasons why the OHA might fail to timely act, but the dangers for harmful exposure of children to chemicals in products is too high to allow this failure to constitute blanket permission for the use of these chemicals.

The requirement to resubmit a hazard assessment report within a 3-year period when OHA has missed its deadline is also reasonable.

We urge your support of HB 2495.

Respectfully,

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