

## Testimony in support of HB 2495 (2021 Toxic Free Kids Act)

February 22, 2021

Chair Pam Marsh and Committee Members  
House Committee on Energy and Environment

My name is Myrna Soule, and I am a Board Member of the Learning Disabilities Association of Oregon (LDA). LDA's mission is to create opportunities for success for all individuals affected by learning disabilities through support, education and advocacy.

I have been teaching for 50 years, working with children with Individualized Education Plans (IEPs) that have challenges that affect their language in some way. My goal is to figure out how they learn, as each kid is different. I also started three schools for children with learning disabilities, including Park Academy.

One in 5 American children have a learning or attention disability<sup>i</sup>. Approximately 13% of children in the United States have a developmental disability<sup>ii</sup> and the autism rate continues to rise now affecting 1 in 54 children, which nearly tripled since 2000<sup>iii</sup>.

In Oregon, about 26,000 children have specific learning disabilities which accounts for 35% of the children covered under special education law<sup>iv</sup>. We know that there is more than just the emotional and social costs to learning and developmental disabilities. It costs the school system about twice as much to educate a child with special needs as it does other students. And the burden on the caretakers and parents with children with special needs is even greater.

The etiology of learning and developmental disabilities may include one or more of a complex variety of factors, including genetics, substance abuse, social environment and environmental exposure to toxic chemicals, the latter of which the Oregon Toxic Free Kids Act (TFKA) seeks to address. According to recent statistics from the National Academy of Sciences Committee on Developmental Toxicology, **environmental factors, including toxic chemicals, cause about 3 percent of all developmental defects, and are a contributing factor to another 25 percent<sup>v</sup>**. This means that **approximately 1 in every 200 U.S. children suffer from developmental or neurological deficits caused by exposure to known toxic substances<sup>vi</sup>**.

In 2016, leading U.S. scientists and health professionals through Project TENDR (Targeting Environmental Neuro-Developmental Risks) released a joint statement that toxic chemicals are increasing children's risks for learning and developmental disorders; even low levels of exposure can result in lifelong problems with learning, attention and behavior<sup>vii</sup>. The good news is that chemical exposures are **preventable**.

Our children are most vulnerable because pound for pound they eat, drink and breathe more and faster than adults. They crawl around on floors and frequently put objects and hands in their mouths, thus exposure to toxic chemicals from dust in homes or consumer products increases.

LDA supports HB 2495's changes to the 2015 Toxic Free Kids Act as a common-sense, science-based process take further action on the worst chemicals used in everyday products that have been linked to neurological harm and other health issues. For example, heavy metals like cadmium are

the current list of high priority chemicals of concern for children (HPCCCHs) that have been linked to children's neurological disabilities. While LDA's work is focused on chemicals that harm children's brains, we also know that the last thing our children or adults with disabilities need is more health challenges.

HR 2495 takes more toxic chemicals out of kids products by ensuring that exemptions to phaseouts aren't granted into perpetuity- but rather limited to 3 years, to account for and push them to adopt safer alternatives

And HR 2495 aligns itself with Washington law to allow the Oregon Health Authority (OHA) to add as many chemicals to the high priority list as needed, based on the latest science and indication of exposure.

LDA also strongly supports the class approach to avoid regrettable substitutes- for example, replacing one phthalate with another, or one flame retardant with a similar one. This need for a chemical class approach is highlighted in Project TENDR Consensus Statement, which specifically calls out the regrettable substitution problem with phthalates and flame retardant chemicals<sup>viii</sup>

Finally, this bill will also streamline some definitions with Washington's law, allowing both Oregon and Washington to use the same reporting system, better analyze data, and reduce costs for the manufacturer.

Thank you for your time and attention.

Sincerely,

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<sup>i</sup> [National Center for Learning Disabilities](#) 2015-2016 statistics.

<sup>ii</sup> [Center for Disease Control](#), 2008.

<sup>iii</sup> [John Hopkins Bloomberg School of Public Health](#) and [Center for Disease Control](#), March 2020.

<sup>iv</sup> [National Center for Learning Disabilities](#), *ibid.*

<sup>v</sup> [Scientific Frontiers in Developmental Toxicology and Risk Assessment](#), Executive Summary, National Academy of Sciences Committee on Developmental Toxicology, 2000.

<sup>vi</sup> [Polluting Our Future: Chemical Pollution in the U.S. that Affects Child Development and Learning](#)", National Environmental Trust, Physicians for Social Responsibility, and Learning Disabilities Association of America, September 2000.

<sup>vii</sup> [TENDR Consensus Statement](#) published in the journal *Environmental Health Perspectives* as of July 1, 2016.

<sup>viii</sup> [TENDR Consensus Statement](#), 2016.