

February 22, 2021

To: Chair Marsh and Members of the House Committee on Energy and Environment  
From: Paloma Sparks, Oregon Business and Industry  
RE: OBI Testimony in Opposition to HB 2495

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**Chair Marsh and Members of the Committee:**

Thank you for the opportunity to testify on this important issue for Oregon Business & Industry members. OBI is Oregon's most comprehensive business association representing approximately 1,600 businesses that employ over 250,000 people. We represent multiple sectors and serve as the state's Retail and Manufacturing Councils.

OBI has represented our retail members throughout the adoption of the Toxic-Free Kids Act (TFKA) and associated rulemakings. We are committed to engaging in a meaningful process that ensures children's products are safe while also reflecting reliable scientific evidence. Manufacturers perform rigorous safety assessments to ensure that all products sold are safe and comply with industry safety standards as well as federal laws. We are now working with the agency to develop the rules for Oregon under the Act.

HB 2495 would significantly expand the current law and increase reporting obligations, even though the program has not been fully implemented sufficient to determine if there is a need for such a change. The agency has not completed the rulemaking process for the existing standard. While the agency has completed phases 1 and 2 of the process, phase 3 is still in development. This stage is likely the most crucial for manufacturers and retailers as we look towards implementation.

The current law requires that OHA create a list of high priority chemicals of concern in children's products – that standard aligns with Washington's law. Changing that to "classes of chemicals" would be different from other states. Under the current law manufacturers were required to report the presence of priority chemicals in their products by January 1, 2018. The proposed change related to reporting requirements would make Oregon's law inconsistent with Washington's law. Finally, under the current TFKA manufacturers are required to remove or substitute any chemicals they are reporting from certain classes of products – which significantly differs from the requirements in Washington's law. Consistency among states is crucial for retailers and our partners as supply chains are national, not local.

If the legislature is to make a change to the law, it should be to ensure true consistency with how other states are regulating these products so that all can fairly comply. We urge you to reject HB 2495 and allow time to properly complete the rulemaking for this very complicated program. Thank you for your time and consideration.

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