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OREGON PSR
PHYSICIANS FOR SOCIAL RESPONSIBILITY

To: House Committee on Climate, Energy and Environment
From: Oregon Physicians for Social Responsibility
Re: House Bill 3043

January 26, 2023

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

Oregon Physicians for Social Responsibility is pleased to provide this testimony in support of House Bill 3043 to modernize the Toxic Free Kids Act.

Guided by the values and expertise of healthcare and public health, Oregon Physicians for Social Responsibility (PSR) works to protect human life from the gravest threats to health and survival. We are an organization of over 2,800 health professionals and public health advocates statewide working collaboratively with community partners to educate and advocate for societal and policy change that protects human health at the local, state, national, and international level. We seek a healthy, just, and peaceful world for present and future generations.

House Bill 3043 will greatly strengthen the 2015 Toxic Free Kids Act by making common sense changes that will more efficiently and effectively prevent exposure of children to toxic chemicals in consumer products.

Removing the limit on the number of chemicals that can be regulated makes sense as it removes an arbitrary limit: the decision to regulate should be based on the scientific evidence that the chemical ingredient is toxic, in order to remove a hazardous product and prevent the adverse health effects in children. Thus House Bill 3043 authorizes the Oregon Health Authority (OHA) to add as many chemicals to the high priority list as necessary to protect health.

House Bill 3043 gives OHA the authority to regulate classes of chemicals, as opposed to regulating individual chemicals one at a time. This bases the regulation on the shared harmful properties of classes of chemicals. Many substitutes for regulated toxic chemicals are chosen because they act similarly and serve a similar function in a product. But they also share in their ability to cause toxicity because of their similarity; they just may not have been individually evaluated for their toxicity. For example, Bisphenol A (BPA) has been regulated due to its endocrine disrupting properties. As people became aware of its harmful effects on development, similar chemicals within the Bisphenol class were quickly substituted in products before the toxicological research demonstrated that these substitutes were, unfortunately, as harmful as the BPA, or worse. Regulating one chemical in a class at a time is not very effective

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in preventing adverse health impacts and is costly, time consuming, and inefficient for regulators and the industry being regulated.

Rather than evaluating chemicals one at a time, the class approach allows efficient decision making based on scientific evidence of the likely toxicity of entire groups of chemicals, and can help businesses, scientists, and policymakers to better understand the properties of structurally similar chemicals, where they are used, and how they can be avoided to prevent "regrettable substitutions".[1]

There are many classes of chemicals that are known to be harmful because of their similar chemical and physical properties. Since the late 1970s, research has drawn attention to many examples of "regrettable substitutions", as seen when TRIS, a brominated chemical was used in children's pajamas as a flame retardant. When it was found to cause mutations,[2] manufacturers substituted a chlorinated version that was later found to be mutagenic and carcinogenic. It was then banned from use in children's pajamas. Unfortunately, flame retardants are still found in children's clothing and other products with which children come into close daily contact. It is also known that organohalogen flame retardants can be released into the air and household dust, exposing children (and everyone) to their toxic effects.

The National Academy of Sciences reported that, in light of the more than 1500 new chemicals introduced into commerce each year, assessing chemicals as classes would make regulatory hazard and risk assessment much more efficient and that individual assessment of chemicals is unrealistic. The only practical approach for a large set of chemicals is a class approach. The 2019 Academy report defined 14 subclasses of organohalogen flame retardants based on chemistry (6 subclasses) and predicted health impact (8 subclasses),[3] demonstrating the need for an effective and expeditious way to scientifically evaluate their adverse effects.

In order to make current scientific information available to the public, the Green Science Policy Institute has grouped many chemicals of concern into six classes based on their toxicity, persistence, and bioaccumulation: PFAS (per- and poly- fluoroalkyl substances), antimicrobials, flame retardants, bisphenols + phthalates, some solvents, and certain metals.[4] This organization also provides guidance on ways to avoid products containing these substances and why they should be avoided.

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[1] https://greensciencepolicy.org/our-work/class-concept/
[2] A. Blum et al. (1978) Sep 15;201(4360):1020-3. doi: 10.1126/science.684422.
[3] https://www.nap.edu/catalog/25412/a-class-approach-to-hazard-assessment-of-organohalogen-flame-retardants
[4] https://greensciencepolicy.org/our-work/class-concept/

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Retailers such as IKEA, Patagonia, and 3M have adopted the class approach through voluntary phase outs of PFAS, flame retardants, and heavy metals. It makes sense that we do the same for our children's products.

Thank you for this opportunity to provide comments, for your attention to our concerns, and for your time. Please support House Bill 3043 to improve our ability to keep our kids toxic free.

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Oregon Physicians for Social Responsibility