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Testimony of Ray Thomas in Support of SB1032

Chair Taylor, Vice-Bonham and members of the Committee, my name is Ray Thomas, and I am testifying in support of SB 1032 a law that would require sellers of Difluoroethane (DFE) Duster to store it behind the counter with other potentially harmful products.

I learned about the deadly effects caused by inhalation of Duster products after Joleen Braasch-Berry was run down and killed here in Salem by a Duster intoxicated driver in October 2020.

When she was killed the police told us the driver was “huffing” Duster. It mystified me how a common office product was connected to this tragedy. I went on the internet and was shocked to learn that Duster products are a widespread problem because people inhale the active ingredient to get a quick and very strong high.

Joleen was killed in October 2020 by a driver who had just bought a single can off the shelf at the North Salem Home Depot. He inhaled from it (as seen on a security camera video screenshot below) as he walked to his car in the parking lot.



He drove from the lot and within several blocks and in less than four minutes swerved off the roadway and hit Joleen who was riding her bicycle home from work in a bike lane. In spite of her helmet, she died from massive trauma injuries.

Joleen was a bright light to everyone who knew her. After living with our family for part of a year in high school when she attended Hillsboro HS, she went on to attend North Salem HS and graduated at the top of her class. She was awarded three different scholarships and then went on to graduate summa cum laude from WOU. After graduation she worked as a library aide in the Salem Keizer school system. On the day of her death she rode her bike to the school (in spite of it being closed due to Covid shutdown), and helped parents with technical remote learning issues all day, planning to ride home after school hours to continue as a “Home Coach” that evening.



Her last text to her husband George Braasch-Berry read “Wow. I’ve just been doing tech support all day long. For some reason everybody needed everything all at once. I didn’t even eat. And now I gotta bike home and do Homecoach.” 30 minutes later she was almost home when she was struck and killed.

In Joleen’s case the driver was so out of it that he just babbled at the scene of the crash. He was prosecuted after the can of Duster was seen by police in the back seat of the car.

Searching on the internet we learned that “huffing” of Duster is a serious problem. There are even YouTube videos that show the severity of Duster intoxication.

<https://www.youtube.com/watch?v=DDCwsHZEa6s>

Further research revealed that there were many more victims of Duster inhalant abuse, and that there are no protections at point of sale to keep Duster behind the counter like other items subject to abuse or misuse. We also learned about other inhalant victims from a group called Families United Against Inhalant Abuse (FUAIA)

<https://familiesunitedagainstinhalantabuse.org/> an organization started by a retired school principal who lost her son to a Duster overdose. We also learned that another mother who had lost a child to Duster had introduced a law in MN with bipartisan support that went into effect 1/1/25. It provided point of sale protection for retail sales of Duster. This MN law was the model we used for SB1032 in Oregon.

SB 1032 would be particularly useful in light of what happened before Joleen's death. Home Depot stores keep Duster on the same shelf as other industrial cleaners and solvents where anyone can grab a can and buy it without any restriction. In Joleen's case the driver had just shopped at the nearby Salem Walmart grocery store. He had tried to bring his cartful of items into a limited item number checkout line. When the cashier told him he had too many items he became angry and just walked out of the store leaving the pile of groceries at the counter for others to put away. He then drove over to the Home Depot store where he bought the single can of Duster off the shelf. This purchase could not have been made at Walmart without asking for a store clerk because Walmart keeps its Duster in a locked cabinet. This driver who had already exhibited impulsive behavior would have been unable to buy the Duster at Walmart without having to ask for it and then having a clerk open the case and take it out, extra steps which might have saved Joleen's life.

It is important to note that retail stores treat Duster without any uniform system. Walmart stores keep Duster in a locked cabinet, the Salem Staples store keeps it behind the Customer Service Desk. Home Depot just leaves it on the solvents shelf.

We know that retailers today keep many costly items behind the counter or locked behind glass doors to prevent shoplifting, misuse (spray paint) or abuse (pseudoephedrine).

Similar protections are needed for Duster which has now been recognized as being so dangerous that it is the subject of a CPSC Hazardous Substances Investigation that might ban the powerful anesthetic drug's use in Duster products.

<https://www.federalregister.gov/documents/2024/07/31/2024-16716/banned-hazardous-substances-aerosol-duster-products-containing-more-than-18-mg-in-any-combination-of> The CPSC investigation has revealed that 1115 people have died and 28,000 have been admitted to hospital emergency rooms from Duster inhalation. AND these numbers do not even include "bystander" injuries like Joleen's.

While the pending CPSC action might sound promising at the federal level, any practical progress forward is highly uncertain due to the change in administration causing budget cuts and reordering of priorities for federal agencies. These changes make it even more important for state action in Oregon by passage of SB 1032.

Please forward SB1032 with a “do pass” recommendation to protect Oregonians by creating uniformity in the sale of Duster products.