

Testimony of Ray Thomas in Support of SB1032

Committee Chair Sosa and Vice Chairs ChaiChi and Osborne

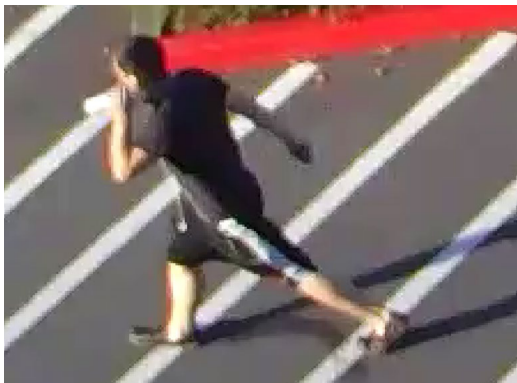
My name is Ray Thomas and I live in Portland Oregon. This is my testimony in support of SB 1032. During high school Joleen Braasch lived with our family for part of her junior year of high school. I thought at this time I would be enjoying watching Joleen's passage through her life and career, not working on a legislative bill. BUT she was killed in October 2020 by a driver "huffing" Duster. After her death we discovered that "Duster" products are available on store shelves with no point of sale protection in Oregon. These products are commonly used to obtain a quick "high" that is deadly. We want to protect the public from impulse purchases of Duster products with SB1032, a law based on a measure passed into law in Minnesota 1/1/25 after similar tragic experiences caused by Duster inhalation were brought to the attention of the legislature there.

This video shows a disturbing and unfortunately typical scenario.

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

After Joleen's death we learned about the widespread abuse of Duster products, all of which contain DFE, (a chemical originally developed as a surgical anesthetic). Joleen's death was one of a pattern of tragedies where someone buys Duster to get high from a store where it is on a shelf with regular products, and then drives.

Joleen was killed in October 2020 by a driver who had just bought a single can in a big box store and inhaled from it (as seen on security camera video screenshot below) as he walked to his car in the parking lot.



He drove from the lot and within blocks 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. When she lived with our family for she attended Hillsboro High School before graduating at the top of her class from North Side High School in Salem. 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.

The driver was so out of 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. We learned then then that there were many more victims of Duster inhalant abuse and that there were 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 OD. It turns out there are many thousands of injuries and deaths caused by Duster inhalation. We also learned that another mother who had lost a child to Duster had introduced a law in MN with bipartisan support that was enacted into law 1/1/25. This MN law is the model we used for the proposed law in Oregon.

SB 1032 would be particularly useful in light of what happened before Joleen's death. The retailer where the Duster was sold kept the product on the same shelf as other industrial cleaners and solvents. If the driver had to ask for it and show ID it would have been a practical deterrent that may have saved Joleen's life because the driver had earlier that afternoon gone to shop at a grocery store and 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. Shortly after he drove to the big box store where he bought the single can of Duster.

Retailers today keep many costly items behind the counter or locked behind glass doors to prevent shoplifting, misuse (spray paint) or abuse (pseudoephedrine). The store where this driver bought the single can of Duster keeps it on the shelf with other cleaners and solvents. The store he walked out of keeps it in a case where a store employee must obtain it for the customer. Other stores keep Duster behind the counter. IF he had to ask for the Duster and show ID he may well have made a different choice that day.

Duster is so dangerous that it is the subject of a current CPSC Hazardous Substances Investigation that would ban DFE 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 on inhalant injuries do not even include "bystander" injuries like Joleen's. FUAIA compiled tabulations demonstrate that there are far more injuries and deaths than are reported.

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

Please assist us in getting SB1032 forwarded for passage the Oregon House this term and thank you for reviewing this important bill.

