

Senate Bill 836

Senate Bill 836 aligns the reporting provisions of Oregon “Toxic Free Kids Act” (TFKA) with similar laws in Washington State, Maine and Vermont

- SB 836 provides a reporting exemption similar to programs in other states which have prioritized product information that companies are required to report, and have excluded “inaccessible parts or components.”
- Additionally, both international regulations and federal laws, under the Federal Hazardous Substances Act and the Consumer Product Safety Improvement Act, acknowledge that “inaccessible components” pose little to no exposure risk

Senate Bill 836 provides for reasonable fees for OHA outside consultants.

- The OHA fee schedule for the TFKA establishes fees companies will pay for reporting, as well as fees for exemption requests submitted to the OHA.
- The current fee schedule provides that OHA outside consultants will be paid \$12,000 up front to review information from a manufacturer to demonstrate processes they already have in place. SB 836 limits fees provided to outside consultants for these reviews to \$2,000.
- The bill does not change fees paid to the OHA for reporting.

Senate Bill 836 gives the legislature the opportunity to review the program before the most costly portion of the law become effective.

- The TFKA will have a much higher cost to the state in the coming years than the estimates provided to the legislature by OHA in 2015.
- This bill requires the OHA to analyze the data collected, and provide a report to legislature prior to implementing the costliest phase of TFKA which bans certain materials and products. The cost and complexity of this program requires direct legislative oversight to ensure success.

Senate Bill 836 does not repeal the Toxic Free Kids Act, and Oregon will still have the most expansive and complex program for children’s products in the nation.

- OHA will still be charged with implementing regulations that go beyond the requirements of any other state, federal or international law.
- The TFKA would still require companies to report the presence of 66 chemicals in their products by December 31, 2017.
- The state will be required to study, analyze and advise the legislature on future program elements to ensure consumer safety and fiscal responsibility.
- Companies will still be required to submit documentation to the OHA of a Manufacturing Control Program.
- Any reported presence of listed chemicals will still be made available to the public.
- Companies will still be required to pay fees that are not required in other states, and will still be subject to additional fees related to alternative and other costly assessments in the next phase of the program.
- Some small businesses will continue to be exempt from the program.