

US Oregon Published Phase 3 of Toxic Free Kids Act



In March, 2021, the Oregon Health Authority (OHA) published the rules (Oregon Administrative Rules –OARs) for the final implementation phase (Phase 3) of the Toxic Free Kids Act. The rules became effective on March 1, 2021.

The Toxic-Free Kids Act was passed in 2015. This law requires manufacturers of children's products sold in Oregon to report products containing one or more high priority chemicals of concern for children's health (HPCCCH) if found at or above specific levels in those products.

The OARs in Phase 3 established the detailed requirements for manufacturers of three specific categories:

- children's products for children under three years-old;
- mouthable items; or
- children's cosmetics.

To comply with the law, the manufacturers remove HPCCCH from product models in above categories or substitute HPCCCH with an alternative to make the product less hazardous or have a waiver approved by the Authority by January 1, 2022.

Per final rules, if a manufacturer applies for a waiver, they will be required to either demonstrate that:

- The chemical of concern does not move from the product into children's bodies under conditions of normal use of the product, or;
- Conduct an alternatives assessment demonstrating that eliminating or substituting the chemical of concern is not financially or technically feasible.

If a manufacturer replaces a chemical of concern with another chemical in the product, they need to submit a chemical hazard assessment demonstrating that the substitute chemical is not as or any more toxic than the replaced chemical of concern.

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Link

Oregon, ToxicFree Kids Act-Phase

3 Rulemaking

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/TOXICSUBSTANCES/Pages/Toxic-Free-Rules.aspx#phase3>

Oregon, List of Chemicals of High Concern to Children's Health (HPCCCH)

https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/HEALTHYNEIGHBORHOODS/TOXICSUBSTANCES/Documents/1.1.2019_update_high-priority-chemicals-of-concern-for-childrens-health.pdf

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