

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

List of high priority chemicals of concern for children's health when used in children's products

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Permanently adopting rules in chapter 333, division 16 in order to implement SB 478, Toxic Free Kids Act of 2015.

Statutory Authority:

OL 2015, ch. 786

Other Authority:

Statutes Implemented:

OL 2015, ch. 786

Need for the Rule(s):

SB 478 (Oregon Laws 2015, chapter 786) was passed by the Oregon Legislature during the 2015 legislative session. The law requires the Oregon Health Authority (Authority) to maintain a list of high priority chemicals of concern for children's health when used in children's products. The law states that the initial Authority list shall "include on the list chemicals that are listed on the Washington State Department of Ecology's Reporting List of Chemicals of High Concern to Children". These rules establish the initial list of high priority chemicals of concern for children's health when used in children's products that a manufacturer of children's products sold or offered for sale in this state shall provide biennial notice to the Oregon Health Authority beginning on January 1, 2018. This rulemaking is only establishing the list of high priority chemicals of concern for children's health when used in children's products. No requirements are being imposed on manufacturers at this time.

Documents Relied Upon, and where they are available:

State of Washington, Department of Ecology, The Reporting List of Chemicals of High Concern to Children (CHCC). <http://www.ecy.wa.gov/programs/swfa/cspa/chcc.html>

SB 478 (Oregon Laws 2015, chapter 786): <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB478/Enrolled>

Fiscal and Economic Impact:

There is minimal to no fiscal or economic impact to the Authority for establishing the list of chemicals of priority health concern in children's products.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The estimated workload for the Oregon Health Authority, Public Health Division (PHD) is the posting of the list of high priority chemicals on its website. For each high priority chemical on the list, the Authority shall post information regarding the known health impacts associated with exposure to the chemical. There is no anticipated cost of compliance impact to other state agencies, units of local government or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There is no regulation imposed on any small business with adoption of these rules. These rules only establish the list of high priority chemicals of concern for children's health when used in children's products

There is the possibility that inclusion of a particular chemical on the list of high priority chemicals of concern could impact a business due to uncertainty about the safety of a product containing a listed chemical. It is not possible to estimate that potential impact or the number of small business that may be impacted since it is not currently known which products contain high priority chemicals of concern.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

How were small businesses involved in the development of this rule?

Small business interests participated in the Rules Advisory Committee including Associated Oregon Industries, representatives of the pulp and paper industry, and the Toy Industry Association.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

11-23-2015 5:00 p.m.	Brittany Sande	brittany.a.sande@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address