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OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 16

HAZARDOUS SUBSTANCES

List of High Priority Chemicals of Concern for Children's Health When Used In Children's Products

333-016-2000

Purpose, Scope, and Effective Date

(1) These rules establish the initial list of high priority chemicals of concern for children's health when used in children's products. The presence of a high priority chemical of concern in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws. The information required to be reported in these rules will help fill a data gap that exists for both consumers and agencies.

(2) A manufacturer of children's products sold or offered for sale in this state must provide biennial notice to the Oregon Health Authority, of all children's products that contain a high priority chemical listed in OAR 333-016-2020.

(3) A manufacturer's first report is due no later than January 1, 2018.

Stat. Auth.: OL 2015, ch. 786

Stats. Implemented: OL 2015, ch. 786

333-016-2010

Definitions

(1) "Chemical" means:

(a) A substance with a distinct molecular composition and the breakdown products of the substance that form through decomposition, degradation or metabolism.

(b) A group of structurally related substances and the breakdown products of the substances that form through decomposition, degradation or metabolism.

(2) "Children's cosmetics" means products that are intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, moisturizing, beautifying, promoting attractiveness or altering the appearance.

"Children's cosmetics" does not mean soap, dietary supplements or food and drugs approved by the United States Food and Drug Administration.

(3)(a) "Children's product" means:

(A) Any of the following products that are made for, marketed for use by or marketed to children under 12 years of age:

(i) A product designed or intended by the manufacturer to facilitate sucking, teething, sleep, relaxation, feeding or drinking.

(ii) Children's clothing and footwear.

(iii) Car seats.

(iv) Children's cosmetics.

(v) Children's jewelry.

(vi) Toys.

(B) Any component part of a product specified in paragraph (A) of this subsection.

(b) "Children's product" does not mean:

(A) Athletic shoes with cleats or spikes.

(B) Batteries.

(C) BB guns, pellet guns and air rifles.

(D) Bicycles and tricycles.

(E) Chemistry sets.

(F) Consumer electronic products, including personal computers, audio and video equipment, calculators, wireless telephones and game consoles, handheld devices that incorporate a video screen and are used to access interactive software, and the associated peripherals.

(G) Interactive software intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs.

(H) Model rockets.

(I) Pocketknives and multitools.

(J) Roller skates.

(K) Scooters.

(L) Sets of darts with metallic points.

(M) Slings and catapults.

(N) Snow sporting equipment, including skis, poles, boots, snowboards, sleds and bindings.

(O) Sporting equipment and accessories, including but not limited to bats, balls, gloves, sticks, pucks, pads, helmets and other protective equipment, weight training and exercise aids, protective eyewear, backpacks and tents, raingear, sport bags and luggage, and golf equipment.

(P) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding 24 volts.

(Q) Food and beverages and food and beverage packaging regulated by the United States Food and Drug Administration or the United States Department of Agriculture.

(4) "These rules" mean OAR 333-016-2000 through 333-016-2030.

Stat. Auth.: OL 2015, ch. 786

Stats. Implemented: OL 2015, ch. 786

333-016-2020

Chemicals of High Concern to Children

The following chemicals are designated as high priority chemicals of concern for children's health when used in children's products:

(1) Formaldehyde (50-00-0).

(2) Aniline (62-53-3).

(3) N-Nitrosodimethylamine (62-75-9).

(4) Benzene (71-43-2).

(5) Vinyl chloride (75-01-4).

(6) Acetaldehyde (75-07-0).

(7) Methylene chloride (75-09-2).

(8) Carbon disulfide (75-15-0).

(9) Methyl ethyl ketone (78-93-3).

(10) 1,1,2,2-Tetrachloroethane (79-34-5).

(11) Tetrabromobisphenol A (79-94-7).

- (12) Bisphenol A (80-05-7).
- (13) Diethyl phthalate (84-66-2).
- (14) Dibutyl phthalate (84-74-2).
- (15) Di-n-hexyl phthalate (84-75-3).
- (16) Phthalic anhydride (85-44-9).
- (17) Butyl benzyl phthalate (BBP) (85-68-7).
- (18) N-Nitrosodiphenylamine (86-30-6).
- (19) Hexachlorobutadiene (87-68-3).
- (20) Propyl paraben (94-13-3).
- (21) Butyl paraben (94-26-8).
- (22) 2-Aminotoluene (95-53-4).
- (23) 2,4-Diaminotoluene (95-80-7).
- (24) Methyl paraben (99-76-3).
- (25) p-Hydroxybenzoic acid (99-96-7).
- (26) Ethylbenzene (100-41-4).
- (27) Styrene (100-42-5).
- (28) 4-Nonylphenol (104-40-5); 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3.
- (29) para-Chloroaniline (106-47-8).
- (30) Acrylonitrile (107-13-1).
- (31) Ethylene glycol (107-21-1).
- (32) Toluene (108-88-3).
- (33) Phenol (108-95-2).
- (34) 2-Methoxyethanol (109-86-4).
- (35) Ethylene glycol monoethyl ester (110-80-5).
- (36) Tris(2-chloroethyl) phosphate (115-96-8).
- (37) Di-2-ethylhexyl phthalate (117-81-7).
- (38) Di-n-octyl phthalate (DnOP) (117-84-0).
- (39) Hexachlorobenzene (118-74-1).
- (40) 3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine (119-93-7).
- (41) Ethyl paraben (120-47-8).
- (42) 1,4-Dioxane (123-91-1).
- (43) Perchloroethylene (127-18-4).
- (44) Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone (131-55-5).
- (45) 4-tert-Octylphenol; 4(1,1,3,3-Tetramethylbutyl) phenol (140-66-9).
- (46) Estragole (140-67-0).
- (47) 2-Ethylhexanoic acid (149-57-5).
- (48) Octamethylcyclotetrasiloxane (556-67-2).
- (49) Benzene, Pentachloro (608-93-5).
- (50) C.I. Solvent yellow 14 (842-07-9).
- (51) N-Methylpyrrolidone (872-50-4).
- (52) 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209 (1163-19-5).
- (53) Perfluorooctanyl sulphonic acid and its salts; PFOS (1763-23-1).
- (54) Phenol, 4-octyl (1806-26-4).
- (55) 2-Ethyl-hexyl-4-methoxycinnamate (5466-77-3).
- (56) Mercury (7439-97-6) and mercury compounds including methyl mercury (22967-92-6).

- (57) Molybdenum and molybdenum compounds (7439-98-7).
 - (58) Antimony and Antimony compounds (7440-36-0).
 - (59) Arsenic and Arsenic compounds (7440-38-2), including arsenic trioxide (1327-53-3) and dimethyl arsenic (75-60-5).
 - (60) Cadmium and cadmium compounds (7440-43-9).
 - (61) Cobalt and cobalt compounds (7440-48-4).
 - (62) Tris(1,3-dichloro-2-propyl)phosphate (13674-87-8).
 - (63) Butylated hydroxyanisole; BHA (25013-16-5).
 - (64) Hexabromocyclododecane (25637-99-4).
 - (65) Diisodecyl phthalate (DIDP) (26761-40-0).
 - (66) Diisononyl phthalate (DINP) (28553-12-0).
- Stat. Auth.: OL 2015, ch. 786, sec. 3
Stats. Implemented: OL 2015, ch. 786, sec. 3

333-016-2030

Modifications to the List of High Priority Chemicals of Concern for Children's Health

(1) The Oregon Health Authority shall consider adding a chemical to the list of high priority chemicals of concern for children's health in OAR 333-016-2020 if that the chemical, on or after the effective date of these rules:

(a) Has been added to any of the following:

(A) Washington's list of Chemicals of High Concern to Children (WAC 173-334-130);

(B) Maine's list of Chemicals of High Concern (Maine law 38 § 1693-A(2));

(C) Minnesota's list of Chemicals of High Concern (Minn. Stat. 2010 116.9401 – 116.9407);

(D) Vermont's list of Chemicals of high concern to children (18 V.S.A. chapter 38A § 1773);

(b) Is subsequently identified by the United States Environmental Protection Agency (USEPA) as being "carcinogenic to humans", or "likely to be carcinogenic to humans" through USEPA's Integrated Risk Information System;

(c) Has been found to have a reference dose or reference concentration based on neurotoxicity through USEPA's Integrated Risk Information System;

(d) Is subsequently identified in monographs on the Potential Human Reproductive and Developmental Effects, United States Office of Health and Human Services National Toxicology Program, Office of Health Assessment and Translation as a reproductive or developmental toxicant; or

(e) Is subsequently identified by the Centers for Disease Control and Prevention in its National Report on Human Exposure to Environmental Chemicals.

(2) The Authority shall also consider adding a chemical to the list of high priority chemicals of concern for children's health in OAR 333-016-2020 if that the chemical, on or after the effective date of these rules:

(a) Is found to have the potential, as demonstrated by credible, peer-reviewed scientific evidence to:

(A) Harm the normal development of a fetus or child or cause other developmental toxicity;

(B) Act as a carcinogen;

(C) Cause genetic damage or reproductive harm;

(D) Disrupt the endocrine system;

(E) Damage the nervous system, immune system or organs;

(F) Cause other systemic toxicity;

(G) Be a very persistent toxic substance by having a half-life greater than or equal to one of the following:

(i) A half-life in soil or sediment of greater than one hundred eighty days.

(ii) A half-life greater than or equal to sixty days in water or evidence of long-range transport; or

(H) Be a very bioaccumulative toxic substance by having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0; and

(b) Has been found through:

(A) Biomonitoring to be present in human blood, umbilical cord blood, breast milk, urine or other bodily tissues or fluids;

(B) Sampling and analysis to be present in household dust, indoor air, drinking water or elsewhere in the home environment; or

(C) Monitoring to be present in fish, wildlife or the natural environment.

(3) The Oregon Health Authority may remove a chemical from the list if the Authority determines that:

(a) The chemical is no longer being used in children's products; or

(b) The chemical has been removed from any of the lists identified in subsection (1)(a) through (e) of this rule.

(4) The list of high priority chemicals of concern for children's health in OAR 333-016-2020 may only be modified by following the Administrative Procedures Act rulemaking process.

Stat. Auth.: OL 2015, ch. 786, sec. 3

Stats. Implemented: OL 2015, ch. 786, sec. 3