



November 20, 2023

Ms. Brittany Hall  
Administrative Rules and Legislative Coordinator  
Oregon Health Authority, Public Health Division  
800 NE Oregon Street, Suite 930  
Portland, OR 97232

RE: Comments on Proposed Rule – OAR 333-016

Dear Ms. Hall:

On behalf of The Toy Association (TTA), the Juvenile Products Manufacturer's Association (JPMA), and the American Chemistry Council (ACC) please accept the following comments and requests for clarifications on the Oregon Health Authority's (OHA) proposed administrative rules in Chapter 333, Division 16 (Rule) related to the implementation of HB 3043. We appreciate the opportunity to provide these comments on the proposed Rule, and to provide input through the Rules Advisory Committee (RAC) meetings convened in 2023. It is in the best interest of children and the manufacturers of children's products to have certainty around regulatory requirements and resolving the following concerns would help provide a clearer pathway for compliance with the TFKA.

1. How will classes or subclasses be added to the HPCCCH list and then how will the fees be charged? When you add a "class" or "subclass" will it be listed as the "class" or as each individual chemical within a whole "class/subclass"? Will the manufacturer be charged \$250 for all chemicals included in the "class/subclass" or \$250 for each individual chemical in the "class/subclass"?

If the intention is for the manufacturer to pay one \$250 fee for the whole "class/subclass" we recommend changing the language around notification requirements to clarify.

2. Throughout the process, many stakeholders believed that because HB 3043 puts the addition of "classes" or "subclasses" in ORS 431A.255(1)(b) that they can only be added if WA changes their Children's Safe Products Act (CSPA) to allow them to be added to their List of Chemicals of High Concern to Children. There is a good argument for that interpretation of the statute, especially testimony in the legislative record states that this provision was only created to align with WA's program. However, the rule says that to include "classes" or "subclasses" that the department may consider all the programs in section 1 of 333-016-2030.

We appreciate OHA's desire to ensure that the new statutory requirements from HB 3043 are implemented correctly and clearly. Thank you for the opportunity to comment. Please feel free to contact us directly via Erin Raden at [eraden@toyassociation.org](mailto:eraden@toyassociation.org) if you have any questions about these comments or would like to discuss in more detail.

Respectfully,

Erin Raden  
Senior Director, State Government Affairs  
The Toy Association

Lisa Trofe  
Executive Director  
Juvenile Products Manufacturers Association

Tim Shestek  
Senior Director, State Affairs  
American Chemistry Council

CC: Justin Waltz  
Program Analyst & Lead, Toxic-Free Kids Program  
Oregon Health Authority - Public Health Division