



June 29, 2023

The Honorable Tina Kotek  
Office of the Governor  
900 Court Street, Suite 254  
Salem, OR 97301-4047

Re: HB 3043 Relating to chemicals in children's products – VETO

Dear Governor Kotek:

I write today on behalf of the Toy Association (TTA), a not-for-profit trade association representing approximately eight hundred (800) toymakers, marketers, distributors, and retailers, large and small, located throughout North America. TTA has a long history of leadership in toy safety, having helped develop the first comprehensive toy safety standard more than 40 years ago, and remains committed to working with medical experts, government, consumers, and industry on ongoing programs to ensure safe and fun play. TTA regularly conducts educational seminars on these industry standards, educates parents and caregivers on choosing appropriate toys, and chairs the committee that reviews and revises America's widely emulated ASTM F963 toy safety standard.

Unfortunately, HB 3043 does not further our shared goal of children's product safety.

The existing provisions of the Oregon Toxic Fee Kids Act (TFKA) are just being fully implemented and it is currently the subject of litigation in Federal Appeals Court. Both parties have filing deadlines later this summer, and while we hope to adhere to this timeline, extensions are very common in appellate practice especially since OHA filed this week with the court to change attorneys and they may need to get up to speed. In a best-case scenario, oral arguments aren't expected until early summer 2024.

The TFKA already goes further than any other operating program in the United States, including California and Washington. Allowing classes of chemicals, increasing reporting requirements, requiring resubmission of hazard assessments, and changing key definitions will dramatically increase the requirements on manufacturers, retailers, and the Oregon Health Authority without increasing children's safety.

In addition, if these changes are made, it will put Oregon's program further out of alignment with Washington, whose product testing program Oregon relies on for enforcement. There seems to be confusion about what program regulates children's products in Washington, it is



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the Children's Safe Products Act, not the Safer Products for Washington Program which regulates other consumer products. The state of Washington does not allow the regulation of classes of chemicals in children's products.

It's not clear to what extent OHA is enforcing or has the resources to enforce the current TFKA program, but the proposed expansion will be very costly for both the department and manufacturers to implement. Rather than attempting to expand this program, Oregon should take the opportunity to lead on addressing the health and safety concerns that come along with the flow of counterfeit and illicit products which are getting into hands of consumers including children through e-commerce. These products most often don't comply with any safety requirements at the federal or state level and pose a real-time danger to children.

For these reasons, the Toy Association must respectfully request a veto of HB 3043. Thank you for considering our concerns. Please feel free to contact me at [eraden@toyassociation.org](mailto:eraden@toyassociation.org) or 520-991-0014 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Erin Raden". The signature is written in a cursive, flowing style.

Erin Raden  
Director, State Government Affairs  
The Toy Association