

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

SENATE COMMITTEE ON
TELECOMMUNICATIONS AND CONSUMER AFFAIRS

March 5, 1991Hearing Room B
1:00 p.m.Tapes 21 - 22

MEMBERS PRESENT:Senator Jolin, Chair
 Senator Otto, Vice-Chair
 Senator Kennemer
 Senator Bunn
 Senator Shoemaker

STAFF PRESENT: Cherie Copeland, Committee Administrator
 Apryl Poff, Committee Assistant

MEASURES HEARD: SB 601 Reporting toy related deaths PUB.
 SB 603 Hazardous toy recall PUB.
 SB 553 Toy warning PUB.

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PUBLIC HEARING.
TAPE 21, SIDE A

- 005 CHAIR JOLIN: Calls the meeting to order at 1:07 p.m.
- 006 CHERIE COPELAND: Introduces proposed committee bills (EXHIBIT A).
 >LC 3013 Credit life insurance.
 >LC 3786 Telephone answering service identification.
 >LC 3669 Legal technicians' practice and licensing.
- 015 There being no objections all three LC drafts are accepted.
- 016 Senator Bunn and Senator Otto arrive at 1:09.
- 030 SB 603 AND 553 PUBLIC HEARING.
 Witnesses: Jon Stubenvoll, Oregon State Public Interest Research Group.
 Keith Meerdink, citizen.
 Art Keil, Health Division.
- 044 JON STUBENVOLL: Submits and summarizes written testimony and "The 199 0 Dangerous Dozen Unsafe Toys" book in favor of SB 553 (EXHIBIT B&C). United States Consumer Product Safety Commission (CPSC) data indicate that 148,000 children in this country were treated in hospital emergency rooms for toy-related injuries in 1989. Approximately 1/2 of these injuries occurred to children under the age of 5 years. The largest cause of these deaths was

choking incidents associated with various small toys or toy parts. Children under age three are at high risk from choking on small parts. The CPSC has devised an effective test for this small parts hazard.

If a toy or toy part fits fully into a truncated right cylinder with a diameter of 1.25 inches and a depth ranging from 1.00 to 2.25 inches, the toy or part is deemed inappropriate for children under age three and isn't to be marketed to this age group. This federal small parts regulation, as it currently stands, has a key flaw. There are no requirements for the labeling of toys which contain small parts. The passage of SB 553 would address this flaw by providing solid standards for labeling.

175 SENATOR BUNN: Where is the three year old classified?

184 JON STUBENVOLL: If they are three and older it doesn't apply.

185 JON STUBENVOLL: Displays and demonstrates five different toys with small parts and explains why they are unsafe.

236 SENATOR OTTO: Where is the label to be placed?

241 JON STUBENVOLL: On the packaging and information enclosed inside the packaging.

267 JON STUBENVOLL: Submits and summarizes written testimony in favor of SB 603 (EXHIBIT D). Recalled products are those that have been confirmed by a government regulator as violating established safety standards or as posing an undue risk to the consumer through normal or foreseeable use. These are products that are dangerous and shouldn't have been put on the market in the first place. Last year the CPSC recalled over 200 different toys. According to federal estimates, only about 10% of the items subject to a given product recall are actually recalled from the consumers who had purchased them. With its limited resources, the CPSC does what it can to inform the public of a recall. This usually amounts merely to issuing a news release, and hoping that the news media picks it up. Under SB 603, if a retailer is notified by the CPSC, a manufacturer, or a distributor of a defective or hazardous toy or other children's article, that retailer would be required to post public notice of the defective product for at least 120 days. SB 603 will greatly facilitate product recalls and corrective actions simply by informing those Oregonians who have purchased the hazard.

351 SENATOR OTTO: Why wouldn't it work to have all toys inspected before they are put out on the market?

355 JON STUBENVOLL: This would work, but the toy market inspection is under-funded.

401 SENATOR SHOEMAKER: Does the Consumer Product Safety Commission concern itself with consumer products other than toys?

411 JON STUBENVOLL: Definitely yes.

TAPE 22 SIDE A

072 KEITH MEERDINK: Submits and summarizes written testimony in opposition of SB 553 (EXHIBIT E). While I support the intent of SB 553, I oppose its passage

primarily because labeling laws should be consistent from state to state. The CPSC 1989 Annual Report indicates that toys are ranked second to the lowest category for product-associated injuries or deaths, right behind housewares. When you combine the Toy Manufacturers of America summary with CPSC's injury/death statistics, we can conclude that in 1989 there was less than one injury for every 10,000 toys bought and less than one death for every 100 million toys sold. I oppose the passage of SB 553 in its current form for the following reasons:

>SB 553 singles out a very small portion of small part items which are found in households which cause choking. It should be expanded to include warnings on housewares and office products.

>Needs to speak more directly to specific toy items which have a track record of causing choking problems such as balloons, marbles, and small balls.

>SB 553 doesn't speak to the financial impact to the state in enforcing this measure.

>Places Oregon in non-conformity with accepted requirements and practices of the toy industry and federal agencies.

In conclusion, I support the intent of SB 553 but I oppose passage of the measure in its current form because it is untimely and presents significant implementation problems.

255 SENATOR KENNEMER: Gives suggestion of having a memorial.

284 SENATOR OTTO: Sometimes it is very advisable to be the first state to pass a law like this. I don't believe that a memorial will work.

300 SENATOR SHOEMAKER: What is the federal government through CPSC doing about toy safety?

313 KEITH MEERDINK: The CPSC has notified the toy industry of the relabeling process they are going through. They did this in June and indicated that within six to eighteen months, the CPSC will be coming out with new hazardous toy labeling which will affect children under three and also from three to six.

353 ART KEIL: Submits and summarizes written testimony in favor of SB 553 (EXHIBIT F).

The Health Division supports passage of SB 553. In the event that the federal rule change isn't forthcoming, the Health Division would be required under SB 553 to:

>Adopt rules requiring warning labels on toys with small parts and defining small parts and proper labeling.

>Provide prevention and education for consumers.

>Establish a compliance program for removal of hazardous toys from retail sale.

>Establish a surveillance program to ascertain compliance with proper labeling of hazardous toys.

An estimated cost for this program for 18 months from January 1, 1992, to July 1, 1993, would be \$110,000.

430 ART KEIL: Submits and summarizes written testimony in favor of SB 603 (EXHIBIT G). The

U.S. Consumer Product Safety Commission currently sets mandatory safety standards for small parts in toys and other articles intended for use by children under three years of age. The CPSC also investigates consumer and trade complaints and obtains corrective action. The CPSC can't assure that all toys are safe as it doesn't have the resources to check all toys for safety. In the event that this bill is enacted into law, the Health Division would be required to:

>Establish an inspection program to determine if an estimated 150,000-200,000 retail stores are in compliance with warning signs.

>Develop and establish lists of defective and hazardous toys sold in Oregon.

>Establish a compliance program with civil penalties.

The estimated cost for this program for 18 months from January 1, 1992, to July 1, 1993, would be \$170,500.

TAPE 21 SIDE B

037 JON STUBENVOLL: Oregon State Public Interest Research Group firmly supports the Consumer Product Safety Commission.

059 REPRESENTATIVE LISA NATO: Gives testimony in favor of SB 601, 603, and 553.

077 SB 601 REPORTING TOY RELATED DEATHS PUB.

Witnesses: Jon Stubenvoll, Oregon State Public Interest Research Group.

079 JON STUBENVOLL: Submits and summarizes written testimony in favor of SB 601 (EXHIBIT H). Collecting data about product hazards, including how, when, where, and why consumer deaths and injuries occur, is the critical first step in preventing these deaths and injuries. With this information, product safety campaigns can effectively be targeted at the products, and the specific uses of the products, that cause injuries. The National Electronic Injury Surveillance System is a data collection system comprised of hospitals from around the country. No hospitals in Oregon participate in this system. When a patient is treated for a toy related injury in one of the NEISS hospitals, a report of the injury is logged with this system. There are two significant deficiencies with the NEISS system.

>The size of the system.

>The lack of localized data concerning product related injuries and deaths.

SB 601 is designed to address both of these problems as it would create a program to work to supplement NEISS by collecting localized data for the state of Oregon. This legislation provides an excellent opportunity for joint state-federal cooperation in preventing toy related injuries.

143 SENATOR SHOEMAKER: Why have this program limited to just toy safety?

152 JON STUBENVOLL: Because we first need to find out if the system will work.

157 JIM CARLSON: The Oregon Medical Association has no problem with the passage of this bill. We only ask that the definition of toy be well defined. We don't want to include bikes, skateboards and

skis, for instance.

187 CHAIR JOLIN: Adjourns hearing at 2:17 p.m.

Submitted by: Reviewed by:

Apryl Poff Cherie Copeland
Assistant Committee Administrator

EXHIBIT LOG:

- A - Summary of LC draft submitted by Cherie Copeland, administrator, 1 page.
- B - "The 1990 Dangerous Dozen Unsafe Toys" booklet submitted by Jon Stubenvoll, 27 pages.
- C - Written testimony submitted by Jon Stubenvoll, 10 pages.
- D - Written testimony submitted by Jon Stubenvoll, 7 pages.
- E - Written testimony submitted by Keith Meerdink, 5 pages.
- F - Written testimony submitted by Art Keil, 2 pages.
- G - Written testimony submitted by Art Keil, 2 pages.
- H - Written testimony submitted by Jon Stubenvoll, 4 pages.