

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

In reply, please refer to:  
File:

**Testimony in SUPPORT of HB1896 HD2  
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Hearing Date: 3/15/2024 Room Number: 224

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 The Department respectfully requests that funding and personnel resources be established  
5 to implement this bill.

6 **Department Testimony:** HB1896 HD2 repeals Hawaii Revised Statutes (HRS) Section 321-  
7 602 and adds a new section to HRS Section 321 to prohibit the distribution of food packaging,  
8 food service ware, cosmetic, and/or personal care products that contain intentionally added per-  
9 and poly-fluoroalkyl substances (PFAS) to decrease the public's exposure to these chemicals.

10 The Department recognizes the benefit of prohibiting food packaging, food service ware,  
11 cosmetic, or personal care products with intentionally added PFAS to the waste stream, and that  
12 prohibiting these products will reduce overall persistent environmental contamination from  
13 PFAS. As noted by the Legislature, PFAS are called "forever chemicals" because they do not  
14 naturally break down in the environment and can contaminate drinking water, bioaccumulate in  
15 fish and wildlife, and can have multiple adverse health effects on humans. PFAS can be found in  
16 a diverse range of products including clothing, disposable cutlery, tableware and takeout  
17 containers, shaving creams, and mascara, and can enter the human body when consumed, applied  
18 directly on the skin, and/or after eating food that is served in products containing PFAS.

19 The Department supports HB1896 HD2 but notes the challenges to implement this  
20 measure due to a lack of resources, particularly the positions, funding, and laboratory testing

1 equipment necessary to conduct analysis of potentially violative products and conduct  
2 enforcement and outreach activities. To facilitate implementation of this measure, the  
3 Department respectfully requests that manufacturers of these products be required to annually  
4 submit certification and testing documentation demonstrating compliance, with appropriate  
5 deadlines to address the timeline for retailers to sell through backstock.

6 Thank you for the opportunity to testify.

7 **Offered Amendments:** None

**BOARD OF WATER SUPPLY  
KA 'OIHANA WAI  
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843  
Phone: (808) 748-5000 • [www.boardofwatersupply.com](http://www.boardofwatersupply.com)

RICK BLANGIARDI  
MAYOR  
MEIA

ERNEST Y. W. LAU, P.E.  
MANAGER AND CHIEF ENGINEER  
MANAKIA A ME KAHU WILIKI

ERWIN KAWATA  
DEPUTY MANAGER  
HOPE MANAKIA



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March 15, 2024

The Honorable Senator Mike Gabbard, Chair  
and Members  
Senate Committee on Agriculture and Environment  
Hawai'i State Capitol, Room 224  
Honolulu, Hawai'i 96813

Dear Chair Gabbard and Members:

Subject: House Bill 1896, HD 2: Relating to Environmental Protection

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB)1896, House Draft (HD) 2. This bill proposes to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added per- and polyfluoroalkyl substance (PFAS) beginning January 1, 2027.

According to the U.S. Environmental Protection Agency (EPA), PFAS are a category of manufactured chemicals that have been used in industry and consumer products since the 1940s.<sup>1</sup> PFAS are used in water-repellent, stain resistant, non-stick and many other products. It has also been found in firefighting foams used to extinguish fuel fires, wastewater, and landfills. They are water soluble, persistent and do not easily degrade in the environment. They are also linked to several health effects and can leach and contaminate groundwater aquifers used for drinking water.

This measure will help protect public health by reducing PFAS exposure to our environment, drinking water, and residents. Chronic exposure to PFAS can lead to health issues and environmental threat.

Thank you for the opportunity to testify in support of HB 1896, HD 2.

Very truly yours,

ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer

<sup>1</sup> EPA Finalizes Rule to Require Reporting of PFAS Data to Better Protect Communities from Forever Chemicals. U.S. Environmental Protection Agency, September 28, 2023.



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
MARCH 15, 2024**

**Re: HB 1896 HD2 RELATING TO ENVIRONMENTAL PROTECTION**

Good afternoon, Chair Gabbard members of Senate Committee on Agriculture & Environment. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

While we understand the intent of this measure, we respectfully oppose HB 1896 HD2. Beginning 1/1/2027, this measure prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions; and is effective 7/1/3000.

While there are valid concerns about the environmental and health risks associated with PFAS, banning these products without a thorough understanding of what they are could have several potential drawbacks. **We suggest that Hawaii do an independent study on what products contain PFAS, which products have PFAS intentionally added and if they are at safe levels that the FDA approves.** We may not be aware of how large of an impact the ban of goods and products that will no longer be available in Hawaii.

**We are also wondering how this ban will be implemented and enforced without a specific listing or clear understanding of exactly which make of products would be effected. Note that although the products may be similar, their ingredients may vary. And who would be the enforcement agency?**

**We also wonder how many foreign products that are shipped to Hawaii will be affected by the ban.**

We would like to point out that there are thousands of food packaging & service wear as well as cosmetics and personal care products that could be impacted.

Like any bans, local consumers would then turn to the internet to order their favorite banned products online. Or find a way for a friend or family member to purchase them from military facilities where there are no taxes charged. Or purchase it through the illegal black market where personal care products and cosmetics are one of the sought-after items to steal by retail organized crime.

We ask you to hold this bill. Mahalo again for this opportunity to testify.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 15, 2024

1:00 PM

Conference Room 224

### In **SUPPORT** of **HB1896 HD2**: RELATING TO ENVIRONMENTAL PROTECTION

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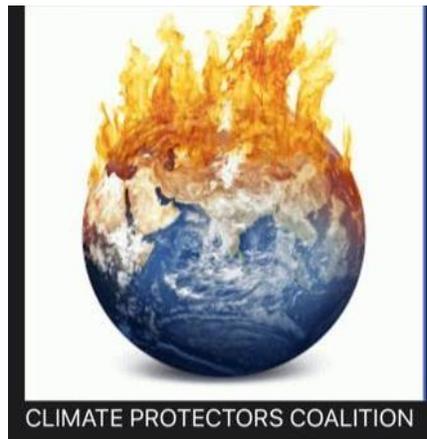
Aloha Chair Gabbard, Vice Chair Richards, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB1896 HD2**, which will help to partially stem the flow of “forever chemicals” into our islands and environment.

As the Committee is well aware, the public health impacts of PFAS or “forever chemicals” are just beginning to be more widely recognized. Unfortunately, Hawai'i is not isolated from the global ubiquitousness of these extremely toxic compounds, and may be far more vulnerable to the consequences of PFAS entering our groundwater, streams, soil, and aquatic habitats. Strategies for effectively remediating existing PFAS contamination – particularly from PFAS found in highly mobile, highly concentrated, and readily ingestible forms, such as Department of Defense class B fire-fighting foams – remain to be developed; however, we do have the opportunity to take the proactive step of preventing the further importation of PFAS, through measures such as the present bill. **Given that PFAS will persist in our environment – bioaccumulating in plants, animals, and people – for centuries, such proactive action is the bare minimum step we can take right now to safeguard the health and well-being of present and future generations – including generations born well after our lifetimes.**

By expanding the classes of PFAS-based products that should be prohibited from sale or distribution, this measure takes a small but important step towards mitigating the impacts of these “forever chemicals” on our environment and people, now and for generations to come.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** HB1896 HD2. Mahalo nui for the opportunity to testify.



To: The Honorable Senators Mike Gabbard and Joy San Buenaventura, Chairs, the Honorable Tim Richards, III, and Henry Aquino, Vice Chairs, and Members of the Committees on Agriculture and Environment and Health and Human Services.

From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing HB1896 HD2 RELATING TO ENVIRONMENTAL PROTECTION**

Hearing: Friday March 15, 2024 1:00 p.m.

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees on Agriculture and Environment and Health and Human Services:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about PFAS "forever chemicals" in the marine environment.

The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back

to a safe and stable climate. Climate Protectors Hawai'i is deeply concerned about PFAS "forever chemicals" in the environment.

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**The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT HB1896 HD2!**

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances. PFAS are often called "**forever chemicals**" because they do not naturally break down in the environment and **can continue to pollute the environment for thousands of years**. PFAS can contaminate drinking water, bioaccumulate in fish and wildlife, and have **multiple adverse health effects on animal and human populations including cancer, reproductive and developmental harm, thyroid disruption, impaired immune function, increased cholesterol levels, and vital organ damage**.

PFAS are utilized in a broad range of products, including **clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara**. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

As an island state, when **these forever chemicals** are brought in the State, they **never leave**. Instead, they make their way into residents' bodies and the State's wastewater, landfills, and eventually groundwater and the drinking water supply. Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health.

This Act would establish a working group to investigate the existence and environmental dangers of per- and polyfluoroalkyl substances and related chemicals.

This is an important measure to protect human health and the environment in Hawai'i.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill to study the presence of PFAS "forever chemicals" in Hawai'i.

Please pass this bill! Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)



Date: March 13, 2024

To: The Honorable Chair Gabbard, Vice Chair Richards, and Members of the Agriculture and Environment Committee

From: Hawaii Environmental Change Agents (HECA) - Solid Waste Reduction Task Force

Re: HB1896 HD2 - Prohibits "Forever Chemicals" in Food Packaging, Cosmetics, and Person Care Products

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Agriculture and Environment Committee,

The HECA Solid Reduction Waste Task Force is **in strong support** of HB1896 HD2 which prohibits the manufacturing, sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care products that contains intentionally added perfluoroalkyl and polyfluoroalkyl (PFAS/PFOS) substances.

The negative impacts of PFAS/PFOS or "forever chemicals" is now well understood, but sadly, they are utilized in so many products that it is hard to keep up or know what products contain them. While we support this measure, we wonder if it is enforceable, how will we be able to track if these products no longer contain these chemicals? Will manufacturers just substitute them with another chemical that is equally as harmful or chemically similar as they have done with other chemicals in the past such as Bisphenol A?

If there is a way to strengthen this legislation in a way that improves enforceability, for example purchase of packaging to be done through authorized distributors that are registered with the state and can verify that the products do not contain PFAS/PFOS, might be one way to make this legislation more enforceable.

Thank you for considering this legislation that will help protect people and the environment from future exposure to PFAS/PFOS chemicals.

Mahalo nui loa,

~HECA Solid Waste Reduction Task Force

Jennifer Navarra, Ted Bohlen, Ruta Jordans, and Jolie Ryff



# Food+ Policy Internship 2024

[food@purplemaia.org](mailto:food@purplemaia.org)

March 14, 2024

To: Chairs Gabbard, Vice-Chairs Richards, and the members of the Agriculture and Environment Committee.

Subject: **Support of HB1896**, *Relating to Environmental Protection*

Honorable Members of the Committee,

We at Hawaii Food+ Policy, strongly support passing HB1896, which would align with the goals of Act 152 and further ban the distribution of perfluoroalkyl and polyfluoroalkyl (PFAS) substances in the state.

PFAS are extremely persistent in the environment and living organisms as they do not break down easily and remain which is the reasoning behind their nickname “forever chemicals”. This is particularly concerning because as they move up the food chain, concentrations can increase significantly. This means that animals higher on the food chain, including humans, can be exposed to high levels of PFAS. It has been found to harm fish, birds, and other animals, therefore it disrupts ecosystems and leads to long-term damage relating to biodiversity.

One of the primary ways PFAS enters the environment is through contaminated water sources as it leaches into groundwater from firefighting foam, industrial discharges, landfills, and other sources. In Hawaii, where water sources are crucial for both the environment and the population, PFAS contamination poses a serious threat on top of other health hazards water sources currently face.

As previously touched upon, these chemicals affect environmental factors such as soil, water, and air. It’s concerning when it affects the soil in Hawai’i when local farmers need to constantly utilize the land for their cattle that they will harvest or for fresh fruit and vegetables that they

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**The Food+ Policy internship** develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai’i communities.

In 2024, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



# Food+ Policy Internship 2024

[food@purplemaia.org](mailto:food@purplemaia.org)

produce. Ultimately it will directly affect us, the consumers, by unknowingly consuming said chemicals.

With the passing of HB1896, we have the opportunity to protect our cherished land, which we call home, and protect the well-being of those who both visit and live here.

Mahalo for your time and consideration,

Kawika Kahiapo + Hawaii Food+ Policy Team

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In 2024, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

# BEAUTYCOUNTER®

March 15, 2024

Re: House Bill 1896

**Dear Chair Gabbard, Vice Chair Richards and Distinguished Members of the Senate Committee on Agriculture and Environment:**

Beautycounter—a manufacturer of clean beauty and personal care products—strongly supports a statewide ban of cosmetics and personal care products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Beautycounter has been a stalwart champion of the federal No PFAS in Cosmetics Act and supported recently passed state legislation that bans PFAS from cosmetics, including Washington state’s Toxic-Free Cosmetics Act and Oregon’s Toxic Free Cosmetics Act.

With millions of products sold across North America and various third-party certifications and awards for our thorough approach to safety, Beautycounter has prohibited over 2,800 harmful or questionable ingredients, including PFAS, from our products. Nicknamed “forever chemicals” due to their persistence, PFAS are used in a variety of applications including in cosmetics to create products such as long-lasting lipstick and waterproof mascara. Unfortunately, well-studied members of this class of chemicals have been linked to a variety of health problems and are known to pollute the environment where they can harm wildlife.

Beautycounter supports broadly banning PFAS from cosmetics and personal care products and is concerned that House Bill 1896 exempts Hydrofluoroolefins (HFOs) used as propellants in cosmetics. HFOs are considered PFAS, as defined in California law and by the Organisation of Economic Co-operation and Development. HFOs are not necessary to manufacture effective cosmetic and personal care products as a number of safer options including mechanical mechanisms involving compressed air are available. Beautycounter urges you to remove the HFO exemption from House Bill 1896.

While leading brands like Beautycounter ban intentionally added PFAS, including HFOs, from our products and continuously work with our partners to increase supply chain transparency, other

companies along the cosmetics supply chain, including raw material and packaging suppliers, are not held accountable. Without stronger regulations, it can be challenging for brands to have full accountability for their supply chain. Legislation that restricts or prohibits harmful chemicals, such as House Bill 1896, aids brands' efforts to obtain critical information from upstream actors in the cosmetics chain.

With a recent valuation of \$1 billion, Beautycounter has proven that prohibiting the use of harmful chemicals to formulate cosmetics products, including PFAS, does not hinder the industry's ability to conduct business or deliver on consumer expectations. We encourage you to strengthen HB 1896 and prohibit all PFAS, including HFOs, from cosmetics and personal care products sold in Hawai'i.

Regards,

A handwritten signature in black ink, appearing to read "Dr. Jennifer McPartland". The signature is stylized and cursive.

**DR. JENNIFER MCPARTLAND**

VP of Mission  
Beautycounter

**HB-1896-HD-2**

Submitted on: 3/14/2024 1:09:23 AM

Testimony for AEN on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Reynoso	Individual	Support	Remotely Via Zoom

Comments:

**Good afternoon Members of the Committees,**

**My name is Anthony Reynoso and I strongly support bill HB1896 HD2, to prohibit the manufacture, sale, offer for sale, and distribution for sale of products that contain Polyfluoroalkyl substances.**

**As time goes on, we are finally starting to realize just how detrimental these PFAS chemicals are to human health and the environment. It is necessary to take action and ensure that we stop the manufacture and sale of these products. As political members of society, it should be your top priority to protect the health of your fellow citizens and land.**

**These forever chemicals are harming the youth which is our future. The Centers for Disease Control (CDC) stated that “PFAS contamination has the potential to affect growth, learning, and the behavior of infant and older children.” The CDC has also reported that it can lower the chances of getting pregnant for women and increase the risk of cancer. Not only do these chemicals affect people's health directly through packaging and cosmetics but they also destroy the environment's health.**

**Hawaii's ecosystem is diverse and beautiful and that’s why we must ensure that we protect it and its wildlife that provides intrinsic and instrumental value. PFAS chemicals are forever chemicals that never fully break down, this means that they can move through soils and contaminate resources such as farms, drinking water sources, and build up in wildlife like the delicious mahi-mahi. I strongly believe that no one wants these chemicals in their body so please put the health of your citizens first and ban these chemicals.**

**Thank you for the opportunity to testify and once again I strongly encourage that the Committees PASSES this measure.**

**HB-1896-HD-2**

Submitted on: 3/12/2024 3:24:42 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

This is a good start on dealing with PFAS. We undoubtedly will see many more. It is bad whether on purpose or not.

**HB-1896-HD-2**

Submitted on: 3/12/2024 4:09:17 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to, prohibiting the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

Beginning 1/1/2027

**HB-1896-HD-2**

Submitted on: 3/12/2024 5:34:16 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Keeping toxic chemicals out of our lives? A no brainer. Please support this important bill.  
Mahalo.

**HB-1896-HD-2**

Submitted on: 3/12/2024 6:32:20 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard and AEN Committee members,

Mahalo for the opportunity to testify in strong support of this bill!

Lisa Bishop

Hawaii Resident, Homeowner, Taxpayer, and Voter

**HB-1896-HD-2**

Submitted on: 3/13/2024 10:07:16 PM

Testimony for AEN on 3/15/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Please pass this important measure to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, but with the requested amendment.

According to findings from studies on this subject, limiting bans on PFAS to products in which PFAS are intentionally used will not be sufficient to achieve the protections needed. For example, fluorination of plastic surfaces generates PFAS that are likely to leach into the packaging content, but these PFAS are not intentionally used.

Oahu is already suffering from the contamination of these forever-chemicals due to the Navy's criminal negligence at Red Hill. Hawaii cannot afford to further risk contamination of our finite resources and risk the health of our communities. Please remove the word 'intentional' so that this bill may offer the critical protection that was intended.

Mahalo for the opportunity to testify.