



STATE OF HAWAII  
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In reply, please refer to:  
File:

**Testimony COMMENTING on SCR0170**  
**URGING THE DEPARTMENT OF HEALTH TO INVESTIGATE AND IMPLEMENT**  
**POLICIES TO REDUCE THE IMPORTATION OF PRODUCTS, PACKAGING, OR**  
**MATERIALS CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL**  
**SUBSTANCES INTO THE STATE**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES  
SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Hearing Date: 3/25/2024 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 Investigating and implementing policies to reduce the importation of products,  
5 packaging, or materials containing perfluoroalkyl and/or polyfluoroalkyl substances (collectively  
6 and commonly known as PFAS) into the State will require resources to further the Department's  
7 ongoing assessments of the impacts of PFAS in the State, in addition to equipment for testing  
8 and validating the presence of violative substances and the personnel necessary to develop  
9 testing methodologies, collect samples, operate testing equipment and analyze results, and  
10 conduct investigations and enforcement actions.

11 **Department Testimony:** SCR0170 requests that the Department investigate and implement  
12 policies to reduce the importation of products, packaging, or materials containing PFAS into the  
13 State.

14 The Department recognizes the benefit of reducing the importation of products  
15 containing PFAS into the State, as PFAS are considered "forever chemicals" that do not  
16 naturally break down in the environment and can contaminate drinking water, bioaccumulate in

1 fish and wildlife, and can have multiple adverse health effects on humans. PFAS can be found in  
2 a diverse range of products including clothing, disposable cutlery, tableware and takeout  
3 containers, food packaging, electronics, mascara, paint, laboratory and medical equipment, and  
4 plumbing supplies. PFAS can enter the human body when consumed, applied directly on the  
5 skin, and/or after eating food that is served in packaging containing PFAS.

6 Because of the ubiquity of products containing PFAS, and the potential harmful effects  
7 on the environment and on human health, federal resources are being expended to study the  
8 impacts of PFAS. The Department and local partners are capitalizing on available funding and  
9 investing significant time and resources to evaluate the impacts of PFAS in the State. This  
10 includes conducting the following studies:

- 11 - PFAS in fish and seawater in the nearshore environment;
- 12 - PFAS in frequently eaten fish purchased from local markets;
- 13 - PFAS in wastewater, biosolids, and landfill leachate;
- 14 - PFAS in drinking water;
- 15 - PFAS in Red Hill groundwater monitoring wells; and
- 16 - PFAS in compost and food crops grown in compost.

17 Information about these studies, and other activities that the Department is implementing  
18 regarding PFAS, can be found at the following website:

19 <https://health.hawaii.gov/heer/environmental-health/highlighted-projects/pfas/>.

20 The Department recognizes the importance of reducing the number of PFAS products  
21 entering the State. However, the Department notes that it is currently investing resources and  
22 time to understand the relationship between PFAS and our environment and its potential impacts  
23 on human health, and these efforts are necessary to inform the Department prior to identifying  
24 and investigating policies to reduce the importation of PFAS products. The Department also  
25 notes potential difficulties with fulfilling the requests in SCR0170 due to the sheer number of  
26 products containing PFAS. Many of these products are not under the Department's jurisdiction,  
27 and the Department might not have the authority to restrict interstate commerce and the  
28 importation of these products. Finally, the Department notes the challenge of implementing this  
29 resolution due to a lack of resources.

30 Thank you for the opportunity to testify.

31 **Offered Amendments:** None.



# Environmental Caucus of The Democratic Party of Hawai'i

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March 24, 2024

To: Senate Committee on Agriculture and Environment  
Hon. Mike Gabbard, Chair  
Hon. Herbert M. "Tim" Richards, III, Vice Chair

Senate Committee on Health and Human Services  
Hon. Joy A. San Buenaventura, Chair  
Hon. Henry J.C. Aquino, Vice Chair

Re: SCR 170 SR 146 Policies to Reduce PFAS in Packaging and Products

Hearing: Monday, March 25, 2024, 1:00 p.m., Room 224 & videoconference

Position: Strong Support

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

The Environmental Caucus of the Democratic Party of Hawai'i comprises of over 7,500 politically active members of Hawai'i's majority political party. We strongly support urging the Department of Health to investigate and implement policies to reduce the importation of products, packaging, or materials containing perfluoroalkyl and polyfluoroalkyl substances into the State.

Reducing the importation of products, packaging, or materials containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) into the State is crucial for several reasons.

1. **HUMAN HEALTH.** PFAS is linked to several health problems, including immunotoxicity, thyroid and kidney disorders, and cancer. Reducing importation of PFAS-containing products can help protect the health of residents.
2. **ENVIRONMENTAL IMPACT.** PFAS are environmentally persistent and can accumulate in the soil and water. This can lead to long-term contamination of the environment, affecting both wildlife and human populations.
3. **REGULATORY COMPLIANCE.** The federal government has taken significant action to prevent PFAS release and expand PFAS cleanup and remediation. Reducing importation can ensure compliance with these regulations and help safeguard human health and protect the environment.



Environmental Caucus of  
The Democratic Party of Hawai'i

4. RISK MANAGEMENT. By reducing the importation of PFAS-containing products, the state can proactively manage the risks associated with PFAS, ultimately protecting human health and the environment.

It is important for the Department of Health to investigate and implement policies to reduce the importation of products, packaging, or materials containing PFAS. This will help protect the government and public health, and ensure compliance with federal regulations.

On behalf of the Environmental Caucus, we thank you very much for your support of these resolutions. Thank you for the opportunity to testify on these important resolutions.

*Melodie Aduja* [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

*Alan B. Burdick* [burdick808@gmail.com](mailto:burdick808@gmail.com)

Co-Chairs, Environmental Caucus

**SCR-170**

Submitted on: 3/22/2024 10:57:59 AM

Testimony for HHS on 3/25/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to; URGING THE DEPARTMENT OF HEALTH TO INVESTIGATE  
AND IMPLEMENT POLICIES TO REDUCE THE  
IMPORTATION OF PRODUCTS, PACKAGING, OR  
MATERIALS CONTAINING PERFLUOROALKYL AND  
POLYFLUOROALKYL SUBSTANCES INTO THE STATE.

**SCR-170**

Submitted on: 3/23/2024 9:31:45 AM

Testimony for HHS on 3/25/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Please support!



March 25, 2024

**LATE**

**TO:** Chair Joy A. Buenaventura  
Vice Chair Henry J.C. Aquino  
Members of the Senate Committee on Health and Human Services

Chair Mike Gabbard  
Vice Chair Herbert M. "Tim" Richards III  
Members of the Senate Committee on Agriculture and Environment

**FR:** Tim Shestek  
Senior Director, State Affairs

**RE: SCR170/SR146 URGING THE DAPRTMENT OF HEALTH TO INVESTIGATE AND IMPLEMENT POLICIES TO REDUCE THE IMPORTATION OF PRODUCTS, PACKAGING, OR MATERIALS CONTAINING PERFLUOROALKYL AND POLYFLUOROALDYL SUBSTANCES INTO THE STATE. – Comments**

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The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments relative to both SCR170 and SR146, resolutions urging the Department of Health to investigate and implement policies to reduce the importation of products, packaging, or materials containing perfluoroalkyl and polyfluoroalkyl (PFAS) substances into the state.

ACC supports a comprehensive approach to managing PFAS substances that helps to ensure protection of human health and the environment. However, the language contained in SCR170 and SR146 is extremely broad, especially as it relates to categorizing all PFAS as the same substances with equal hazard and risk profiles. This approach is not scientifically sound and for this reason, we must respectfully oppose SCR170 and SR146 as currently drafted.

#### **Background**

PFAS are a diverse group of chemistries that provide strength, durability, stability, and resilience. These properties are critical to the reliable and safe function of a broad range of products that are important for industry and consumers. They impart a wide range of performance characteristics that are vital for the manufacture and performance of medical devices, smart phones and laptops, solar panels, electric vehicles, HVAC units, electric appliances, paints and coatings, components of agricultural equipment, telecommunications infrastructure and advanced transportation and aerospace applications to name just a few.

One key type of PFAS in use today is fluoropolymers, a type of specialty material. Fluoropolymer uses include:

- **Automotive:** Gaskets, rings, valves, and hoses in the fuel system; wiring and circuit boards; pull cables; shock absorbers and bushings.
- **Aerospace (military and civilian):** High performance navigation and communication antennae; lubricants for wing flap mechanisms and landing gear; fuel-oxygen separation systems.
- **Clean Energy:** Electric vehicle batteries, hydrogen fuel cells, solar panels, wind turbines, and sheathing for power cables and coatings for electrical wire.



- **Electronics and Electric Appliances:** Computers and other electronic equipment and related components and accessories.
- **Industrial Processes:** Linings for pipes, valves, and tanks to prevent corrosion; gaskets in high temperature, high pressure production processes to contain reactive substances.
- **Medical:** Surgically implanted medical devices (e.g. stents); COVID testing equipment and respirator tubing; catheters and guide wires; transfer and storage bags for biological fluids; personal protective equipment.
- **Semiconductors:** Ultra-low contamination semiconductor manufacturing; wafer etching; chemical piping and storage.

PFAS includes a variety of different chemicals with different properties and characteristics. Therefore, the hazard and risk profiles of various PFAS are different. According to the US EPA, “approximately 600 PFAS are manufactured (including imported) and/or used in the United States.” Among these 600 are substances in the solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) and gaseous (e.g., hydrofluorocarbon refrigerants) forms. The fundamental physical, chemical, and biological properties of solids, liquids and gases are clearly different from one another. The very distinct physical and chemical properties of the three types demonstrate how varied they are and how imposing a “one-size fits all” approach as proposed would be inappropriate.

An illustration of this point can be found in a 2023 Department of Defense report that urged “Congress and the Federal regulatory agencies should avoid taking a broad, purely “structural” approach to restricting or banning PFAS. It is critical that future laws and regulations consider and balance the range of environmental and health risks associated with different individual PFAS, their essentiality to the U.S. economy and society, and the availability of viable alternatives.”<sup>1</sup>

Many entities that have explored the possibilities of a class-based approach to regulating these substances have recognized the significant challenges:

- ECOS – the Environmental Council of the States – which represents state and territorial environmental agency leaders, several of whom have implemented regulatory programs in their home states, has said: “Many regulators and subject-matter experts advise against grouping PFAS as an entire class.” (*ECOS. Processes & Considerations for Setting State PFAS Standards (February 2020)*)
- The Vermont Department of Environmental Conservation, which was specifically charged by the legislature to develop a class regulation or to explain why such a regulation wasn’t possible said, “The Review Team spent over a year deliberating, researching, and discussing the potential to regulate PFAS as a Class. After reviewing the current peer-reviewed literature, as well as the available toxicology data for PFAS, the Review Team determined that at the current time it is not feasible to regulate PFAS as a Class.” (<https://dec.vermont.gov/sites/dec/files/PFAS/20180814-PFAS-as-a-Class.pdf>)
- Federal scientists participating in a workshop convened by the National Academies of Science, Engineering, and Medicine (NASEM) to review the federal PFAS research program acknowledged the broad diversity of properties with this group of substances, concluding that “PFAS substances thus present unique challenges for grouping into classes for risk assessment.” NASEM. *Workshop on Federal Government Human Health PFAS Research, October 26-27. Board on Environmental Studies and Toxicology (2020).* <https://www.nap.edu/read/26054/chapter/1>
- In a recently published peer review conducted by a panel of experts, most agreed that all PFAS should not be grouped together for risk assessment purposes. Most experts also agreed that it is inappropriate to

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<sup>1</sup> <https://www.acq.osd.mil/eie/eer/ecc/pfas/docs/reports/Report-on-Critical-PFAS-Substance-Uses.pdf>

assume equal toxicity/potency across the diverse class of PFAS. <https://scipinion.com/panel-findings/risk-assessment-of-pfas/>

ACC looks forward to working with you and the Legislature to ensure that any approach to the management of PFAS is grounded in sound scientific information. Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at [tim\\_shestek@americanchemistry.com](mailto:tim_shestek@americanchemistry.com). You may also contact ACC's Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at [ryamasaki@808cch.com](mailto:ryamasaki@808cch.com)