



LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on HB1644 HD1
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION

SENATOR DONOVAN M. DELA CRUZ, CHAR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 4/1/2022

Room Number: CCR211/VIDEOCONFERENCE

- 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 **Department Testimony:** The Department appreciates the opportunity to provide testimony
- 5 offering comments on HB1644 HD1. The Department supports the intent to prohibit the
- 6 manufacture, sale, distribution, and use of food packaging and class B firefighting foam that
- 7 contain per- and poly fluoroalkyl substances (PFASs) in an effort to decrease the public’s
- 8 exposure to these chemicals.

- 9 The U.S. Food and Drug Administration (FDA) has considerable information available to the
- 10 public on PFAS in foods. On December 14, 2021, FDA released “Testing Food for PFAS and
- 11 Assessing Dietary Exposure”, which related that “PFAS can enter the food chain through
- 12 environmental contamination or through migration from food packaging.” They also address
- 13 “the specific types of PFAS that can migrate to food from packaging go through a safety
- 14 assessment before they are allowed to enter the market to ensure that exposure levels from their
- 15 intended use are very low and do not pose a health risk”.

1 The Department recognizes the benefit that a prohibition on PFAS containing food packaging
2 products will have on the wastestream. By eliminating these products, the overall persistent
3 environmental contamination from PFASs will be reduced.

4 **Offered Amendments:** None

5 Thank you for the opportunity to testify on this measure.



Greg Maples, Chairman – Polynesian Cultural Center **Ryan Tanaka, Incoming Chair**- Giovanni Pastrami

Ave Kwok, Vice Chair- Jade Dynasty **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

Sheryl Matsuoka, Executive Director **Chivon Garcia**, Executive Assistant **Holly Kessler**, Director of Membership Relations

Date: March 30, 2022

To: Sen. Rosalyn H. Baker, Chair
Sen. Stanley Chang, Vice Chair
Committee on Commerce and Consumer Protection

Sen. Donovan M. Dela Cruz, Chair
Sen. Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

From: Victor Lim, Legislative Lead

Subj: HB 1644, HD1 Relating to Environmental Protection

The Hawaii Restaurant Association representing 3,400 restaurants supports the intent of HB 1644, HD1 that prohibit the manufacture, sale, distribution, and use of wraps, liners, plates, and pizza boxes that contain PFAS by December 31, 2024.

Due to the Covid-19 Pandemic and shipping challenges globally, our industry has not only been one of the hardest hit economically, we are also facing major obstacles in obtaining food as well as packaging supplies. The manufacturers have not been able to get the needed raw materials on a timely and reasonable costs. Shortages and supply targets are at least a year out if you can get them.

Our Restaurant Industry manufacturers and supply chains have been working very hard to find suitable replacement food packaging. They are currently not quite there yet and based on the above facts, please move the effective date to 2026.

Thank you for giving us this opportunity to share our comments with you.



HB-1644-HD-1

Submitted on: 3/30/2022 1:14:26 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Climate Protectors Hawai'i	Support	Written Testimony Only

Comments:

To: The Honorable Senator Rosalyn Baker, Chair, the Honorable Senator Stanley Chang, Vice Chair, and members of the Committee on Commerce and Consumer Protection, and

The Honorable Donovan Dela Cruz, Chair, The Honorable Gilbert Keith-Agaran, Vice Chair, and Members of the Senate Committee on Ways and Means:

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: Hearing HB1644 HD1 RELATING TO ENVIRONMENTAL PROTECTION, Friday April 1, 2022 at 10:00 a.m.

Aloha Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran and members of the Senate Committees!

Position: The Climate Protectors Hawai'i strongly supports HB1644 HD1.

The Climate Protectors Hawai'i **STRONGLY SUPPORTS** this bill as needed to prevent toxic chemicals from entering our environment.

"Forever chemicals" such as PFAS are compounds that persist in our environment, almost never disappearing. They harm human health, apparently causing cancers, infertility, liver, kidney, and thyroid problems. PFAS have been detected in drinking water. They appear in plastic wraps and liners, plates, food boats, and Class B firefighting foams. Less hazardous alternatives are available for wraps and liners, plates, food boats, and pizza boxes.

This bill is an important step toward protecting the environment by prohibiting packaging and other sources that contain such "forever chemicals."

Please pass this bill!

Mahalo!

Climate Protectors Hawai'i (by Ted Bohlen)



Senate Committee on Commerce and Consumer Protection and
Senate Committee on Ways and Means

The Honorable Rosalyn Baker and Donavan Dela Cruz, Chairs
The Honorable Stanley Chang and Gilbert Keith-Agaran, Vice Chairs

HB 1644 HD1 RELATING TO ENVIRONMENTAL PROTECTION

Friday, April 1, 2022; 10:00 a.m.

Aloha e Chair Baker, Chair Dela Cruz, Vice Chair Chang, Vice Chair Keith-Agaran, and members of the Committees,

Thank you for the opportunity to provide comment on the HB 1644 HD1 that seeks a ban on the manufacturing and use of products containing per- and poly fluoroalkyl substances (PFASs), including Class B firefighting foams used locally in the event of a flammable liquid petroleum fire. Island Energy appreciates your consideration of a proposed amendment that will balance the need to protect Hawaii's pristine environment while protecting lives and property in the event of a fire.

Island Energy operates fifty-eight Texaco branded retail service stations statewide; four product distributions terminals located in Honolulu, Kahului, Hilo and Port Allen; and a bulk import and storage terminal in Kapolei.

Maintaining safe and environmentally responsible operations is Island Energy's #1 priority each day. As one of the most regulated industries in America, our highly skilled and trained employees understand the significant responsibility requisite with being a key energy supplier to maintain Hawaii's vibrant economy that sustains our island lifestyles now and for future generations.

While we understand the intent of HB 1644 HD1 goal to eliminate per- and poly fluoroalkyl substances (PFASs) from the environment, removing our ability to use highly effective Class B firefighting foams containing PFAS would increase the health and casualty risk to our employees, first responders, and our neighbors in the event of a petroleum fire that could not be extinguished effectively and in a timely manner.

Island Energy is in agreement with others, including the American Chemical Council and other local energy suppliers, that an amendment to HB1644 HD1 is needed. The

amendment would limit the prohibition on the use of firefighting foams, that contain intentionally added PFAS specifically, to testing and training purposes, but allow for the continued use of these foams in the event they are necessary for effective suppression of a petroleum fire:

Amendment starting on page 5, line 15:

§321- Class B firefighting foam; prohibited items. (a) Beginning July 1, 2024, it shall be unlawful for any person or state or county department or agency to discharge or otherwise use for training **or testing** purposes class B firefighting foam that contains intentionally introduced PFAS chemicals.

(b) Beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for **training or testing** purposes **[use]** in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals.

Mahalo for your consideration on this matter of significant importance to Island Energy's efforts to operate in a safe and environmentally responsible manner each and every day.



Senate Committee on Commerce and Consumer Affairs
The Honorable Rosalyn H. Baker, Chair
The Honorable Stanley Chang, Vice Chair

Senate Committee on Ways and Means
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

**HB 1644 HD1 RELATING TO ENVIRONMENTAL PROTECTION – CONCERNS,
REQUEST AMENDMENTS**

Friday, April 1, 2022; 10:00 a.m.
Conference Room 211 & Videoconference

Aloha Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and members of the Committees,

Thank you for the opportunity to express our concerns regarding the firefighting foams provisions in HB 1644 HD1, Relating to Environmental Protection. My name is Eric Wright, President at Par Hawaii and I am responsible for the safe operations of our refinery in Kapolei and energy assurance for our state.

Par Hawaii operates the only refinery in the State of Hawaii. Currently, more than 80% of the energy needs of the state are dependent upon petroleum products. This is a responsibility the Par Hawaii team takes very seriously. As the state transitions to more renewable energy sources, Par Hawaii will continue to evolve to meet the energy needs of the state.

Safety is a top priority at our refinery. Refining is one of the most highly regulated industries and we take pride in upholding high standards to maintain the integrity of our operations. We also invest significantly to ensure we are equipped to respond in the event of emergencies such as petroleum fires at our refinery. We have an in-house fire brigade that can be mobilized as a first-response team in emergencies.

Over the past decade, we have explored the use of two alternative fire-fighting foams, including National Foam - Universal F3 Green Alcohol Resistant Fluorine Free Foam (F3) and the Tyco / Williams – THUNDERSTORM AR-AFFF (Alcohol Resistant Aqueous Film-Forming Foam), which qualify as a C-6 Purity Compliant foam. These alternatives are able to put out **simulated** hydrocarbon tank fires; however, they require a larger volume of foam at a higher concentration. All testing has consistently shown that the foam blanket deteriorates at a faster rate and this can result in reigniting the fire. It is important to point out that as of today, alternative fluorine-free and C6-free AR-

AFFF foam have **not** been proven on a large diameter real tank fire incident and do not meet the same “put the fire out” standards as older foam concentrates.

While we appreciate the intent of HB 1644 HD1 to eliminate per- and poly fluoroalkyl substances (PFASs) from the environment, we would like to raise a cautionary note that if eliminated, we will potentially compromise the safety of our employees and of the surrounding community if a petroleum fire could not be extinguished in a timely manner. It also minimizes potential damage to ensure we can continue to operate without downtime to avoid supply disruptions.

Par Hawaii does not use foam with these substances in its annual tests. In an isolated fire involving one of the refining units two years ago, we were able to extinguish the fire with an automatic sprinkler deluge and fire water monitor. No usage of any foam concentrate was necessary. Making an exception to use PFASs for real-world hydrocarbon fires through an amendment to this bill is critical and allows refineries to confidently put out fires with the best tools available.

Par Hawaii respectfully requests your consideration of the following amendment to limit the prohibition on the use of firefighting foams that contain intentionally added PFAS specifically for testing and training purposes but allow for the continued use of these foams in the event they are necessary for a large-scale fire incident:

Amendment starting on page 5, line 15:

§321- Class B firefighting foam; prohibited items. (a) Beginning July 1, 2024, it shall be unlawful for any person or state or county department or agency to discharge or otherwise use for training **or testing** purposes class B firefighting foam that contains intentionally introduced PFAS chemicals.

(b) Beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for **training or testing** purposes **[use]** in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals.

Mahalo for allowing Par Hawaii to explain our reasons for these amendments.



April 1, 2022

TO: Senator Rosalyn H. Baker, Chair
Members of the Senate Committee on Commerce and Consumer Protection

Senator Donovan M. Dela Cruz, Chair
Members of the Senate Committee on Ways and Means

FR: Tim Shestek
Senior Director, State Affairs

RE: HB1644 HD1 Relating to Environmental Protection. – **COMMENTS**; Amendment Request

The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments on HB1644 HD1 and respectfully requests the bill be amended as described below.

PFAS are a diverse group of chemistries characterized by the strong bond between fluorine and carbon. Because of this strong bond, PFAS provides products with 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, such as the cellphones, tablets, and telecommunications systems we use every day to connect with our friends and family; the aircraft that power the U.S. military; solar panels and turbines critical to alternative energy development; and medical devices and technology that help keep us healthy.

PFAS include a variety of different chemicals with different properties and characteristics. Therefore, the hazard and risk profiles of various PFAS are different. ACC supports a comprehensive approach to managing PFAS substances that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

As you consider HB1644 HD1, ACC respectfully requests the following amendment:

Proposed Amendment

§321- Class B firefighting foam; prohibited items. (a) Beginning July 1, 2024, it shall be unlawful for any person or state or county department or agency to discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally introduced PFAS chemicals.

(b) Beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for training or testing purposes ~~use~~ in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals.

(c) This section shall not apply to the manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals is required by federal law or regulations; provided that if applicable federal law or regulations are amended after the effective date of this Act to allow the use of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal law or regulation.

* * *



Background

Class B firefighting foams that contain intentionally added PFAS - sometimes referred to as aqueous film forming foams (AFFF) - serve a vital role in controlling combustible and flammable liquid fuel fires commonly found at military bases, airport operations, storage tanks, and petroleum/chemical operations. The ability of foam to rapidly extinguish flammable liquid fires has undoubtedly saved many lives, reduced property loss, and helped minimize the global pollution that can result from the uncontrolled burning of flammable liquids.

While “fluorine-free foams” are available and can provide an alternative to fluorinated foams in some applications such as spill fires and smaller tank fires, they do not uniformly meet necessary performance requirements for a significant fire event that may occur at an oil refinery or a large tank farm, given the different flammable liquids being managed. The chemistries within AFFF provide fuel repellency and heat stability, allow for rapid extinguishment, burnback resistance, and protection against vapor release, which help to prevent re-ignition and protect firefighters working in the area as part of the rescue and recovery operations.

Fire test results presented at international fire protection conferences in 2011, 2013, 2015 and 2016, including some performed by the Naval Research Labs (NRL), all show that fluorinated foams are significantly more effective at extinguishing flammable liquid fires than fluorine-free foams. In a recent trade publication (Jan’19), an NRL scientist said fluorinated foams “outperform fluorine-free foams by a factor of four to five” by containing the fire and suppressing vapors that can reignite. Similar conclusions were reached by a National Fire Protection Association report.¹

Chemical manufacturers and downstream users of AFFF recognize the need to ensure release of these chemistries into the environment is minimized to the greatest extent possible. There are alternative fluids and methods currently available that make it possible in many cases to eliminate the use of AFFF foams for training, which represent the majority of foam use and discharges.

ACC supports current best practices that call for the containment and treatment of foam discharges during training and testing and would certainly support similar provisions in HB 1644 HD 1. Given that large scale high hazard Class B fires are actually rare, adopting training and testing restrictions have the potential to significantly reduce discharges of PFAS to the environment from foam.

ACC appreciates recent amendments that extend the implementation date to July 1, 2024. However, we urge you to limit the prohibition on the use of firefighting foams that contain intentionally added PFAS specifically for testing and training purposes but allow for the continued use of these foams in the event they are necessary for a large scale, real-world fire incident.

Adoption of our suggested amendment would allow fire fighters and high hazard facilities to reduce unnecessary releases into the environment during training and testing while also ensuring the most effective firefighting foams are available to protect the community, workers, emergency responders and property in the event of a significant incident.

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. You may also contact ACC’s Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at ryamasaki@808cch.com

¹ National Fire Protection Association Research Foundation. *Evaluation of the fire protection effectiveness of fluorine free firefighting foams*, January 2020

HB-1644-HD-1

Submitted on: 3/30/2022 10:32:39 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

These very toxic chemicals are already accumulating in our bodies. They should not be allowed anywhere.

HB-1644-HD-1

Submitted on: 3/30/2022 11:53:22 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Poiani	Individual	Support	Written Testimony Only

Comments:

Support BB1644 HD1

I support this bill. There are plenty of safer and healthier container options that are affordable and effective.

Thank you for your considerations,

Dawn Poiani

HB-1644-HD-1

Submitted on: 3/30/2022 11:10:00 PM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support HB 1644 HD1 as it would ban the manufacture, sale, or distribution for sale or use of wraps and liners, plates, food boats, pizza boxes, and firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances. PFAS chemicals have been linked to cancer, birth defects, and other serious health problems. Seven states (California, Connecticut, Maine, Minnesota, New York, Vermont, and Washington) have already banned PFAS in food packaging. Let's be the next! There are safer alternatives to PFAS which have proven to be just as effective at repelling water and grease. Please PASS HB1644 HD1.

HB-1644-HD-1

Submitted on: 3/31/2022 2:28:26 AM

Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Envirnmental Protection is all Bull Shit all this does is Creat Hardship for the Companyees that have to deal with this Every day. Remeber who you work for we Can Fire You at any time you work for US the people of Hawaii. We do not want this so end it Now our you will be Fired.

Stop Lying to the People!!

LATE

HB-1644-HD-1

Submitted on: 4/1/2022 8:24:26 AM
Testimony for CPN on 4/1/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
chris c.	Individual	Support	Written Testimony Only

Comments:

Dear Chair Baker, Chair Dela Cruz and Members of the Committees on Commerce & Consumer Protection and Ways & Means,

Please pass HB 1644 HD1 and remove PFAs from food ware.