



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

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

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/3/2022 Room Number: CR325/Videoconference

- 1 **Fiscal Implications:** This measure may 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. The Department supports the intent to prohibit the manufacture,
6 sale, distribution, and use of food packaging and class B firefighting foam that contain per- and
7 poly fluoroalkyl substances (PFASs) in an effort to decrease the public’s exposure to these
8 chemicals. However, the Department has concerns about how the current language seeks to
9 achieve such a prohibition through amending chapter 328, Hawaii Revised Statutes (HRS) – a
10 statue which directs the Department to ensure food, drugs and cosmetic are safe, effective, and
11 properly labeled, and to remove products from sale when necessary to protect human health.
- 12 The U.S. Food and Drug Administration (FDA) has considerable information available to the
13 public on PFAS in foods. On December 14, 2021, FDA released “Testing Food for PFAS and
14 Assessing Dietary Exposure”, which related that “PFAS can enter the food chain through
15 environmental contamination or through migration from food packaging.” They also address
16 “the specific types of PFAS that can migrate to food from packaging go through a safety
17 assessment before they are allowed to enter the market to ensure that exposure levels from their
18 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 The Department respectfully requests any prohibition on use of PFAS be removed from
5 amending chapter 328, HRS. In order to further this important discussion, the Department is
6 amenable to amending chapter 321, HRS.

7

8 **Offered Amendments:** None.

9

10 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: February 1, 2022

To: Rep. Nicole E. Lowen, Chair
Rep. Lisa Marten, Vice Chair
Committee on Energy & Environmental Protection

From: Victor Lim, Legislative Lead

Subj: HB 1644 Relating to Environmental Protection

The Hawaii Restaurant Association representing 3,400 restaurants supports the intent of HB 1644 that prohibit the manufacture, sale, distribution, and use of wraps, liners, plates, and pizza boxes that contain PFAS by July 1, 2023.

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. Based on the above facts, please move the effective date to at least mid 2024.

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





2/2/2022

EEP Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Lowen and Members of the House Committee on Energy and Environmental Protection,

Position: Support HB1644.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider Foundation maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Per- and polyfluorinated alkyl substances (PFAS) are a group of more than 4,700 chemicals that are very widespread and dangerous. Manufacturers use PFAS to make grease-resistant food packaging, non-stick cookware, and stain-resistant fabrics. Some single-use molded paper products, such as plates and bowls, use PFAS to provide a grease and moisture barrier so that oils and liquids don't seep through the products. PFAS in food packaging and wrappers can contaminate the food it comes into contact with and leach into the water supply when it is disposed of in landfills.

PFAS chemicals have been linked to cancer, birth defects, and other serious health problems. Due to the significant public health risk associated with PFAS chemicals, seven states (California, Connecticut, Maine, Minnesota, New York, Vermont, and Washington) have already banned PFAS in food packaging. Safer alternatives to PFAS have proven to be just as effective at repelling water and grease.

Across Hawai'i, we have made significant progress towards reducing single-use plastics. Surfrider Foundation has strongly supported and championed these efforts. However, we must now ensure that we are replacing those single-use plastics with alternatives that are safe for both the environment and public health.

Thank you for your consideration of this testimony in support of HB1644, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

HB-1644

Submitted on: 2/1/2022 11:24:05 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jennifer Navarra	Zero Waste Hawai'i Island	Support	No

Comments:

House Representatives,

We are in strong support of banning these dangerous chemicals that are highly persistent as they do not break down easily in the environment or our bodies. It is especially disturbance that they are regularly used in compostable food packaging that can get into the soil. Although they are plans to phase out these chemicals in compostable food packaging, this bill will hasten that transition. Passing this bill is a no brainier that will protect the health of people and the environment.

Jennifer Navarra
Coordinator
Zero Waste Hawai'i Island

HB-1644

Submitted on: 2/2/2022 8:47:24 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	No

Comments:

"Forever chemicals" such as PFAS are harmful compounds that never disappear from our environment. This bill is an important step toward removing such "forever chemicals" from packaging and elsewhere.

Please pass this bill!

Mahalo!

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

HB-1644

Submitted on: 2/2/2022 8:52:55 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Suzanne Frazer	B.E.A.C.H.	Support	Yes

Comments:

B.E.A.C.H. supports this bill to ban PFAS in products as it's harmful to human health and the environment.



February 2, 2022

To: The Honorable Nicole E. Lowen, Chair
Members, House Committee on Energy & Environmental Protection

From: Tim Shestek
Senior Director, State Affairs

Re: **HB 1644 – Comments; Suggested Amendments**

The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments on HB 1644, legislation pertaining to perfluoroalkyl and polyfluoroalkyl (PFAS) substances in food packaging and firefighting foam applications.

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 deliberate the merits of HB 1644, ACC respectfully requests that you consider the following.

Firefighting Foam Restrictions

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. 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.

We are concerned however that the July 1, 2023 deadline currently in the bill is presumptive in assuming the science and technical development of alternative foams can be mandated to fit a timeline. ACC urges you to amend HB 1644 to prohibit the use of firefighting foams that contain intentionally added PFAS for testing and training purposes but allow for the continued use of these foams so that emergencies can be safely managed.

Amending HB 1644 in this fashion would allow fire fighters and high hazard facilities to reduce unnecessary releases into the environment during training and testing and ensure the most effective firefighting foams are available to protect the community, workers, emergency responders and property in the event of a significant incident.

Food Packaging Restrictions

As you may know, the use of PFAS in food packaging is already thoroughly regulated by the U.S. Food and Drug Administration (FDA). Before a chemical used in food packaging can be sold or distributed in commerce, it must be reviewed and authorized by FDA based on a conclusion that there is sufficient scientific data to demonstrate the substance is safe for its intended use in packaging. FDA requires upfront submission of extensive test data and scientific information regarding chemical composition, migration levels, and toxicity.

FDA can withdraw its approval for a food packaging chemical at any time if available data no longer demonstrate that the substance is safe for its intended use. Importantly, any alternative would be subject to the same FDA regulatory scrutiny.

Several manufacturers have announced their intention to find alternatives to PFAS coatings in fiber-based food packaging applications in 2024. Given current supply chain challenges, the accelerated effective date in HB 1644 may further reduce the availability of certain food packaging used by restaurants. Should this bill move forward, ACC encourages you to consider an effective date of no sooner than January 1, 2024.

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



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO

1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929

TELEPHONE (808) 949-1566 FAX: (808) 952-6003

WEBSITE: www.hawaiifirefighters.org

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022
February 3, 2022

Committee on Energy and Environmental Protection

Testimony by
Hawaii Fire Fighters Association

H.B. No. 1644 RELATING TO ENVIRONMENTAL PROTECTION EEP, CPC, FIN

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all of our members, **supports H.B. No. 1644** which will prohibit the use of Class B fire fighting foam for training purposes as it contains PFAS which is detrimental to health.

Fire fighter occupational cancers are the leading cause of line-of-duty deaths in the fire service. PFAS is known to accumulate in the body for long periods of time and the negative health effects increases the risk for thyroid disease and testicular, kidney and bladder cancers.

Currently, the State of Hawaii Department of Transportation – Airports Division, Aircraft Rescue Fire Fighting (ARFF) has Class B foam for aircraft incidents but is only used for actual incidents and not for training.

Thank you for the opportunity to testify.

HB-1644

Submitted on: 2/1/2022 2:19:07 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

Now you are just Getting Stupied. We the people will vote againts any one the Pushes this Retarded agenda. The people are Sick and tired of all this Crap !!

HB-1644

Submitted on: 2/1/2022 8:14:19 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I support HB 1644.

Mahalo,

Ms. Barbara Barry

HB-1644

Submitted on: 2/2/2022 12:42:34 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cara Oba	Individual	Support	No

Comments:

Senators Lowen, Marten, Hashem, Matayoshi, Perruso, Todd, Tokioka, and Matsumoto,

Seeing this bill brings great hope and relief to me and my family. After learning about PFAS, we were horrified to not have any knowledge as a consumer as to what was safe and what was not with regards to PFAS exposure due to use in food packaging. We personally can avoid fire-fighting foams and recognize our exposure to waterproofed materials but having it in contact with our foods without knowing or accepting that risk is another level of concern and is simply not acceptable. This bill would offer us some level of protections in reducing our exposure/risk. Eliminating the PFAS/PFOS/PFOA fire fighting foams is something we fully support as that is equivalent to an uncontrolled release of incredibly damaging toxins into the environment that can easily make it's way into our waterways. We also want to protect the health of our fire fighters who are likely to have the most exposure.

We know that this bill doesn't eliminate PFAS from entering our environment as studies have found that mutliple products have tested positive for PFAS despite it not being part of the intentional design or manufacture but this is a start. From our perspective, this is a high impact place to start in lessening some of the higher direct risks as consumers/citizens and simultaneously putting pressure on manufacturers to push for alternatives. Companies have already acknowledged the damaging effects and are moving to find alternatives but have been dragging their feet to fully commit to phasing it out. If consumers can put pressure on product manufacturers, the product manufacturers will put pressure on the chemical producers. We need to push for faster change and find alternatives. These are forever chemicals and they will continue to accumulate in our environment and our bodies. The only action available to us is to avoid their use. We can start now. This directly impacts the health and safety of every single person. My family strongly supports this bill.

Thank you for allowing me to share my thoughts.

HB-1644

Submitted on: 2/2/2022 7:45:49 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sanne Berrig	Individual	Support	No

Comments:

Testifying as a private citizen, I support this bill which bans the manufacture, sale, distribution, and use of wraps, liners, plates, food boats, pizza boxes, and firefighting foams that contain PFAS.

The science is very clear - these persistant chemicals are bad for humans, bad for the environment.

Mahalo,

Sanne Berrig

HB-1644

Submitted on: 2/3/2022 6:58:25 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James Trujillo	Individual	Support	No

Comments:

Please pass HB1644

We need to reduce waste and eliminate harmful products

HB1644 helps to achieve both

Mahalo for your consideration

With respect and aloha,

james g trujillo

kapa'a, hi 96746