

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that plastic degrades
2 into smaller pieces of plastic, called microplastic. This
3 results in pollution that is not only a public nuisance, but
4 also an environmental and health hazard. Once in the
5 environment, microplastics can absorb toxic chemicals, including
6 flame retardants, polycyclic aromatic hydrocarbons, and
7 polychlorinated biphenyls. Microplastics that have absorbed
8 toxic chemicals are often ingested by marine organisms and
9 transferred to fish tissue during digestion, leading to
10 bioaccumulation that results in liver damage.

11 The legislature further finds that microbeads are a type of
12 microplastic. Barely visible without a microscope, microbeads
13 are gentle scrubbers that are added to numerous personal care
14 products, including shampoos, soaps, and toothpastes. Consumers
15 using products containing microbeads are washing down the drain
16 what many once thought was harmless consumer waste. However,
17 research has indicated that wastewater treatment plants are



1 unable to filter out microbeads and as a result, microbeads pass
2 through sewage systems and eventually enter into waterways where
3 the microbeads can absorb toxic chemicals. These toxic
4 microbeads are then consumed by marine life and passed along the
5 aquatic food chain. Once microbeads enter the marine
6 environment, microbeads are impossible to remove and are a
7 significant source of environmental degradation. Microbeads
8 have been found on surface waters in the United States, as well
9 as in fish, marine mammals, reptiles, and in the digestive and
10 circulatory systems of mussels and worms. However, there are
11 several biodegradable, natural alternatives to synthetic plastic
12 microbeads including beeswax, shells, nuts, seeds, and sand.

13 The purpose of this Act is to reduce the State's production
14 of waste and its negative impact on the environment by
15 prohibiting the sale of personal care products that contain
16 microbeads and decreasing the accumulation of marine
17 microplastics.

18 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:

21 "PART . SYNTHETIC PLASTIC MICROBEADS



1 **§328-A Definitions.** As used in this part, unless the
2 context otherwise requires:

3 "Biodegradable" means capable of breaking down completely
4 into elements or compounds commonly found in the natural
5 environment through a biological process of decomposition.

6 "Natural exfoliant" means a substance occurring in and
7 generated by the natural environment and includes but is not
8 limited to walnut shells, apricot hulls, sand, clay, and
9 beeswax.

10 "Personal care product" means any article intended to be
11 rubbed, poured, sprinkled, or sprayed on, introduced into, or
12 otherwise applied to the human body or any part thereof for
13 cleansing, beautifying, promoting attractiveness, or altering
14 the appearance, and any article intended for use as a component
15 of any such article, including but not limited to hand and body
16 soaps, exfoliates, shampoos, toothpastes, and scrubs.

17 "Plastic" means a synthetic material made from linking
18 monomers through a chemical reaction to create an organic
19 polymer chain that can be molded or extruded at high heat into
20 various solid forms retaining their defined shapes during life
21 cycle and after disposal.



1 "Synthetic plastic microbead" means any intentionally added
2 non-biodegradable solid plastic particle measuring five
3 millimeters or less.

4 §328-B Prohibition on sale of personal care products
5 containing synthetic plastic microbeads; exemptions. Beginning
6 on January 1, 2016, no person shall offer for sale or offer for
7 promotional purposes a personal care product that contains
8 synthetic plastic microbeads. This section shall not apply to
9 natural exfoliants, personal care products that contain only
10 biodegradable synthetic plastic microbeads, or personal care
11 products that contain synthetic plastic microbeads that are less
12 than one part per million by weight.

13 §328-C Plastic pollution special fund; established. There
14 is established in the state treasury the plastic pollution
15 special fund to be administered by the department of health.
16 The revenues of the special fund shall consist of appropriations
17 made by the legislature, grants, gifts, moneys collected from
18 the fines assessed under section 328-D, and interest on the
19 moneys deposited in the special fund. The special fund shall be
20 used to reduce plastic pollution.



1 §328-D Penalties. (a) In addition to any other penalties
2 provided by law, any person who violates section 328-B shall be
3 fined not more than \$2,500 per day for each violation, and the
4 sum shall be collected in a civil action brought by the attorney
5 general, a county prosecuting attorney, or a person representing
6 the public interest. A civil action brought by a person
7 representing the public interest may be initiated only if thirty
8 days have elapsed since the date that the person gives notice of
9 an alleged violation of section 328-B to the attorney general or
10 the county prosecuting attorney and the alleged violator and if
11 a separate civil action against the violator has not commenced.

12 (b) In determining the amount of a civil penalty, the
13 court shall consider the following:

- 14 (1) Severity of the violation;
15 (2) Economic impact of the penalty on the violator;
16 (3) Any good-faith efforts to comply with the applicable
17 requirements;
18 (4) Deterrent effect on the violator and the regulated
19 community; and
20 (5) Any other factors the court deems appropriate.



(c) The court, in its discretion, may award the prevailing party reasonable attorney's fees and costs.

(d) Civil penalties owed under this part shall be paid as follows:

- (1) 50 per cent of moneys collected under this section shall be deposited in the plastic pollution special fund established pursuant to section 328-C; and
- (2) 50 per cent of moneys collected under this section shall be deposited in the general fund."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. This Act shall take effect on July 1, 2015.

INTRODUCED BY:

Roll E. P. H.

Anna Thul

M. H. C.

Eraine L. Frouye

Wife Gilbert



S.B. NO. 575

Report Title:

Environment; Environmental Protection; Health; Synthetic Plastic Microbeads; Prohibition; Personal Care Products; Plastic Pollution Special Fund; General Fund

Description:

Beginning on January 1, 2016, prohibits the sale of personal care products that contain synthetic plastic microbeads, excluding personal care products that contain synthetic plastic microbeads that are less than one part per million by weight, natural exfoliants, and personal care products that contain only biodegradable synthetic plastic microbeads. Establishes the plastic pollution special fund and requires violators to pay a fine that is deposited into the general fund and the plastic pollution special fund.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

