

SB 689



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

**Testimony in SUPPORT of S. B. 689  
RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON ENERGY & ENVIRONMENT

SENATOR JOSH GREEN, CHAIR  
SENATE COMMITTEE ON HEALTH

Hearing Date: **February 17, 2015**  
**3:45 p.m**

Room Number: 225

1 **Fiscal Implications:** No funding is provided to implement the measure.

2 **Department Testimony:** The Department supports this measure.

3 This measure seeks to prohibit the sale of personal care products containing synthetic plastic  
4 microbeads beginning on January 1, 2016. The Department of Health (DOH) is aware that the  
5 accumulation and possible impacts of microplastic particles in the marine environment is  
6 recognized as an important emerging environmental issue. There is both pending federal and  
7 state legislation on banning microplastics in consumer products. Many of the major personal  
8 care product manufacturers have voluntarily pledged to phase out the use of microbeads in their  
9 products. The DOH believes that joining other states in prohibiting the sale of personal care  
10 products with plastic microbeads is in the best interest of protecting our marine environment.  
11 The one reservation that DOH has with regard to this measure is that the DOH does not have  
12 existing resources to regulate and enforce a ban on microplastics in these consumer products.  
13 Given that a unified national approach to addressing synthetic plastic microbeads is under  
14 consideration at the federal level, DOH believes it is premature to develop state specific enforcement  
15 procedures. However, we believe that Hawaii should go on record now as supporting a ban on  
16 microplastics in personal care products without a provision of requiring DOH oversight and  
17 enforcement.

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

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**To:** [ENETestimony](#)  
**Cc:** [cathyg@animalrightshawaii.org](mailto:cathyg@animalrightshawaii.org)  
**Subject:** \*Submitted testimony for SB689 on Feb 17, 2015 15:45PM\*  
**Date:** Friday, February 06, 2015 2:40:22 PM

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**SB689**

Submitted on: 2/6/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

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Jodi Malinoski  
Surfrider Foundation Oahu Chapter  
Committee of Energy and Environment, Committee of Health  
Tuesday, February 17<sup>th</sup>, 3:45 PM in Room 225  
Bill SB 689: Synthetic Plastic Microbeads  
Strong Support of SB 689

Dear Senator Gabbard, Senator Green, Senator Wakai, and Committee members,

Aloha, my name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of Senate Bill 689 to prevent the sale of products containing synthetic plastic microbeads.

Over 80% of marine pollution is floating plastic. Synthetic microbeads are a type of plastic pollution that is particularly problematic because once in the ocean, they cannot be recovered. Microbeads are too small to be filtered out by Hawaii's sewage treatment facilities. Instead, they are discharged with treated sewage, where they absorb persistent organic pollutants and are consumed by a variety of marine life, including the fish we harvest for food. Several states such as Illinois, California, and New York have already introduced legislation to ban microbeads. As a similar Bill, HB 621 builds on the voluntary phasing out of these products by companies such as L'oreal, Proctor and Gamble, and Johnson and Johnson. These companies are phasing out the use of plastic exfoliants and are replacing these microplastics with natural alternatives that are more environmentally friendly and will not bioaccumulate up the food chain if ingested by marine life.

This Bill is important because it reduces a type of pollution that cannot be cleaned up from the marine environment, yet poses many health risks to marine animals and humans. Along with the voluntary action of several large skin and tooth care companies to reduce microbead pollution, Hawaii needs to take action to prevent the selling and distribution of products containing microplastics. On behalf of the Rise Above Plastics campaign, please pass SB 689 against synthetic plastic microbeads. Thank you.

Warmest Mahalo,

Jodi Malinoski

Rafael Bergstrom  
Surfrider Foundation Oahu Chapter  
SB689  
ENE/HTH, February 17<sup>th</sup> 2015, 3:45 PM  
Strong Support

The use of microbeads, made of small plastic particles, presents significant problems for human health and marine life. Microbeads, which are designed to be “flushed” with use, are not filtered in treatment plants and end up in our fresh and ocean ecosystems. Like many plastics, these small pieces remain in our environment without breaking down and thus enter food systems. Animals may ingest these and then subsequently the contaminated fish life can enter the human food system. Many mainstream cosmetic companies have already stopped the use of these microbeads as there are plenty of natural alternatives that can provide the same effects.

Surfrider Oahu continues to advocate for a community in which we significantly reduce our reliance on all forms of single use plastics. Our Rise Above Plastics coalition believes that we can create a world in which we have a stronger kuleana towards protecting our near shore waters from unnecessary plastic pollution. Please join us in creating an environment that we respect enough to protect for generations into the future.

Mahalo for your time and consideration.

Rafael Bergstrom  
Oahu Chapter Coordinator, Surfrider Foundation



*founded 1881*

February 13, 2015

The Honorable Mike Gabbard  
Committee on Energy and Environment, Chair  
Hawaii Senate  
State Capitol, Room 201  
415 South Beretania St.  
Honolulu, HI 96813

**RE: Support S.B. 689 (Gabbard) with Amendments – Prohibiting Synthetic Plastic Microbeads**

Dear Chairman Gabbard,

I am writing on behalf of the Consumer Healthcare Products Association (CHPA) to respectfully propose amendments to S.B. 689 and express CHPA's subsequent support for the bill. The proposed amendments, outlined below, would align the effective dates proposed in S.B. 689 with similar legislation signed into law last year in Illinois.

CHPA is the 133-year-old trade association representing the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Every dollar spent by consumers on OTC medicines saves the U.S. healthcare system \$6-\$7, contributing a total of \$102 billion in savings each year. CHPA is committed to promoting the increasingly vital role of over-the-counter medicines and dietary supplements in America's healthcare system through science, education, and advocacy.

CHPA member companies understand that plastic pollution in the environment is of concern to regulators, policy makers, advocacy groups and the public. CHPA's member companies do not oppose the phase-out of plastic microbeads from over-the-counter medications. In fact, many manufacturers have already begun proactively phasing-out the use of synthetic plastic microbeads.

To date, Illinois is the only state to have passed a law prohibiting the sale of products containing synthetic plastic microbeads<sup>1</sup>, though as many as 25 states will consider legislation on the issue in 2015. CHPA supports uniform state solutions aimed at avoiding a patchwork of differing laws to address concerns related to synthetic plastic microbeads. By mirroring the existing Illinois law, Hawaii can mandate microbeads be phased out of personal care products and over-the-counter medicines, while ensuring reasonable effective dates and uniform definitions for key terms. This would also closely align with proposals that have been approved unanimously by the Indiana House of Representatives and both houses of the New Jersey legislature.

To this end, CHPA urges the timeframes be revised to align with the implementation dates in Illinois. A mock-up of S.B. 689 is included below with CHPA's proposed language inserted.

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<sup>1</sup> Illinois Public Act 098-0638 – Signed into law June 9, 2014

We sincerely appreciate your consideration of our position on this important issue. We respectfully urge the committee to adopt the proposed amendments and subsequently pass S.B. 689. If you have any questions regarding our position, please contact CHPA's in-state counsel, Lauren Zirbel (LSZ Consulting) at 808-294-9968 or [LaurenZirbel@gmail.com](mailto:LaurenZirbel@gmail.com).

Respectfully submitted,

A handwritten signature in black ink that reads "Sean R. Moore". The signature is written in a cursive, slightly slanted style.

Sean R. Moore  
Associate Director, State Government Affairs  
Consumer Healthcare Products Association  
[smoore@chpa.org](mailto:smoore@chpa.org) 202-429-3537

cc: Committee on Energy and Environment  
Ms. Lauren Zirbel, LSZ Consulting



THE SENATE  
TWENTY-EIGHTH LEGISLATURE, 2015  
STATE OF HAWAII

S.B. NO. 689

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. The legislature finds there is growing public concern about the environmental impact of tiny particles of plastic called microbeads. Barely visible without a microscope, microbeads are gentle scrubbers that are added to numerous personal care products, including shampoos, soaps, and toothpastes. Consumers using products containing microbeads are washing down the drain what many once thought was harmless consumer waste. However, research has indicated that wastewater treatment plants are unable to filter out microbeads and as a result, microbeads pass through sewage systems and eventually enter into waterways where the microbeads can absorb toxic chemicals. These toxic microbeads are then consumed by marine life and passed along the aquatic food chain. Microbeads are not biodegradable and once they enter the marine environment, microbeads are impossible to remove and are a significant source of environmental degradation.

The legislature further finds that several states have already proposed legislation to phase out the sale of personal care products that contain microbeads and in December 2012, Unilever announced that all of its products would be plastic free by 2015. Procter and Gamble, L'Oreal, Colgate-Palmolive, and Johnson and Johnson have also pledged to phase out the use of microbeads in their products. Microbeads are unnecessary, as there are several biodegradable, natural alternatives to microbeads, including oatmeal, ground almonds, and pumice.

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

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

**"PART . SYNTHETIC PLASTIC MICROBEADS**

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

"Over-the-counter drug" means a drug that is a personal care product that contains a label that identifies the product as a drug as required by 21 CFR 201.66. An "over-the-counter drug" label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

"Personal care product" means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article, including but not limited to hand and body soaps, exfoliates, shampoos, toothpastes, and scrubs. "Personal care product" does not include a product for which a prescription is required for distribution or dispensation.

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

"Synthetic plastic microbead" means any intentionally added non-biodegradable solid plastic particle measuring five millimeters or less that is used to exfoliate or cleanse in a rinse-off product.

**§328-B Prohibition on sale of personal care products containing synthetic plastic microbeads.**

(a) Beginning December 31, 2017~~on January 1, 2016~~, no person shall manufacture ~~offer~~ for sale in Hawaii a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

- (b) Beginning December 31, 2018, no person shall accept for sale a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.
- (c) Beginning December 31, 2018, no person shall manufacture for sale in Hawaii an over-the-counter drug that contains synthetic plastic microbeads.
- (d) Beginning December 31, 2019, no person shall accept for sale an over-the-counter drug that contains synthetic plastic microbeads.
- (e) The provisions of this act shall preempt any ordinance or resolution of a municipality, county or any other local government entity concerning synthetic plastic microbeads.

**§328-C Penalties.** Any person who violates section 328-B shall be subject to:

- (1) For a first violation, a fine of not more than \$        ;
- (2) For a second violation, a fine of not more than \$        ; and
- (3) For a third or subsequent violation, a fine of not more than \$        ."

SECTION 3. This Act shall take effect on July 1, 2015.

INTRODUCED BY: \_\_\_\_\_

**Report Title:**

Environment; Environmental Protection; Health; Synthetic Plastic Microbeads; Prohibition; Personal Care Products

**Description:**

~~Prohibits~~ Gradually prohibits the sale of personal care products that contain synthetic plastic microbeads ~~beginning on January 1, 2016~~. Requires violators to pay a fine.



Feb. 16, 2015

Committee Chair & Members of ENE & HTH

**RE: Strong Support for SB 689 – Relating to Plastic Microbeads – Strong Support**

**Hearing on Tue., Feb. 17, State Capitol, Conf. Rm. 225, 3:45pm.**

Dear Chairs Gabbard & Green, Vice Chairs Green & Wakai, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of SB 689. We helped draft this bill to help companies and consumers better understand and deal with the issue of plastic microbeads, which are put into cosmetic, dental and personal care products as "scrubbers" but lead to plastic pollution and health issues.

Personally, I have written articles about this issue and worked with the environmental group 5 Gyres that first discovered the microbeads. 5 Gyres helped lead the effort to educate the public about the issue and then worked with large corporations like L'Oreal, Johnson & Johnson and Proctor & Gamble to phase out their use. Expanding on their work, we formed the Rise Above Plastic Coalition, which includes organizations like Styrophobia, Conservation Council for Hawaii, Sustainable Coastlines, Surfrider, Kokua Hawaii Foundation and many other groups who are committed to reducing plastic pollution.

Over 80% of marine pollution is floating plastic. Synthetic microbeads are a type of plastic pollution that is particularly problematic because they are too small to be filtered out by Hawaii's sewage treatment facilities. Instead, they are discharged with treated sewage into the ocean, where they absorb persistent organic pollutants like PCB's and DDT and are then consumed by a variety of marine life, including the fish we harvest for food.

Several states such as Illinois, California, and New York have already introduced legislation to ban microbeads. Based on these bills, SB 689 builds on the voluntary phasing out of these products by companies who already recognize their harmful environmental and health effects, such as dental infections in the gums and leaching of plastic chemicals. These companies are phasing out the use of plastic exfoliants and are replacing these microbeads with natural alternatives that are healthier and more eco-friendly because they will not bioaccumulate up the food chain if ingested by marine life.

This bill will help reduce a type of pollution that cannot be cleaned up from the marine environment and poses many health risks to marine animals and humans. Along with the voluntary action of several large corporations to reduce microbead pollution, Hawaii should join this national campaign to take action to prevent the selling and distribution of products containing microbeads. On behalf of the Rise Above Plastics campaign, we ask you to pass this bill and ban plastic microbeads. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,  
Stuart Coleman  
Stuart H. Coleman  
Hawaii Regional Manager

# Beach Environmental Awareness Campaign Hawai'i

*P.O. Box 25284 · Honolulu · Hawai'i · 96825*

*(808) 393 2168 · [www.b-e-a-c-h.org](http://www.b-e-a-c-h.org)*

DATE: 15th February, 2015.

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment  
Chair Josh Green and Members of the Committee on Health

FROM: Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN SUPPORT OF SB689**

Relating to Environmental Protection. Prohibits the sale of personal care products that contain synthetic plastic microbeads.

Committee meeting on Tuesday 17th February, 2015 at 3:45PM, conference room 225

Aloha Chair Gabbard, Chair Green and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) supports SB689.

This bill is very important to the effort to reduce plastic in the ocean and thank you for having a implementation date of July 1st, 2015 as this law needs to begin right away.

To ensure this law is not undermined in the implementation phase and unintended consequences result, please **remove** “**synthetic**” from all mentions of “synthetic plastic microbead” in this bill and amend the following 2 definitions:

“Plastic” - this definition is incorrect as plastic does not retain its shape during its lifecycle and after disposal. Plastic can fragment due to UV light, it can compost (if plant derived and in a commercial compost facility), it can be melted etc. If a definition of plastic is needed in this bill then it needs to specify that plastic can be derived from fossil fuels or biomass. Please amend the definition of plastic in SB689 to **remove** “**retaining their defined shapes during lifecycle and after disposal**” and **add** “**derived from fossil fuel or biomass**”.

“Synthetic plastic microbead” - please **remove** the word “**non-biodegradable**” from this definition. As it is important that all plastic microbeads are banned including those made from bio-plastics as these do not biodegrade or compost in the ocean and will still be ingested by marine life. There are plenty of naturally occurring alternatives for plastic microbeads including sand, sea salt, sugar, fruit seeds, oats, rice, bamboo, nut shells, etc. Plastic should never be washed down the drain in any form including “biodegradable” and “compostable” plastics. Also please **remove** “**used to exfoliate or cleanse in a rinse off product**” as this does not include the fact that plastic microbeads are added to some products like toothpaste purely for decorative purposes and not used to exfoliate or



cleanse. Therefore the use of the microbeads should not be included in this definition unless it includes all the uses and reasons why microbeads are added to personal care products.

Also please **remove** “**not biodegradable**” and “**biodegradable**” in section 1 as the word biodegradable is no longer a reliable term as it has been misused so much. Removing these words will make it clear that this bill bans all plastic microbeads.

It is important to ban the sale and manufacture in Hawai'i of plastic microbeads in personal care products as they are not able to be removed at wastewater facilities and therefore they get discharged into the ocean. These plastic microbeads are so small they can't be removed from the ocean or from the beach if they wash ashore.

The whole food chain is affected by plastic in the ocean. Plankton has been found to be ingesting plastic. All plastic is made with chemicals and there are also chemicals that attach onto the plastic in the ocean - these are persistent organic pollutants such as DDT, DDE and dioxins. POPs attach to all plastics including fossil fuel derived and biomass derived. The chemicals in and on plastic in the ocean are passed through the food chain, bioaccumulating along the way. These chemicals cause cancer and other diseases.

Thank you for the opportunity to provide testimony in support of SB689.

Sincerely,



Suzanne Frazer,  
President,  
Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.).



*Beach Environmental Awareness Campaign Hawai'i is an all volunteer, non-profit organization that brings awareness and solutions to marine debris through environmental education, plastic reduction/litter prevention campaigns, and marine debris removal and research in order to protect Hawai'i's marine life, sea birds and the ocean/coastal environment.*



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**SB689**

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Valerie Loh	Individual	Support	No

Comments: Please support this measure to ban micro-bead products which pollute our beaches and ocean. Thanks very much!

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**Date:** Monday, February 16, 2015 9:42:54 PM

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**SB689**

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Hitchcock	Individual	Support	No

Comments: Zachary Hitchcock Chairman, Surfrider Foundation Oahu 1533 Artesian Way Honolulu, HI 96822 Dear Senate, We have all heard about the devastation these microbeads have brought upon the Great Lakes. This is the Pacific Ocean, and we must be very careful not to release hazards into our environment. These microbeads are hazardous to our infrastructure and to the health of our waterways. I support Senate Bill 689. Sincerely, Zachary Hitchcock 808-222-6960

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**Date:** Monday, February 16, 2015 12:49:36 PM

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**SB689**

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Huntemer	Individual	Support	No

Comments: Aloha Chairs, Vice Chairs and Committee Members. I support SB689 because of the harm presented by plastic microbeads to our environment but particularly our ocean creatures. Tiny zooplankton may ingest these. A widespread ingestion of plastic could lead to a rapid and unstoppable collapse of life in the ocean. There are plenty of natural, biodegradable alternatives. Please prohibits the sale of personal care products that contain synthetic plastic microbeads beginning on January 1, 2016 and requires violators to pay a fine. Mahalo, Angela Huntemer, North Shore O'ahu.

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**Subject:** \*Submitted testimony for SB689 on Feb 17, 2015 15:45PM\*  
**Date:** Friday, February 13, 2015 8:47:45 AM

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**SB689**

Submitted on: 2/13/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	Individual	Support	No

Comments:

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**SB689**

Submitted on: 2/14/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments: Aloha, Please support this common sense legislation to protect our islands' beaches and reefs -- and beyond -- from senseless pollution. mahalo

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**SB689**

Submitted on: 2/16/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Reilly	Individual	Support	No

**Comments:**

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**Date:** Thursday, February 12, 2015 9:01:10 PM

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**SB689**

Submitted on: 2/12/2015

Testimony for ENE/HTH on Feb 17, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Heskett	Individual	Support	No

Comments: Aloha, I firmly support this bill. Plastic microbeads present a terrible problem of bioavailable synthetics that are easily and quickly ingested by most marine life. They deliver notorious compounds such as estrogen emulating phthalates and the now largely avoided bis phenol A directly to our vital marine environment. There is no reason to allow these tiny toxic fragments to enter our personal care products and no reason for us to accept the further degradation of our marine environment for a such a minor benefit of a mild abrasive in soaps. The cost benefit equation is simply loaded heavily in the wrong direction.

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