

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB2290 SD1 HD1
RELATING TO MICROBEADS**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 4/6/2022

Room Number: CR308/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:** This measure seeks to amend Hawaii Revised Statutes (HRS),
5 Chapter 321 by requiring a phase-out and ultimate prohibition on the manufacture and sale in
6 Hawaii of personal care products and non-prescription drugs containing plastic microbeads five
7 millimeters in size or less.

8 The Department supports the intent of this measure and shares concerns that the accumulation
9 and possible impacts of microplastic particles in the marine environment are recognized as an
10 important environmental issue.

11 The Department notes that enforcement of this ban will be challenging since personal care
12 products containing plastic microbeads may have granular appearance and larger plastic
13 microbeads can be seen with the naked eye and felt by the texture of the product between fingers.
14 Smaller plastic microbeads are more difficult to see and feel, and it is questionable to determine
15 whether the microbeads are plastic or legally permitted soluble alternatives.

16

17 **Offered Amendments:** None.

- 1 Thank you for the opportunity to testify on this measure.

SB-2290-HD-1

Submitted on: 4/4/2022 6:47:52 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Support	Written Testimony Only

Comments:

Strong Support- no more pollutants in our ocean!

Beach Environmental Awareness Campaign Hawai'i

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

(808) 393 2168 · www.b-e-a-c-h.org

DATE: 4th April, 2022

TO: Chair Luke, Vice-Chair Yamashita and Members of the House Finance Committee

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

RE: **TESTIMONY IN VERY STRONG SUPPORT OF SB2290 SD1 HD1**

Relating to Microbeads

Committee hearing on Wednesday 6th April at 1:30PM via videoconference

Aloha Chair Luke, Vice-Chair Yamashita and Members of the House Finance Committee,

Thank you for hearing this important bill. Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) is in very strong support of SB2290 SD1 HD1. This bill will ban microbeads in "leave-on" products (please see (A) for examples). The Federal Microbead-Free Waters Act of 2015 banned only microbeads in "rinse-off" products (please see (B) for examples). SB2290 SD1 HD1 does not apply to any products already regulated by the Federal Act.

(A) Leave-on products: (examples of some of the products this bill pertains to):

- | | | |
|----------------------|---------------|--------------------|
| - sunscreen | - lip stick | - face powder |
| - deodorant | - blush | - nail polish |
| - skin cream | - eye make-up | - moisturizers |
| - hair spray | - lip gloss | - insect repellent |
| - anti-wrinkle cream | - lip balm | - hand sanitizer |
| - foundation/make-up | - mascara | |

(B) Rinse-off products: (examples of products not applicable to this bill as they are already regulated by the 2015 Federal Microbead-Free Waters Act):

- | | | |
|---------------|-----------------|---------------|
| - toothpaste | - shampoo | - face masks |
| - face scrubs | - conditioner | - bubble bath |
| - body scrubs | - shaving cream | |
| - exfoliants | - liquid soap | |

This bill, SB2290 SD1 HD1 is necessary. Plastic microbeads are completely unnecessary. Before the mid 1990's there weren't even any plastic microbeads in personal care products and the products worked just fine. There is no good reason why to include microbeads in sunscreen, make-up, skin cream and other products for beauty, hygiene and skin protection etc. In fact plastic is being used as a bulking agent. Using plastic microbeads in products is a dishonest way for companies to give consumers more plastic and less product.

In the case of "rinse-off" products plastic was used as an excuse for providing "exfoliating" in actual fact non-rounded natural particles such as sea salt, sand, sugar, seeds etc. work much better. The plastic did very little, people didn't get any benefit from it. They were instead being harmed

by having plastic stuck between their teeth from it being in toothpaste for instance and worse, people ingesting it from eating seafood. Adding plastic to personal care products has resulted in billions of tiny plastic particles being littered into the ocean as wastewater treatment plants can't collect it because it's too small.

There is no such excuse for using microbeads in "leave-on" products as there is no exfoliating, scrubbing or cleansing with leave-on products. Leave-on products are still washed off eventually when someone takes a shower or goes in the ocean. Which means the plastic microbeads in these products still end up in the same place as "rinse-off" products – in the ocean.

Plastic is incredibly harmful. It is a killer of many marine species that ingest it thinking it's food. Microbeads are ingested by coral. They are ingested by the base of the food chain – plankton – causing the chemicals in the microbeads as well as the POPs – persistent organic pollutants – which attach onto the plastic in the ocean, to be passed throughout the whole food chain. That means that people eating fish and other seafood are ingesting the POPs and the plastic chemicals that have bioaccumulated up through the food chain. POPs include DDT, DDE and dioxins. These chemicals are harmful to human health causing cancer and other diseases.

This is an important bill which will protect consumers as well as marine life. Please pass this bill. Thank you for the opportunity to provide written testimony in very strong support of SB2290 SD1 HD1.

Aloha,



Suzanne Frazer.

B.E.A.C.H. Co-Founder & President.

Further information about microbeads:

UNEP: Plastic in cosmetics fact sheet:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/21754/PlasticinCosmetics2015Factsheet.pdf?sequence=1&isAllowed=1>

Mascara, lipsticks, foundations, and face powders – products that come in close contact with our eyes and mouth – can contain many microplastics:

<https://www.beatthemicrobead.org/11-makeup-brands-exposed-with-the-use-of-microplastics/>

Microbeads: Hidden plastics in cosmetics:

<https://treadingmyownpath.com/2019/08/22/microbeads/>



Beach Environmental Awareness Campaign Hawai'i is a 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 marine life, sea birds and the ocean/coastal environment.

SB-2290-HD-1

Submitted on: 4/4/2022 9:41:02 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Remotely Via Zoom

Comments:

To: The Honorable Sylvia Luke, Chair, The Honorable Kyle Yamashita, Vice Chair, and Members of the House Committee on Finance

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

Re: Hearing **SB2290 SD1 HD1 RELATING TO MICROBEADS.**

Hearing: Wednesday, April 6, 2022, 1:30 p.m., CR 308 and by videoconference

Aloha Chair Luke, Vice Chair Yamashita, and Members of the House Committee on Finance:

Position: Hawai'i Reef and Ocean Coalition Strongly Supports SB2290 SD1 HD1!

The Hawai'i Reef and Ocean Coalition (HIROC) is very concerned about protecting coral reefs and other marine species from the many harmful effects that plastic microbeads have on marine life. **The Hawai'i Reef and Ocean Coalition strongly supports SB2290 SD1 HD1 to reduce plastic microbead pollution in Hawai'i waters.**

The plastic microbeads that are still in many personal care products are very harmful to coral and marine life, causing disease, reproductive issues, blockages and starvation. Plastic microbeads can enter the ocean by the billions. They come off the skin of swimmers or are washed off in the shower. Significantly, they enter the ocean through the sewer system, as most are too small to be filtered out by most treatment facilities. They are especially harmful because they can often absorb chemicals and toxins found in water along the way and are then ingested by marine life, passing up through the food chain, even to the humans who eat seafood.

The purpose of this bill is to reduce the harm to corals and marine species by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. This bill explicitly applies only to "leave-on" personal care products that contain plastic microbeads, not the "rinse-off" cosmetics like exfoliants, soaps, and toothpastes that are regulated under the federal Microbead-Free Waters Act of 2015. Public Law 114- 114. Because there is a clear explicit delineation between "leave-on" and "rinse off" products, **there is no legal ambiguity or preemption issue for this bill.** SB2290 SD1 properly amended the definition of "personal care products" to add leave-on products related to hygiene, skin care, and sun protection. **Leave on products such as**

deodorants, moisturizers, hand sanitizers, and sunscreens would be covered. The bill would also apply to existing leave-on products used for beautifying, promoting attractiveness, or altering appearance, such as lipstick, eyeliner, nail polish, etc. The bill defines "plastic microbead" as a plastic particle that is less than 5 millimeters in size.

This bill is needed to reduce plastic microbead pollution that harms corals and other marine species in Hawaii's ocean. Please pass this important bill to protect Hawaii's corals and other marine species!

Mahalo!

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

SB-2290-HD-1

Submitted on: 4/5/2022 4:36:14 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Recycle Hawaii and Clean the Pacific	Support	Written Testimony Only

Comments:

By now I would hope that you've all heard about the micro plastics disaster. Every breath you take you're inhaling toxic petrochemicals from plastics that are breaking down in our environment. It's estimated that the average human inhales 40,000 micro plastic particles every year and the same amount is ingested. That's about a credit card sized amount of plastic every week. Every living organism on Earth has PFAS, PFOS and hundreds of other toxic "forever" chemicals in their systems and they can't get rid of it, because it won't break down. These chemicals are endocrine disruptors, nervous system disruptors, cancer agents and genetic disruptors and there is absolutely no excuse for this. Now, why on Earth would we ever voluntarily add micro plastics to products on purpose? There's absolutely no need for this. It's just another way for someone to make a buck. It's inconceivable that people would poison other people and animals to make a buck, but you only need to look at the tabaco companies to know they do. Please pass this legislation today. Mahalo



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
April 6, 2022
SB 2290 SD1 HD1 RELATING TO MICROBEADS**

Good afternoon, Chairperson Luke and members of the House Committee on Finance. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to SB 2290 SD1 Relating to Microbeads. Beginning 7/1/2022, this measure bans the manufacture of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2023, bans the sale or offer for sale of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2024, bans the sale or offer for sale of a non-prescription drug that contains plastic microbeads. Specifically exempts rinse-off cosmetics or rinse-off cosmetics that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015. Effective 1/1/2050.

Retailers are concerned about our environment. **We are unclear exactly what types of products this bill is trying to address. It is our understanding that there is already federal legislation in place with The Microbead-Free Waters Act of 2015.** This Federal law has been in effect since 2017 prohibits the manufacturing, packaging, and distribution of products containing plastic microbeads. This federal law also states that

Under the new law, state or local authorities are not allowed to enact laws or continue to enforce laws that:

- restrict the manufacture of rinse-off cosmetics that contain plastic microbeads, or*
- restrict the introduction or delivery of such products into interstate commerce, unless the state or local restrictions are the same as those of the new federal law that have taken effect.*

Mahalo for this opportunity to testify.



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Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Kyle T. Yamashita, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: April 6, 2022
TIME: 1:30pm
PLACE: Via Videoconference

RE: SB2290 SD1 HD1 Relating to Microbeads

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure. It's unclear what products this measure is intended to regulate. Microbeads were used in certain personal care products, also known as rinse off cosmetics, until they were phased out by the Microbead-Free Waters Act of 2015.

On the FDA information page about the Act it notes that:

“Under the new law, state or local authorities are not allowed to enact laws or continue to enforce laws that:

- restrict the manufacture of rinse-off cosmetics that contain plastic microbeads, or
- restrict the introduction or delivery of such products into interstate commerce,

unless the state or local restrictions are the same as those of the new federal law that have taken effect.”

The text of the measure states that “The legislature notes that nothing in this Act shall be construed to apply to rinse-off cosmetics and rinse-off cosmetics that are also non-prescription drugs, as these products are exclusively regulated by the federal government pursuant to the federal Microbead-Free Waters Act of 2015.” However, it fails to explain what products it does intend to regulate. It does not clarify whether or not products that would meet

the definition of personal care products contained in the bill, and which contain microbeads, but are not regulated by the FDA even exist. If such products exist this measure does not indicate what these products are, what they're used for, and if they are manufactured or sold in Hawaii presently.

For these reasons we ask that the measure be held. We thank you for the opportunity to testify.

April 5, 2022

Representative Sylvia Luke, Chair
Hawai'i House Committee on Finance

RE: Opposition to SB 2290 SD1 HD1(Lee)

Chair Luke and Members of the Committee on Finance:

On behalf of the members of the Personal Care Products Council (PCPC),¹ I am writing to express our opposition to SB 2290 SD1 HD1. This legislation was amended with a new definition of microbead which would inadvertently capture other materials and ingredients used in cosmetics and personal care products.

The personal care products industry's deep commitment to product safety and environmental stewardship includes protection of the marine environment that sustains life on our planet. That's why the industry responded early and aggressively to concerns over microbeads, even though these ingredients make up a very tiny fraction of plastic litter in waterways. The industry announced a voluntary phase-out of microbeads, and then worked with elected officials, environmental advocacy groups and others to support laws that permanently ban them. Several states adopted laws and the Council of State Governments accepted the language into their Shared State Legislation Volume 75. Subsequently, the Microbead-Free Waters Act, was signed into law by President Obama in 2015 and bans the manufacturing of products containing microbeads as of July 1, 2017.

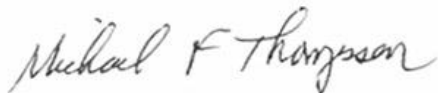
Both the Federal law and SB 2290 (as introduced) include identical definitions of microbeads as follows:
plastic microbead means any solid plastic particle that is less than five millimeters in size
and is intended to be used to exfoliate or cleanse the human body or any part thereof

The new definition of plastic microbeads is vague and could ultimately ban many ingredients including some natural polymers and waxes.

We strongly encourage a rejection of SB 2290 SD1 HD1 and request the committee revert back to the original definition in order to have consistent federal and state definitions.

We respectfully ask for your NO vote on SB 2290 unless as amended. Thank you for your consideration and the opportunity to comment.

Sincerely,



Sr. Vice President, Government Affairs

¹ Founded in 1894, the Personal Care Products Council (PCPC) is the voice and advocate for 600 member companies representing the \$499.6 billion global cosmetics and personal care products industry. PCPC's members represent approximately 90% of the U.S. beauty industry and are some of the most beloved and trusted brands in beauty and personal care today. As the manufacturers, distributors and suppliers of a diverse range of products millions of consumers rely on every day – from sunscreens, toothpaste and shampoo to moisturizer, makeup and fragrance – PCPC's member companies are global leaders committed to product safety, quality and innovation.

April 5th, 2022
House Committee on Finance
Hawai'i State Capitol
Honolulu, HI 96813

RE: Support for SB 2290 SD1 HD1

Dear Char Luke, Vice Chair Yamashita, and members of the House Committee on Finance,

Today I am testifying on behalf of Pacific Whale Foundation (PWF) and its nearly 4,000 members. For the last 42 years, it has been PWF's mission to protect the ocean through science and advocacy, and to inspire environmental stewardship.

Founded to help bring a species back from the brink of extinction due to commercial whaling, we now focus on the new and emerging threats facing the health of the ocean today. One of the focus areas of our work is to study and mitigate the impacts of marine debris on the environment. Marine debris is ocean trash and is all encompassing, ranging from small bits of plastic to large floating net masses of abandoned, lost, or discarded fishing gear. Today, I would like to address the pervasive issue of microplastics in the marine environment, and to encourage this committee to pass SB 2290, that would prohibit the manufacture and sale of products containing microbeads.

Currently, the global production of plastics exceeds 320 million tons per year¹ with manufacturing expected to double in the next 20 years². Of this, 6-14% is recycled³, meaning up to 86% ends up in either landfills or released in the environment. Plastic accumulation rates are increasing due to low degradation rates coupled with unsustainable use and this improper disposal⁴. Microplastics are an abundant form of solid waste worldwide and pose a significant biological and ecological threat to aquatic ecosystems⁵.

Given the increasing and largely "invisible" danger of this threat, it is past time our legislators take immediate action to address the plastic pollution problem, even if it appears to be addressing a micro-problem. Here at PWF, we connect the community with the fight against plastic pollution through our community science debris monitoring programs. We have removed and record nearly 200,000 individual pieces of debris along Maui's coastlines, and almost three quarters of it has been comprised of plastic. These materials persist in the environment and continue to break up into smaller pieces eventually becoming microplastics, a process known as photodegradation⁶.

Piece by piece, we have the power to eliminate single-use and unsustainable plastic use through these types of legislation. There are already several alternatives to microbeads used in personal care products that add the “shine” many producers will argue the elimination of is detrimental to their business. Elimination is our first step; innovation is the next.

Mahalo for the opportunity to testify today.

Sincerely,
Shelby Serra
Conservation Advocate

References

1. Wright, S. L., et al., *Plastic and human health: A micro issue?* Environment Science Technology. 2017
2. MacArthur, D. E., et al., *The new plastics economy rethinking the future of plastics.* World Economic Forum. 2016
3. O'Connor, M.C., et al., *Only 14% of plastics are recycled – can tech innovation tackle the rest?* The Guardian. 2017
4. Thompson, R.C., et al., *Plastics, the environment and human health: Current consensus and future trends.* Philosophical Transactions of the Royal Society. 2009
5. Prata, J. C., et al., *Solutions and Integrated Strategies for the Control and Mitigation of Plastic and Microplastic Pollution.* International Journal of Environmental Research and Public Health. 2019
6. Masry, M., et al., *Characteristics, fate, and impact of marine plastic debris exposed to sunlight: A review.* Marine Pollution Bulletin. 2021

SB-2290-HD-1

Submitted on: 4/5/2022 1:14:21 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Maxx Phillips	Center for Biological Diversity	Support	Written Testimony Only

Comments:

The Center for Biological Diversity is in strong support of Senate Bill 2290 SD1 HD1.

Mahalo,

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center *for* Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

www.biologicaldiversity.org



To: The House Committee on Finance
From: Sherry Pollack, 350Hawaii.org
Date: Wednesday, April 6, 2022, 1:30pm

In support of SB2290 SD1 HD1

Aloha Chair Luke, Vice Chair Yamashita, and members of the Finance committee,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii supports SB2290 SD1 HD1. Plastic microbeads, found in many beauty products, are harmful to coral and marine life. Plastic microbeads can enter the ocean when they come off the skin of swimmers, or through the sewer system when they are washed off in the shower, as they are too small to be filtered out by most treatment facilities. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem.

Please PASS this measure to protect marine life, human health and the environment.

Mahalo for this opportunity to testify.

Sherry Pollack
Co-Founder, 350Hawaii.org



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Sylvia Luke, Chair
The Honorable Kyle T. Yamashita, Vice Chair
Members of the Committee on Finance

Re: **SB 2290 SD1 HD 1 RELATING TO MICROBEADS**

Hearing: Wednesday, April 6, 2022, 1:30 p.m., Conference Rm. 308 & via videoconference

Position: Strong Support

Aloha, Chair Luke, Vice Chair Yamashita, and Members of the Committee on Finance:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB 2290 SD 1 HD1. Beginning on July 1, 2022, this bill would ban the manufacture of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning on July 1, 2023, this bill would ban the sale or offer for sale of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning on July 1, 2024, this bill would ban the sale or offer for sale of a non-prescription drug that contains plastic microbeads. This bill would specifically exempt rinse-off cosmetics or rinse-off cosmetic that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015. The effective date of this bill is January 1, 2050.

There are plastic microbeads in many beauty products that are harmful to coral and marine life. Plastic microbeads can enter the ocean when they come off the skin of swimmers, or through the sewer system when they are eventually washed off in the shower, and they are too small to be filtered out by most treatment facilities. Plastic microbeads can enter the ocean by the billions, which are then ingested by marine life, passing up through the food chain to the humans who eat fish. "Plastic Microbeads" are plastic particle that is less than five millimeters in size.

This measure would phase in the prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads for the purpose of protecting our coral reefs and marine life, and the humans who eventually consume the fish up the food chain. Please pass this measure.

Mahalo for the opportunity to testify,

Melodie Adyja and Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

April 5, 2022

To: House Committee on Finance
The Honorable Sylvia Luke, Chair
The Honorable Kyle T. Yamashita, Vice Chair

Fr: Carlos I. Gutierrez, Vice President, State & Local Government Affairs
Consumer Healthcare Products Association

RE: SB 2290 SD1 HD1 Relating to Microbeads - OPPOSE

Dear Chairwoman Luke,

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter (OTC) medications, dietary supplements, and consumer medical devices, I'm writing to express opposition to SB 2290 SD1 HD1 – legislation seeking to ban the sale of microbeads in specific products.

Consumer healthcare product manufacturers understand that plastic pollution in the environment is of concern to policy makers in the State of Hawai'i. We do not oppose the phase-out of plastic microbeads from consumer healthcare products. In fact, many OTC manufacturers have already begun proactively phasing-out the use of synthetic plastic microbeads. We do, however, believe it is important that there be one unified national approach to address the concerns raised in these proposals.

States Are Preempted from Acting on Microbeads

The United States Congress passed the Microbead-Free Waters Act of 2015 that added a subsection at the end of the federal Food, Drug, and Cosmetic Act's section 301(ddd) that includes the following preemption provision:

c) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect restrictions with respect to the manufacture or introduction or delivery for introduction into interstate commerce of rinse-off cosmetics containing plastic microbeads (as defined in section 301(ddd) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)) that are not identical to the restrictions under such section 301(ddd) that have begun to apply under subsection (b).

Additionally, section 751 of the federal Food, Drug, and Cosmetic Act provides additional preemption provisions. Specifically, section 751 states that “no State or

political subdivision of a State may establish or continue in effect any requirement that 1) relates to the regulation of a drug that is not subject to the requirements of section 353(b)(1) or 353(f)(1)(A) of the title; and 2) that is different from or in addition to, or that is otherwise not identify with, a requirement under this chapter, the Poison Prevention Packaging Act of 1970, or the Fair Packaging and Labeling Act.

Conclusion

In an effort to maintain consistent regulation of microbeads across the country, and to avoid violating existing federal preemption laws, we respectfully request you reject passage of SB 2290 SD1 HD1. Thank you for taking the time to consider our concerns and feel free to contact me or our local representative, Lauren Zirbel, directly with any follow up questions you may have.

Respectfully submitted,



Carlos I. Gutierrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
cgutierrez@chpa.org | 202-429-3521

Cc: House Committee on Finance

SB-2290-HD-1

Submitted on: 4/5/2022 7:16:26 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Strongly support!

SB-2290-HD-1

Submitted on: 4/5/2022 8:25:22 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Members of the Finance Committee,

I am writing to strongly support SB2990 SD1 HD1. Hawaii must do its part to reduce environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem. As an island state, it is particularly important for Hawaii to take this stand.

Mahalo for your consideration,

Cheryl Reeser
Makawao, Maui

SB-2290-HD-1

Submitted on: 4/5/2022 8:33:03 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill as a resident of Hawaii and this planet. No to plastic microbeads, yes to SB2290.

Mahalo,
Dylan Ramos
96816

SB-2290-HD-1

Submitted on: 4/5/2022 9:19:06 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

SUPPORT The purpose of SB2290 SD1 HD1 is to reduce environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem

SB-2290-HD-1

Submitted on: 4/5/2022 9:55:15 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalia Kailani	Individual	Support	Written Testimony Only

Comments:

I support this testimony because it reduces environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem. We need to stop producing microplastics now, and instead focus that time and resources to solving climate issues, such as removing microplastic from the ocean!!

SB-2290-HD-1

Submitted on: 4/5/2022 9:56:48 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Tadia Rice	Individual	Support	Written Testimony Only

Comments:

I support SB2290 SD1 HD1 to reduce environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish. The ocean is already under stress as a result of the effects of climate breakdown. Plastic microbeads just add to an already serious problem. Please support SB2290 SD1 HD1.

SB-2290-HD-1

Submitted on: 4/5/2022 10:19:42 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

The purpose of SB2290 SD1 HD1 is to reduce environmental and human health harm by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads.

These particles absorb toxins found in water, and then are ingested by marine life, passing up through the food chain to the humans who eat fish.

The ocean is already under stress due to climate change.

Plastic microbeads just add to an already serious problem.

Thank you for the opportunity to offer these comments.

SB-2290-HD-1

Submitted on: 4/5/2022 11:02:37 AM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Hattie Gerrish	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support preventing microbeads and other micro plastics from getting into the environment.

Mahalo!



Restore the Commons

Wednesday, April 6, 2022, 1:30 pm

House Committee on Finance

SENATE BILL 2290 – RELATING TO MICROBEADS

Position: Support

Me ke Aloha, Chair Luke, and Members of the Committee on Finance

SB2290 bans the manufacture, sale, or offer for sale of personal care products containing plastic microbeads, excepting prescriptions regulated by the federal Microbead-Free Waters Act of 2015. The purpose, of course, is to limit the contamination of our island waters by these products, which wash off the body.

A recent study found that not only are microbeads prevalent in waters of the State but are found in seafood and are found in human blood. Microbeads can harbor bacteria and viruses and are themselves suspected of inhibiting natural bodily processes. It is unfortunate that humans have not yet learned the dangers of plastics in the environment, as microplastics are ubiquitous on earth, in the deepest trenches and highest mountains, much like DDT before it. Of course, these do not break down to constituents but maintain their disruptive properties forever. We need to limit our exposure as much as possible, with hopes to isolate them over time in less accessible locations.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'aina; and member of the Health Committee of the Democratic Party

SB-2290-HD-1

Submitted on: 4/5/2022 7:13:34 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo

SB-2290-HD-1

Submitted on: 4/5/2022 7:22:57 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Please support this bill/ Mahalo

SB-2290-HD-1

Submitted on: 4/5/2022 9:02:31 PM

Testimony for FIN on 4/6/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeremy Garrett	Individual	Support	Written Testimony Only

Comments:

Please support this measure. The use of microbeads poses risks to the state's precious marine ecosystem, and for the world's at large.