



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

**Testimony in SUPPORT of SB0504-SD1
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE NICOLE LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Hearing Date: 3/14/2023 Room Number: 325

- 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 supports this measure which seeks to expand on
- 5 2022's Act 152 extending prohibitions on the manufacturing, distribution, and use of products
- 6 containing per- and poly-fluoroalkyl substances (PFAS). This measure expands the prohibition
- 7 to additional types of food containers, food service ware, cosmetics and personal care products
- 8 and its implementation would likely decrease the overall burden of PFAS contamination in
- 9 Hawaii's environment.
- 10 The Department supports this measure which seeks to expand on 2022's Act 152 extending
- 11 prohibitions on the manufacturing, distribution, and use of products containing per- and poly-
- 12 fluoroalkyl substances (PFAS). This measure expands the prohibition to additional types of food
- 13 containers, food service ware, cosmetics and personal care products and its implementation
- 14 would likely decrease the overall burden of PFAS contamination in Hawaii's environment.
- 15 While the Department supports this measure, implementation and enforcement may be difficult.
- 16
- 17 Thank you for the opportunity to testify on this measure.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com



March 14, 2023

RICK BLANGIARDI, MAYOR

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EDWIN H. SNIFFEN, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ERWIN M. KAWATA
Deputy Manager

The Honorable Nicole E. Lowen
and Members
House Committee on Energy and Environmental Protection
Hawaii State Capitol, Room 325
Honolulu, Hawaii 96813

Dear Chair Lowen and Members:

SUBJECT: Senate Bill 504 SD1: Relating to Environmental Protection

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 504 Senate Draft (SD) 1.

This bill proposes to prohibit to manufacture, sell, offer for sale, distribute for sale, or distribute for use of any food packaging, food service ware, cosmetic, or personal care product that contains per- and polyfluoroalkyl substance (PFAS) beginning December 31, 2026.

PFAS are chemicals used in water-repellent, stain resistant, non-stick and many other products. It has also been found in firefighting foams used to extinguish fuel fires, wastewater, and landfills. They are water soluble, persistent and do not easily degrade in the environment. They are also linked to several health effects and can leach and contaminate groundwater aquifers used for drinking water.

This measure will help protect public health by reducing PFAS exposure to our environment, drinking water, and residents.

Thank you for the opportunity to testify in strong support for SB 504, SD 1.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



MAKAKILO/KAPOLEI/HONOKAI HALE NEIGHBORHOOD BOARD NO. 34

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD SUITE 160 •
HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET:
<http://www.honolulu.gov>

RESOLUTION

SUPPORTING THE PROTECTION OF O'AHU'S WAI (DRINKING WATER) FROM PFAS

WHEREAS PFAS, or perfluoroalkyl and polyfluoroalkyl substances, are widely used, long lasting chemicals, components of which break down very slowly over time and are commonly referred to as "forever chemicals"; and

WHEREAS PFAS are persistent, toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on humans; and

WHEREAS PFAS are utilized in a broad range of products, including firefighting foam, clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara; and

WHEREAS recently low levels of perfluoropentanoic acid (PFPeA) a type of PFAS has been detected at Makakilo Well, low levels of perfluorohexanoic acid (PFHxA) a type of PFAS has been detected at the Waipahu Wells II Granular Activated Carbon (GAC) Treatment Facility, and low levels of PFAS has been detected at the Kunia Village water system's Del Monte Kunia 3 well; and

WHEREAS a spill of approximately one thousand three hundred gallons of toxic PFAS-containing firefighting foam occurred at Kapūkaki (Red Hill) in September and November of 2022; and

WHEREAS PFAS is not a regulated drinking water contaminant in Honolulu; and

WHEREAS scientific studies have shown that exposure to some PFAS in the environment may be linked to harmful health effects in humans and animals including kidney and testicular cancer, liver problems, high cholesterol, endocrine disruption, fertility problems, and decreased birth weight and immunosuppression; and

WHEREAS the Hawaii State Legislature passed in 2022, Act 152, which prohibits by the end of 2024, PFAS in certain types of food packaging and firefighting foam and this is a great step towards protecting our wai from PFAS but does not go far enough; now, therefore,

BE IT RESOLVED that the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 supports the protection of Oahu's wai (drinking water) from PFAS; and

BE IT RESOLVED that the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 urges the Hawaii State Legislature to pass SB504 (2022) – Relating to Environmental Protection whose purpose is to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains PFAS, or similar such legislation to protect Oahu's wai (drinking water) from PFAS.

Adopted by Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 at its Wednesday, February 22, 2022, Regular Board Meeting; 5-0-1.



Mitch Roth
Mayor

Lee Lord
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720

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March 13, 2023

The Honorable Mike Gabbard, Chair
The Honorable Herbert M. "Tim" Richards, III, Vice Chair
Members of the Committee on Agriculture and Environment

Dear Chair Gabbard, Vice Chair Richards and Committee Members,

The County of Hawai'i, Department of Environmental Management supports SB 504, SD1, which would amend SECTION 2. Chapter 321, Hawaii Revised Statutes, by adding a new section to part XLVII to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contain PFAS.

PFAS, or perfluoroalkyl and polyfluoroalkyl substances are chemicals used in products ranging from fire-extinguishing foams to textiles, food packaging, and cosmetic products. They can accumulate and persist in the human body for long periods, and exposure may lead to many health problems.

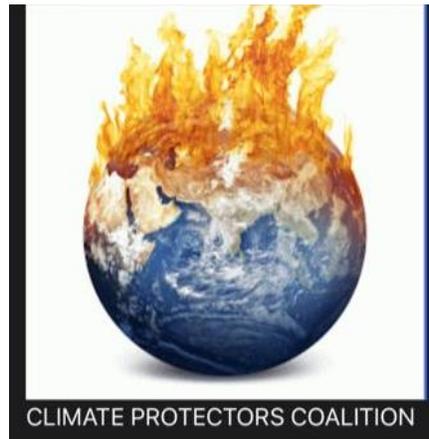
Having this legislation will address the dangers and health issues associated with PFAS and decrease the overall burden of PFAS contamination in Hawaii's environment.

Thank you for the opportunity to provide testimony.

Sincerely

A handwritten signature in blue ink that reads "Brenda I. Iokepa-Moses".

Ramzi I. Mansour, Director
Department of Environmental Management, County of Hawai'i



To: The Honorable Chair Nicole Lowen, Vice-chair Elle Cochran, and members of the House Committee on Energy and Environment

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

Re: Hearing **SB504 SD1 RELATING TO ENVIRONMENTAL PROTECTION**

Hearing: Tuesday, March 14, 2023, 9:30 a.m. CR325

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT SB504 SD1.

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about PFAS "forever chemicals" in the marine environment.

The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate. Climate Protectors Hawai'i is deeply concerned about PFAS "forever chemicals" in the environment.

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances. PFAS are often called "forever chemicals" because they do not naturally break down in the environment and can continue to pollute the environment for thousands of years. PFAS can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on animal and human populations including cancer, reproductive and developmental harm, thyroid disruption, impaired immune function, increased cholesterol levels, and vital organ damage.

PFAS are utilized in a broad range of products, including clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

As an island state, when these forever chemicals are brought in the State, they never leave. Instead, they make their way into residents' bodies and the State's wastewater, landfills, and eventually groundwater and the drinking water supply. Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health.

This Act would prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains PFAS, with certain exceptions. This is an important measure to protect human health and the environment in Hawai'i.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill to reduce the presence of PFAS "forever chemicals" in Hawai'i.

Please pass this bill! Mahalo!

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



P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Elle Cochran, Vice Chair

DATE: Tuesday, March 14, 2023

TIME: 9:30 AM

Conference Room 325

SB 504, SD1 RELATING TO ENVIRONMENTAL PROTECTION. Support

Aloha Chairs Lowen, Vice Chair Elle Cochran and Members of the Committees

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 52 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are dangerous substances that need to be eliminated from the environment.

Mahalo,
Henry Curtis
Executive Director

Environmental Working Group

PFAS Contamination in the U.S. (June 8, 2022)

https://www.ewg.org/interactive-maps/pfas_contamination/

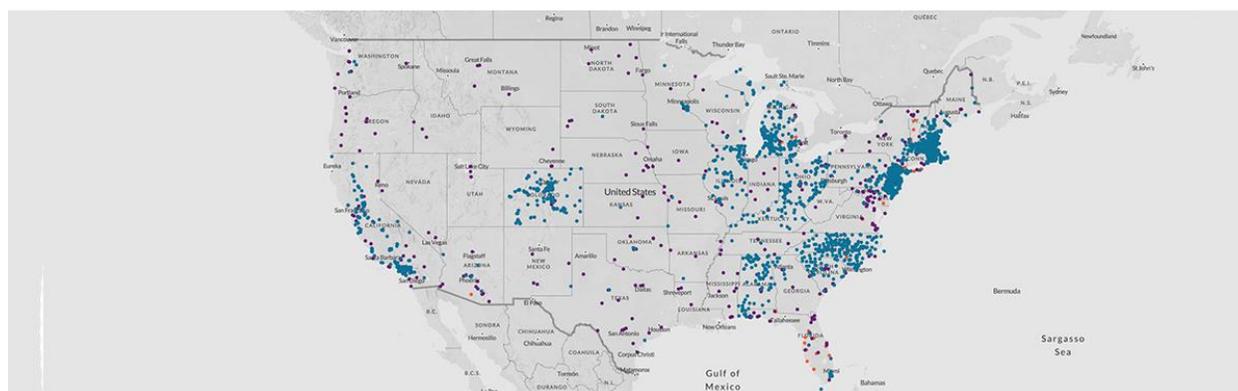
Mapping the PFAS contamination crisis: New data show 2,858 sites in 50 states and two territories

WHY IS THIS MAP IMPORTANT?

The number of U.S. communities confirmed to be contaminated with the highly toxic fluorinated compounds known as PFAS continues to grow at an alarming rate. As of June 2022, 2,858 locations in 50 states and two territories are known to be contaminated.

The latest update of this interactive map documents PFAS pollution in public and private water systems. Details about our sources and methodology are [here](#). Information about sites newly added to the map comes from various PFAS detections reported to government agencies in Colorado, New Hampshire, North Carolina, Ohio and other states, as well as updated records from the Department of Defense.

Explore the Map



WHAT IS THE GOVERNMENT DOING?

The Environmental Protection Agency has known about the health hazards of PFAS [for decades](#) but has failed to limit PFAS discharges into the air and water or set cleanup standards.

The agency released a [woefully inadequate plan PFAS action plan](#) in 2019 that failed to include deadlines for action, and the EPA has made little progress. The Department of Defense has been testing for PFAS at military installations but has made [little to no progress](#) cleaning up any contaminated bases. President Joe Biden has promised to tackle PFAS contamination by regulating the chemicals in drinking water, designating PFAS as hazardous substances under the federal Superfund law, stopping government purchasing of some products containing PFAS, and funding additional research into the chemicals.

In March 2021, [the EPA announced](#) it would regulate two PFAS – PFOA and PFOS, the two most notorious PFAS chemicals – in drinking water. But it could take years before these regulations are final.

In April, EPA Administrator Michael Regan announced the formation of an [EPA PFAS Council](#) tasked with identifying agency action priorities within 100 days. The council's recommendations [have not yet been made public](#).

EPA [added 175 PFAS](#) to the Toxics Release Inventory, or TRI, in response to a congressional mandate. A listing in the TRI requires facilities to report releases of those PFAS into the environment. But many manufacturers appear to be [taking advantage of a loophole](#) to evade reporting requirements.

In October, the EPA released a PFAS Strategic Roadmap that includes accelerating efforts to set a national drinking water standard for PFOA and PFOS by 2023.

The plan also proposes designating PFOA and PFOS as hazardous substances under the Superfund law. And it pledges to close loopholes that allow companies to hide PFAS releases from the public.

[Congress has introduced dozens of bills](#) to monitor the scope of PFAS contamination, ban non-essential uses of PFAS, address ongoing PFAS contamination, and clean up legacy PFAS pollution.

A number of [states](#) are also taking steps to address PFAS pollution by banning some uses of the substances and setting cleanup standards.

The Environmental Working Group welcomes requests to reproduce EWG PFAS data for peer-reviewed articles in scientific journals. To request permission, please email a completed [EWG Materials Request Form](#) to permissionrequests@ewg.org. EWG reviews requests on a case-by-case basis and reserves the right to deny permission for any reason, at its sole discretion.

SB-504-SD-1

Submitted on: 3/12/2023 3:56:21 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Friends of Hanauma Bay	Support	Written Testimony Only

Comments:

Aloha,

Mahalo for the opportunity to testify in **STRONG SUPPORT** of eliminating as many forever toxic PFAS as possible!

Lisa Bishop

President

Friends of Hanauma Bay

March 13, 2023

Committee Chair Lowen & Vice Chair Cochran
House Energy and Environmental Protection Committee
Hawaii State Legislature
415 South Beretania Street
Honolulu, HI 96813

RE: Oppose unless amended: SB504

Chair Lowen and Vice Chair Cochran:

Good morning/afternoon, Chair Lowen and Members of the Committee. On behalf of the members of the Personal Care Products Council (PCPC), I am writing to express our opposition to SB504 as currently drafted, legislation to ban the sale of PFAS in cosmetics. PCPC appreciates the intent of the language and seeks additional amendments to harmonize the bill with other recently enacted state laws.

The Personal Care Products Council is the leading national trade association representing cosmetics and personal care products companies and serving as the voice on scientific, legal, regulatory, legislative and international issues for the global cosmetics industry. The personal care products industry holds sacred the trust families put in the safety of their products. Our member companies invest substantial resources in scientific research and safety processes to ensure we are precisely following all laws and regulations and providing safe products to our consumers. PCPC and its member companies have a long history of going above and beyond what is required by law and a long history of working with various stakeholders at all levels of government on public policy.

President Biden recently signed the Modernization of Cosmetic Regulation Act (MoCRA) of 2022.

The Modernization of Cosmetics Regulation Act (MoCRA) of 2022 was included in the Consolidated Appropriations Act of 2023 that was signed into law by President Biden on Dec. 29, 2022. PCPC applauds Congress for spearheading the effort on cosmetics modernization and thanks bipartisan Members of Congress and the Administration for working together to modernize Federal regulatory oversight of cosmetics and personal care products marketed in the U.S.

This long-awaited, historic legislation gives the FDA additional tools to ensure the safety of cosmetics, protects consumers and reinforces consumer confidence in the products they trust and enjoy every day. MoCRA represents significant reform of FDA's cosmetics authorities, which was signed into law by President Franklin D. Roosevelt in the 1938 Food, Drug & Cosmetic Act. MoCRA also brings the FDA's oversight of the beauty and personal care industry more in line with other categories the Agency regulates and contributes to global regulatory alignment. We ask that you pause further state action as implementation begins on this historic law.

PCPC seeks harmonization with other recently enacted state laws

In concept, PCPC supports the phase out of the PFAS class of chemicals in cosmetics and personal care products. However, we are seeking amendments to provide regulatory certainty. PCPC is requesting amendments to clarify that the definitions in our sector are consistent with existing Hawaii code and consistent with other recently enacted PFAS laws. Cosmetics and personal care products companies remain committed to advancing innovative product technologies that address a wide variety of consumer needs.

For example, California AB 2771 was signed by Governor Newsom in September 2022 and phases out PFAS in cosmetics. CA AB 2771 builds upon CA AB 2762, signed into law by Governor Newsom in 2021, which bans certain cosmetic and personal care ingredients,

Specific concerns with SB504 as currently drafted- PCPC seeks harmonization with definitions already codified in Hawaii statute PCPC requests that the term “cosmetic,” “PFAS,” “ingredient” and manufacturer” have the same meaning as in section 321-30.4.

“Cosmetic” means an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. (As found in Chapter 328 of Hawaii State Statute.)

“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. (As found in Chapter 328 of Hawaii State Statute.)

"Ingredient" has the same meaning as that term is defined in subdivision (e) of Section 700.3 of Part 700 of Chapter 1 of Title 21 of the Code of Federal Regulations and does not include any incidental ingredient as defined in subdivision (l) of Section 701.3 of Part 701 of Chapter 1 of Title 21 of the Code of Federal Regulations.

"Manufacturer" means any person whose name appears on the label of a cosmetic product pursuant to the requirements of Section 701.12 of Title 21 of the Code of Federal Regulations.

For all of the reasons I outlined today, PCPC respectfully asks that you oppose SB504 unless amended. We welcome the opportunity to dialogue with you on the legislation and thank you for your consideration and the opportunity to comment.

Sincerely,



Kelsey Johnson
Vice President, State Government Affairs
Personal Care Products Council



March 13, 2023

The Honorable Nicole E. Lowen, Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Senate Bill 504 (Oppose)

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

Thank you for the opportunity to submit comments and share our concerns regarding SB 504 relating to PFAS and environmental protection. **The Consumer Brands Association is opposed to SB 504 in its current form.**

The Consumer Brands Association (Consumer Brands) represents the world's leading CPG companies. The industry plays a unique role as the largest U.S. manufacturing employment sector, delivering products which are vital to the wellbeing of people's lives every day. From household and personal care items to food and beverage products, the CPG industry plays a vital role in powering Hawaii's economy, contributing \$6.3 billion to the state's GDP, and supporting more than 80,000 jobs.

Consumer Brands members are currently undertaking efforts to eliminate PFAS from products and packaging, but we have several concerns with SB 504:

- **SB 504 would require manufacturers to remove unavoidable trace amounts of PFAS out of their control.** In addition to prohibiting intentionally-added PFAS, the bill also requires that manufacturers control for and remove unintentionally-added PFAS. In certain cases, it is possible for trace amounts of PFAS to be detected in products/packaging due to factors associated with the sourcing of post-consumer recycled materials, the local municipal water supply, or machinery used during the manufacturing process of the product or its ingredients. Since these are factors that are typically out of the control of the brands, we have serious concerns being held to a standard that would be nearly impossible to meet, leading to the elimination of beneficial products from the marketplace.
- **'Intentionally added' PFAS should be the standard on which any PFAS prohibition be based, as that is within the control of the manufacturer. Intentionality should be qualified as that being a measure of whether the chemical has been introduced to the product or its packaging to impart a specific functional, aesthetic, or technical purpose.** PFAS that is found as a trace amount or background level should not be considered intentionally added.

Consumer Brands Association
1001 19th Street North, 7th Floor
Arlington, VA 22209

Powering every day.



- **We believe the federal government is better situated to develop a comprehensive approach for assessing and regulating PFAS at the national level.** Agencies including the U.S. Environmental Protection Agency and U.S. Food and Drug Administration are engaged in research, data collection, and safety assessments to better understand and regulate the risks associated with specific PFAS. FDA in particular will be initiating work under the Modernization of Cosmetics Regulations Act of 2022 (MoCRA) to assess the safety of PFAS use in cosmetics.
- **PFAS regulations should provide adequate transition time.** Companies need sufficient time to take all of the various practical steps that may be necessary to ensure compliance with any requirements, including potential reformulation, product testing, supplier verification, and restructuring of supply chains.

We appreciate the opportunity to present our concerns, however for these reasons we must oppose SB 504 as currently constructed. Thank you for your time and consideration, and please let us know if we can answer any additional questions going forward.

Sincerely,

A handwritten signature in black ink that reads "Brendan Flanagan". The signature is written in a cursive, flowing style.

Brendan Flanagan
Senior Director, State Affairs
Consumer Brands Association



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 14, 2023**

Re: SB 504 SD1 RELATING TO ENVIRONMENTAL PROTECTION

Good morning, Chair Lowen members of House Committee on Energy & Environmental Protection. 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 and is a statewide, not for profit trade organization committed to supporting 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, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We oppose to SB 509 SD1 Relating to Environmental Protection. This measure beginning 12/31/2026, prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances; and is effective 7/1/2050.

It is our understanding that the FDA authorizes the use of perfluoroalkyl and polyfluoroalkyl in not only food contact applications but cosmetics as well.

“The FDA has authorized specific PFAS for use in specific food contact applications. Some PFAS are used in cookware, food packaging, and in food processing for their non-stick and grease, oil, and water-resistant properties. To ensure food contact substances are safe for their intended use, the FDA conducts a rigorous review of scientific data prior to their authorization for market entry. The FDA’s authorization of a food contact substance requires that available data and information demonstrate that there is a reasonable certainty of no harm under the intended conditions of use.” FDA website

There have been few studies on the presence of PFAS in cosmetics. Those studies that have been published found the concentration of certain PFAS in cosmetics—as impurities or as ingredients—ranged from the parts per billion level to the 100s of parts per million range. There is also limited research on whether PFAS in cosmetics are absorbed through the skin at levels that could be harmful to human health. A 2018 by Denmark’s Environmental Protection Agency, the only risk assessment that has evaluated PFAS in cosmetics, was conducted on certain PFAS unintentionally present in cosmetics. The study focused on five different types of PFAS impurities that were detected in the largest number of different cosmetic products. **The researchers determined that the levels of PFAS in the individual products tested are unlikely to pose a health risk for consumers.** <https://www2.mst.dk/Udgiv/publications/2018/10/978-87-93710-94-8.pdf>

We would like to point out that there are thousands of food packaging & service wear as well as cosmetics and personal care products that would be impacted. **This ban would include cardboard boxes, parchment paper, but is also not limited paper product without a lining to protect it from wet or oily foods like paper bags and plates, some ice cream products, microwave popcorn, food wrappers, certain pet food bags to name a few.**

This measure would also ban many cosmetic and personal care products like long wear and waterproof makeup, dental floss, mascara, foundation, menstrual underwear, shampoo & conditioner, toothpaste, nail polish, eye makeup, lotions, cleansers, shaving cream, lipstick, eyeliner, sunscreens, hand soap, deodorant, shower gel, perfume, hairstyling gel, mouthwash, anti-wrinkle cream, lip balm, and more.

There is currently no federal law explicitly banning PFAS in food packaging intended for consumer use. By banning these products that the FDA deems safe, the choices that consumers in Hawaii have will shrink considerably. Many products will no longer be available to purchase to Hawaii’s consumers. Small local retailers who do not have mainland locations will be forced to take a loss on the products if they must sell them at a deep discount or discard them to make the deadline. Business with contracts may have to pay an early cancellation fine to the distributors. Local consumers would then turn to the internet to order their favorite banned products online. Or find a way for a friend or family member to purchase them from military facilities where there are no taxes charged. Or purchase it through the black market where personal care products and cosmetics are one of the sought-after items to steal by retail organized crime.

We ask you to hold this bill. Mahalo again for this opportunity to testify.



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Nicole E. Lowen, Chair
The Honorable Elle Cochran, Vice Chair
Members of the Committee on Energy and Environmental Protection

Re: **SB 504 SD1 – RELATING TO ENVIRONMENTAL PROTECTION**
Hearing: Tuesday, March 14, 2023, 9:30 a.m., Conference Room 325 & Videoconference

Position: **Strong support**

Aloha, Chair Lowen, Vice Chair Cochran and Members of the Committee on Energy and Environmental Protection:

The 7,500 members of the Environmental Caucus of the Democratic Party of Hawai'i stand in strong support of SB 504 SD1. This measure prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care products that contains perfluoroalkyl and polyfluoroalkyl substances. beginning 12/31/2026.

We humbly request that this measure be amended to include a ban on firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances.

The Platform environmental policies of the Democratic Party of Hawai'i are to protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine of [Article XI, Section 1 of] the Hawai'i State Constitution." [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](https://www.democrats.org/our-platform)

The Environmental Caucus supports this bill as studies have shown that PFOA and PFOS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals, and both PFOA and PFOS have caused tumors in animals. In addition, there have been findings of an increased cholesterol levels among exposed populations with other findings related to low infant birth rates, effects on the immune system, cancer for PFOA, and thyroid disruption for PFOS.

Individuals can be exposed to PFAS by eating food that was packaged in material that contains PFAS or using consumer products that contain PFAS. Another pathway to PFAS is through drinking water contaminated by firefighting foam containing PFAS. Once PFAS enters the environment, they persist for 700-1000 years, hence the name, "Forever Chemicals," as there are no natural processes that can break down these substances. As such, these forever chemicals can continue to cause exposures long after they



March 14, 2023
Page 2

are phased out of consumer and other products and they bioaccumulate in the environment and in our bodies from one generation to the next.

Given the known health risks and persistency of these forever chemicals, prohibiting the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care products that contains perfluoroalkyl and polyfluoroalkyl substances beginning 12/31/2026 is reasonable, justifiable, and in the best interest of the citizens and the environment in the State of Hawaii. Please pass this measure.

Please support and pass this bill.

/s/ Melodie Aduja and Alan Burdick
Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i



March 14, 2023

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

Fr: Tim Shestek
Senior Director, State Affairs

Re: **SB504 SD1 Relating to Environmental Protection. – OPPOSE**

The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments relative to SB504 SD1, legislation pertaining to perfluoroalkyl and polyfluoroalkyl (PFAS) substances in food packaging, food service ware, cosmetics, and personal care products.

ACC supports a comprehensive approach to managing PFAS substances that helps to ensure protection of human health and the environment. ACC was actively involved last session as the Legislature considered HB1644 (PFAS in firefighting foam and food packaging) and while we have identified several issues with the current language in SB504 SD1 we have provided suggested amendment language to address these concerns. ACC looks forward to working with you and the Legislature to ensure this legislation is science-based and implementable.

Background

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 smartphones, tablets, and telecommunications systems; aircraft; solar panels and turbines critical to alternative energy development; and medical devices.

PFAS includes a variety of different chemicals with different properties and characteristics. Therefore, the hazard and risk profiles of various PFAS are different. According to the US EPA, “approximately 600 PFAS are manufactured (including imported) and/or used in the United States.” Among these 600 are substances in the solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) and gaseous (e.g., hydrofluorocarbon refrigerants) forms. The fundamental physical, chemical, and biological properties of solids, liquids and gases are clearly different from one another. The very distinct physical and chemical properties of the three types of commercial PFAS described demonstrate how varied they are and how a broad definition of PFAS could have significant impacts to manufacturers of a variety of different products.

Definition of PFAS

SB504 SD1 refers to PFAS generally but does not provide a specific definition that would apply to the product categories subject to the proposed restrictions. A broad definition of PFAS would capture legacy substances such as PFOA and PFOS (substances that have been phased out of production in the US), newer “short-chain” chemistries (currently subject to review by US EPA), fluoropolymers (which have well-established safety profiles and meet internationally recognized criteria developed to identify polymers of low concern for potential risk to human health or the environment), as well as gasses and liquids that are used as refrigerants and aerosol propellants in products like medical inhalers.



To avoid potential unintended impacts for critical uses and to ensure the focus of any restriction is on the substances of the greatest concern, ACC suggests the bill include the following definition of PFAS:

“For purposes of this section, PFAS means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that contain at least two fully fluorinated sequential carbon atoms, excluding gasses and volatile liquids.”

Compliance Threshold Needed

The current bill language places a prohibition on any “food packaging, food service ware, cosmetic, or personal care products that **contains** PFAS.” (Emphasis added). Additional clarity is needed as advancements in analytical chemistry could detect molecules at the parts per million or parts per trillion levels. Without additional specificity, inadvertent contaminants in the manufacturing process could be detected and therefore impose a compliance requirement that may be impossible for manufacturers to meet.

ACC suggests the bill include a definition of “intentionally added” substances to provide needed certainty for product manufacturers.

“Intentionally Added” means PFAS deliberately added to a product or a product component where the continued presence of the substance or the intentional breakdown products of the added substance is intended to have a functional or technical effect in the final product. If a product contains a technically unavoidable quantity of PFAS, that trace quantity shall not be considered intentionally added PFAS.”

Definition of Cosmetics/Personal Care Products

To provide certainty to manufacturers subject to this legislation, ACC urges you to consider incorporating the following language from HB748 HD2:

For the purposes of this section:

"Cosmetic" has the same meaning as in section 321-30.4.

"Personal care product" has the same meaning as in section 321-30.5."

ACC also urges the bill incorporate the following exemptions that are also contained in HB 748, HD 2:

- (1) Hydrofluoroolefins used as propellants in cosmetics; and*
- (2) A product that is regulated as a drug, medical device, or dietary supplement by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.); title 21 Code of Federal Regulations section 3.2(e); or the Dietary Supplement Health and Education Act of 1994.*

Food Packaging Restrictions Already in Place

HRS [§321-601] defines “food packaging” to mean “a package or packaging component that is applied to or in direct contact with any food or beverage and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.” ACC supports this definition and would urge that it be included specifically in SB 504, SD 1.

Food Service Ware Undefined

The bill includes a reference to “food service ware” but does not include a specific definition for this specific category.

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



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
ENERGY & ENVIRONMENTAL PROTECTION
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
TUESDAY, MARCH 14, 2023 AT 9:30 A.M.

To The Honorable Nicole E. Lowen, Chair
The Honorable Elle Cochran, Vice Chair
Members of the committee on Energy & Environmental Protection

COMMENTS ON SB504 SD1 RELATING TO ENVIRONMENTAL PROTECTION

The Maui Chamber of Commerce has **COMMENTS SB504 SD1** which prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances (PFA, with certain exceptions.

The Chamber understands the intent of this bill and the growing concern with PFAS. We would support a working group of experts to further explore which products with PFAS should be prohibited. The group would help identify the proper prohibitions without having unintended consequences. We also recommend that the group report to next year's legislative session.

We further note that anything the FDA allows with PFAS packaging should continue to be allowed.

At this time, the Chamber feels the bill is too broad and the prohibitions are not viable for this year.

Thank you for the opportunity to **COMMENT on SB504 SD1**.

Sincerely,

Pamela Tumpap
President



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 14, 2023 9:30 AM Conference Room 325

In **SUPPORT** of **SB504 SD1**: RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chair Lowen, Vice Chair Cochran, and Committee Members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS WITH AMENDMENTS SB504 SD1**, which will help to partially stem the flow of “forever chemicals” into our islands and environment.

As the Committee is well aware, the public health impacts of PFAS or “forever chemicals” are just beginning to be more widely recognized. Unfortunately, Hawai'i is not isolated from the global ubiquitousness of these extremely toxic compounds, and may be far more vulnerable to the consequences of PFAS entering our groundwater, streams, soil, and aquatic life. Strategies for remediating existing PFAS contamination – particularly from PFAS found in highly mobile, highly concentrated, and readily ingestible forms, such as Department of Defense class B fire-fighting foams – remain to be developed; however, we do have the opportunity to take the proactive step of preventing the further importation of PFAS, through measures such as the present bill. **Given that PFAS will persist in our environment – bioaccumulating in plants, animals, and people – for centuries, such proactive action is the bare minimum step we can take right now to safeguard the health and well-being of present and future generations – including generations born well after our lifetimes.**

By expanding the classes of PFAS-based products that should be prohibited from sale or distribution, this measure takes a small but important step towards mitigating the impacts of these “forever chemicals” on our environment and people, now and for generations to come.

The Sierra Club does note that the original wording of Section 5 of this measure is critical to preserving the pending prohibition of PFAS in certain products beginning on December 31, 2024. Accordingly, should the Committee seek to advance this measure, the Sierra Club respectfully urges the Committee to restore the language found on page 3, line 17 of this measure's original draft.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS WITH AMEDNMENTS SB504 SD1**. Mahalo nui for the opportunity to testify.

IRON WORKERS STABILIZATION FUND

March 14, 2023
9:30 am

House Committee on Energy & Environmental Protection
Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

Re: SB504 SD1 – RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chair Nicole Lowen, Vice Chair Elle Cochran and Members of the Committee:

We **SUPPORT** the intent of SB504 SD1. The bill will prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS).

PFAS are commonly known as “forever chemicals” because they are toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and do not naturally breakdown in the environment. Scientific studies have shown that there are multiple negative health effects including kidney and testicular cancer, liver problems, high cholesterol, endocrine disruption, fertility problems, and decreased birth weight and immunosuppression. PFAS are found in all types of products, including firefighting foam, clothing and textiles, food packaging, and cosmetic products.

On June 25, 2022, the U.S. Environmental Protection Agency (EPA) released four drinking water health advisories for PFAS in the latest action under President Biden’s action plan to deliver clean water and Administrator Regan’s PFAS Strategic Roadmap which updates the prior EPA 2016 advisory on the effects of PFAS. However, PFAS is still entering into our state and as such the risk of contaminating our drinking water grows daily.

Recently, low levels of PFAS have been detected in Oahu’s drinking water at the Makakilo Well, Waipahu Wells II Granular Activated Carbon Treatment Facility, and at the Kunia Village water system’s Del Monte Kunia 3. Hawaii’s people deserve safe and toxic free drinking water; please safeguard Hawaii’s water from PFAS. We urge the committee to PASS this bill.

SB-504-SD-1

Submitted on: 3/10/2023 9:25:41 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

SB-504-SD-1

Submitted on: 3/12/2023 11:38:00 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of SD1. Thank you.

SB-504-SD-1

Submitted on: 3/12/2023 12:37:10 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-504-SD-1

Submitted on: 3/12/2023 11:29:14 PM

Testimony for EEP on 3/14/2023 9:30:00 AM

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

Comments:

Please pass this important measure to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains PFAS.

Given the recent contamination at Red Hill of PFAS-laden aqueous film-forming foam (AFFF) concentrate, and knowing that there are PFAS-free foams available which are a safe and effective replacement product, I strongly urge the Committee expand the scope of this measure to include banning AFFF as well. Oahu is already suffering from the contamination of these forever-chemicals due to the Navy's criminal negligence at Red Hill. Hawaii cannot afford to further risk contamination of our finite resources and risk the health of our communities.

Mahalo for your consideration of this amendment and for the opportunity to testify on this important measure.

SB-504-SD-1

Submitted on: 3/13/2023 9:44:01 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on humans.

PFAS are utilized in a broad range of products, including clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

PEAS are often called "forever chemicals" due to the fact that they do not naturally break down in the environment and can continue to pollute ecosystems for thousands of years. We are an island state. When these forever chemicals are brought here, they never leave. Instead, they make their way into our bodies, our wastewater, our landfills, and eventually into the groundwater and the drinking water supply.

Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health. Banning these dangerous chemicals is completely warranted, and I urge you to support SB504 SD1.

SB-504-SD-1

Submitted on: 3/13/2023 10:21:44 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

This bill is a good start. Let's continue to eliminate the chemicals that are causing cancer in all of our food, water, home products and air. Please support this bill. Mahalo.

SB-504-SD-1

Submitted on: 3/13/2023 11:26:31 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Oppose	Written Testimony Only

Comments:

Needs to be effective now.

SB-504-SD-1

Submitted on: 3/14/2023 6:53:22 AM

Testimony for EEP on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Peterson(Nani)	Individual	Support	Remotely Via Zoom

Comments:

I Fully Support this bill. I and many others have not heard of this dangerous "forever chemical." Until the CASTASTROPHIC spill at Kapūkākāī(Redhill), and I started to research about it and found that there are many products that contain this deadly and "FOREVER CHEMICAL." And it made me want to toss everything I own that has it, away. Why would i want my 'ohana to continue using these products and subject us even more to this cancerous possibility. As a mother, how could i live with that?! And then i thought, If i toss it, it will be in our 'āina!!! And then i thought, Holy shit, how many people are buying all these products and when done, toss it away...Where does it go? In our frickin' landfill - WHERE, in MY ONE HĀNAU - WAI'ANAEE!!! Why and who allowed these products to be brought here to our 'āina. Those that probably came before you. WHAT ARE YOU GOING TO DO NOW? If you do not support this bill moving forward, you are okay with being a part of hurting our future generations, you are okay with being a part of hurting our 'āina. That, we ALL need to remember which feeds us!!! Are you okay with that? Is that the kind of legacy you want to leave behind for your future generation, who may not live long enough to see theirs?

I understand there are some people that would oppose this bill for reasons of financial loss for these businesses, to me, that's just another western way to think about iā 'oe iho(self) and not kākou(all - now and future!!!) All i can do is pule for those that oppose this bill for financial purposes, Ho'ā ka 'i'ini no ke ala hou! (Find that desire to seek paths of better living for all!)

Don't delay, put this in play now 2050 is to long.

Mahalo for the opportunity to testify