

STAND. COM. REP. NO.

2138

Honolulu, Hawaii

FEB 08 2008

RE: S.B. No. 2239
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and
Affordable Housing, to which was referred S.B. No. 2239 entitled:

"A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS,"

begs leave to report as follows:

The purpose of this measure is to protect the health and
safety of young children by prohibiting the manufacturing, sale,
and distribution of toys containing phthalates.

Specifically, this measure:

- (1) Prohibits the manufacturing, sale, or distribution of
certain toys and child care articles containing
bisphenol-A or specific types of phthalates in
concentrations exceeding 0.1 per cent beginning January
1, 2009; and
- (2) Requires manufacturers to use least toxic alternatives
when replacing bisphenol-A or phthalates in the
manufacturing of their toys and child care articles.

Testimony in opposition to this measure was submitted by the
Hawaii Restaurant Association, the American Chemistry Council, the
Phthalate Esters Panel of the American Chemistry Council, and one
private individual.

Phthalates is a class of chemicals that are used in polyvinyl
chloride plastics to improve flexibility, in cosmetics to bind

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fragrance to the product, and in products intended for use by infants and young children, including teethingers, toys, and soft plastic books. Scientific studies indicate that phthalates can adversely affect hormones in the human body and that due to the popularity of using phthalates in products, everyone carries some level of phthalates in their body, usually via oral exposure to the chemical containing product. Your Committee finds that young children are especially susceptible to being exposed to phthalates as many toys and child care articles, such as teething rings and soft plastic books, contain phthalates. Prohibiting the manufacturing, sale, or distribution of toys and child care articles containing certain phthalates and intended for use by young children will limit phthalates exposure and its associated adverse effects.

As indicated by the Hawaii Restaurant Association, your Committee recognizes the short implementation timeframe granted in this measure. Additional time is needed so that persons and entities have an ample opportunity to become aware of, comply with, and seek alternatives to implement this measure.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date of this measure from January 1, 2009 to January 1, 2012; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee believes that prohibiting the manufacturing, sale, and distribution of toys containing phthalates fulfills the intent of this measure, which is to protect the health and safety of young children.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2239, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2239, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Affordable
Housing,



RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Commerce, Consumer Protection and Affordable Housing
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2239	CPH, JDL	02/05/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	✓			
IGE, David Y. (VC)				✓
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
TANIGUCHI, BRIAN T.				✓
TRIMBLE, Gordon	✓			
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes