



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

**Testimony in SUPPORT of H.B. 621, H.D.1 with Comments
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE KANIELA ING, CHAIR
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Hearing Date: **February 18, 2015**
9:00 a.m.

Room Number: 225

- 1 **Fiscal Implications:** No funding is provided to implement the measure.
- 2 **Department Testimony:** The Department supports this measure with comments.
- 3 This measure seeks to phase out and ultimately prohibit the manufacture and sale in Hawaii of
- 4 personal care products containing synthetic plastic microbeads. The Department of Health
- 5 (DOH) is aware that the accumulation and possible impacts of microplastic particles in the
- 6 marine environment is recognized as an important emerging environmental issue. There is both
- 7 pending federal and state legislation on banning microplastics in consumer products. Many of
- 8 the major personal care product manufacturers have voluntarily pledged to phase out the use of
- 9 microbeads in their products. The DOH believes that joining other states in prohibiting the sale
- 10 of personal care products with plastic microbeads is in the best interest of protecting our marine
- 11 environment.
- 12 DOH does, however, have two suggestions with regards to the current draft of this measure.
- 13 Hawaii Revised Statutes (“HRS”) chapter 342H, into which this bill places the new microbeads
- 14 ban, does not regulate personal care products and over the counter drugs, but rather regulates
- 15 solid wastes. DOH suggests that the legislature place the language of this bill into HRS chapter
- 16 328 because the substance of this bill is more consistent with the subject matter of that chapter,
- 17 specifically, the regulation of cosmetics (i.e., “personal care products”). Placement of the
- 18 substance of this bill into chapter 328 part I also makes the additional rulemaking and

- 1 enforcement authority of this bill unnecessary because that part already contains rulemaking and
- 2 enforcement language. Finally, we would note that since this bill operates as simply a ban on a
- 3 specific type of consumer product, there is no apparent need for the DOH to promulgate rules to
- 4 effectuate the intent of this measure.
- 5 Thank you for the opportunity to testify on this measure.

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: 15th February, 2015.

TO: Chair Kaniela Ing, Vice-Chair Nicole Lowen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs

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

RE: **TESTIMONY IN SUPPORT OF HB621 HD1**

Relating to Environmental Protection. Gradually prohibits the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life.

Committee meeting on Wednesday 18th February, 2015 at 9AM, conference room 325

Aloha Chair Ing, Vice-Chair Lowen and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) supports HB621 HD1. Thank you hearing this bill.

This bill is very important to the effort to reduce plastic in the ocean and this ban needs to begin right away. Please amend the start dates for the ban to go into effect much sooner than the 3-5 years in the bill. Manufacturers can change immediately to using natural alternatives and retailers are unlikely to have 3 years worth of merchandise stored away as these items would go off in that time and be unsaleable. Also with the cost of storage/space in Hawai'i so high, retailers would not be holding 3-5 years worth of stock as it would cost too much to store it. **Please amend this bill to go into effect this year.**

There also needs to be one clear start date for this bill. There is especially no need to allow extra time for removal of plastic microbeads from "over-the-counter drugs" as microbeads are only added to toothpaste for colouring and decorative purposes. Plastic microbeads are not an active ingredient in toothpaste nor are they approved by the FDA to be included in this product.

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

"Plastic" - this definition is incorrect as plastic does not retain its shape during its lifecycle and after disposal. Plastic can fragment due to UV light, it can compost (if plant derived and in a commercial compost facility), it can be melted etc. If a definition of plastic is needed in this bill then it needs to specify that plastic can be derived from fossil fuels or biomass. Please amend the definition of plastic in HB621 HD1 to **remove "retaining their defined shapes during lifecycle and after disposal" and add "derived from**

fossil fuel or biomass”.

“Synthetic plastic microbead” - please **remove** the word “**non-biodegradable**” from this definition. As it is important that all plastic microbeads are banned including those made from bio-plastics as these do not biodegrade or compost in the ocean and will still be ingested by marine life. There are plenty of naturally occurring substitutes for plastic microbeads including sand, sea salt, sugar, fruit seeds, oats, rice, bamboo, nut shells, etc. Plastic should never be washed down the drain in any form including “biodegradable” and “compostable” plastics.

Also in the definition on “synthetic plastic microbead” it now includes “used to exfoliate or cleanse in a rinse off product”. This does not include the fact that microbeads are added to toothpaste purely for decorative purposes and not used to exfoliate or cleanse. Therefore the use of the microbeads should not be included in this definition unless it includes all the uses and reasons why microbeads are added to personal care products. Please **delete** “**used to exfoliate or cleanse**” from this definition and **delete** “**synthetic**”.

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

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

Thank you for the opportunity to provide testimony in support of HB621 HD1.

Sincerely,



Suzanne Frazer.

President,

Beach Environmental Awareness Campaign Hawai‘i (B.E.A.C.H.).



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



Feb. 16, 2015

Committee Chair & Members of OMH

RE: Strong Support for HB621 – Relating to Plastic Microbeads – Strong Support

Hearing on Tue., Feb. 18, State Capitol, Conf. Rm. 325, 9:00am.

Dear Chair Ing, Vice Chair Lowen, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of HB621. We helped draft this bill to help companies and consumers better understand and deal with the issue of plastic microbeads, which are put into cosmetic, dental and personal care products as "scrubbers" but lead to plastic pollution and health issues.

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

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

Several states such as Illinois, California, and New York have already introduced legislation to ban microbeads. Based on these bills, HB 621 builds on the voluntary phasing out of these products by companies who already recognize their harmful environmental and health effects, such as dental infections in the gums and leaching of plastic chemicals. These companies are phasing out the use of plastic exfoliants and are replacing these microbeads with natural alternatives that are healthier and more eco-friendly because they will not bioaccumulate up the food chain if ingested by marine life.

HB621 will help reduce a type of pollution that cannot be cleaned up from the marine environment and poses many health risks to marine animals and humans. Along with the voluntary action of several large corporations to reduce microbead pollution, Hawaii should join this national campaign to take action to prevent the selling and distribution of products containing microbeads. On behalf of the Rise Above Plastics campaign, we ask you to pass HB 621 and ban plastic microbeads. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,
Stuart Coleman
Stuart H. Coleman
Hawaii Regional Manager

DATE: 15th February, 2015

TO: Chair Kaniela Ing, Vice-Chair Nicole Lowen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs

FROM: Dean Otsuki
P.O. Box 25284
Honolulu, HI 96825

RE: **TESTIMONY IN SUPPORT OF HB621HD1**
Relating to Environmental Protection. Gradually prohibits the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life

Committee hearing, Wednesday 18th February, 2015 at 9am, conference room 325.

Aloha Chair Ing and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

I am writing in support of HB621HD1 to prohibit the manufacture and sale of personal care products containing plastic microbeads to protect marine life.

I'm concerned about the definition of "plastics" in this bill because plastics do not retain their shape during their life cycle and after disposal. Plastic breaks down into smaller and smaller pieces if exposed to UV light and high temperatures. Please amend the definition of plastic to add "derived from fossil fuels or biomass (plant based)". Please remove "synthetic" from synthetic plastic microbeads as this does not include all the types of plastic.

Under the definition of "Synthetic plastic microbead" the word non-biodegradable should not be used. This provides a loophole for manufacturers to produce "biodegradable" plastic microbeads with additives such as starch or compostable plastic microbeads which would not compost in the ocean environment. These would still harm marine life. There are other natural alternatives such as ground walnuts, almonds, pumice to replace plastic microbeads.

Also in the definition of synthetic plastic microbead, plastic microbeads are "used to exfoliate or cleanse in a rinse off product." Plastic microbeads are used for many other reasons such as aesthetic, therefore all reasons and uses should be included as to why they are in personal care products or eliminate the uses part of the microbeads definition.

I would like to see the starting date moved to July 1, 2015 because polluting the ocean with plastic microbeads is a very serious problem and needs to be addressed right away.

Thank you for this opportunity to provide written testimony in support of HB621HD1.

Aloha,

Dean Otsuki

ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 17, 2015 9:13 AM
To: omhtestimony
Cc: matt.htfa@gmail.com
Subject: Submitted testimony for HB869 on Feb 18, 2015 09:00AM

HB869

Submitted on: 2/17/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	No

Comments: As a fisherman and diver, I enjoy seeing dolphins in the ocean and appreciate their importance to the local economy. I do not wish to see them killed or harassed. However, these animals are already fully protected by the Marine Mammal Protection act. As such, this law serves no purpose. We do not need to waste more time and public resources on an issue that's already been addressed on the federal level. Please do not pass this bill.

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ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 10:35 PM
To: omhtestimony
Cc: zacharyhitchcock@yahoo.com
Subject: Submitted testimony for HB621 on Feb 18, 2015 09:00AM

HB621

Submitted on: 2/16/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

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

Comments: Zachary Hitchcock Chairman, Surfrider Foundation Oahu Chapter 1533 Artesian Way Honolulu, HI 96822 Dear Legislature, These plastic microbeads could reek havoc on our Island Ecosystem. Please, consider this effort to curtail and end the use of these hazardous pieces of plastic. Diligence towards preventing hazards in our environment benefits us all. I support House Bill 621. Zachary Hitchcock 808-222-6960

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ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 7:26 PM
To: omhtestimony
Cc: babyjean@hotmail.com
Subject: Submitted testimony for HB621 on Feb 18, 2015 09:00AM

HB621

Submitted on: 2/13/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	Individual	Support	No

Comments: Plastic microbeads are becoming a serious problem in our ocean ecosystem. These microbeads do not biodegrade and there are trillions already in our ecosystem, embedded in crabs and other sea creatures bodies. We need to get rid of this form of pollution before our oceans are filled with microplastics. Please vote for this bill. We really need it. Mahalo, Ronnie Perry

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ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 16, 2015 1:09 PM
To: omhtestimony
Cc: ahuntemer@aol.com
Subject: Submitted testimony for HB621 on Feb 18, 2015 09:00AM

HB621

Submitted on: 2/16/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

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

Comments: Aloha Chair, Vice Chair and Committee Members, I support HB621 because we need to prohibit the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life. Mahalo, Angela Huntemer, North Shore O'ahu.

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February 17, 2015

The Honorable Kaniela Ing
Committee on Ocean, Marine Resources and Hawaiian Affairs, Chair
Hawai'i House of Representatives
State Capitol, Room 311
415 South Beretania St.
Honolulu, HI 96813

RE: Support for H.B. 621 (Lee) – Prohibiting Synthetic Plastic Microbeads

Dear Chairman Ing,

I am writing on behalf of the Consumer Healthcare Products Association (CHPA) to respectfully urge your support for House Bill 621, which seeks to phase-out the use of synthetic plastic microbeads in personal care products and over-the-counter medicines.

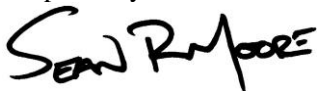
CHPA is the 133-year-old trade association representing the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Every dollar spent by consumers on OTC medicines saves the U.S. healthcare system \$6-\$7, contributing a total of \$102 billion in savings each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

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

To date, Illinois is the only state to have passed a law prohibiting the sale of products containing synthetic plastic microbeads¹, though as many as 25 states will consider legislation on the issue in 2015. CHPA supports H.B. 621 because it mirrors the existing Illinois law, ensuring reasonable effective dates and uniform definitions for key terms.

CHPA commends Representative Lee for his balanced approach to addressing this issue, and we respectfully urge your support for H.B. 621. CHPA sincerely appreciates your consideration of our position on this issue. If you have any questions regarding our position, please contact CHPA's in-state counsel, Lauren Zirbel (LSZ Consulting) at 808-294-9968 or LaurenZirbel@gmail.com.

Respectfully submitted,



Sean R. Moore
Associate Director, State Government Affairs

cc: Committee on Ocean, Marine Resources and Hawaiian Affairs
Ms. Lauren Zirbel, LSZ Consulting

¹ Illinois Public Act 098-0638 – Signed into law June 9, 2014

ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 17, 2015 11:51 AM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB621 on Feb 18, 2015 09:00AM*

HB621

Submitted on: 2/17/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the
House Committee on Ocean, Marine Resources, and Hawaiian Affairs
Hearing: Wednesday, February 18, 2015 9 am, Room 325

In Support of HB 621 HD 1 Relating to Environmental Protection

Aloha, Chair Ing, Vice Chair Lowen, and Members of the Committee. The Conservation Council for Hawai'i supports HB 620 HD 1, which gradually prohibits the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life.

Products such as facial scrubs, soaps, and toothpaste contain thousands of polyethylene and polypropylene microbeads, some have between 1-5% microbeads.

Microbeads are not recoverable and are designed to wash down the drain and into the environment. Hawai'i's sewage treatment facilities cannot capture these synthetic floating particles.

Once in the environment, microplastics absorb persistent organic pollutants and are consumed by a variety of marine life, including the fish we harvest for food.

There are several natural alternatives that can replace these plastic microbeads, including ground-up fruit pits, oatmeal, coffee grounds, and sea salt.

HB 621HD 1 builds on the voluntary phasing out of these products by companies such as L'oreal, Proctor and Gamble, and Johnson and Johnson.

Please kokua. Mahalo for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.

Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.

Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.

Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www@conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'auomoana | Koalani Kaulukukui
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



LATE

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February 18, 2015

To: Honorable Chair Ing, Vice-Chair Lowen and Committee Members
House Committee on Ocean, Marine Resources, Hawaiian Affairs

From: Bryce Groark, Living Ocean Productions - PO Box, 390555 Keauhou, HI 96739

*****IN SUPPORT FOR HB621 HD1 - GET RID OF MICROBEADS*****

Please support this measure. There is enough trash and plastic pollution going in our ocean daily and these small pieces are some of the most dangerous to the system and the species in the system (including humans). This bill is being proposed all across America right now or soon to come. Please help Hawaii stay a leader in ocean conservation. Ban the microbead from cosmetics and jewelry.

Mahalos -



Bryce Groark
Director
Living Ocean Productions and Ocean Preservation Alliance
Keauhou, Hawaii

Representative Ing & OMH Committee,

Firstly, it should be said that, while I am a member of the Executive Committee of the Sierra Club's, Oahu Group, I am writing in as an individual and that I am writing in strong support of HB621.

I had the pleasure of being a part of a working group for the City & County of Honolulu's plastic bag ban bill and a Styrofoam ban bill with organizations such as: The Sierra Club, Surfrider, Sustainable Coastlines, Styrophobia and my non-profit at the time, Livable Communities Hawaii, which performed community cleanups in our Lei of Parks, amongst many other things. While I knew the science behind the damaging effects of plastics for some time, being face to face with the sheer volume of the stuff in our parks and at our beaches doing cleanups with my non-profit partners was what made me actively push for bans.

I want to briefly speak on the effects that plastics have on human health in relation to this bill and other bills aiming to eliminate plastics in our environment. I see the types of plastics that can make it into our waterways and indeed the rest of our environment in the same light as chemically, they pose the same threats; those threats being of an estrogenic, DNA damaging and cancerous nature. Worse yet, while they typically take over a decade to break down and out of the visibility of the naked-eye, they indeed persist as microplastics, indefinitely; microplastics then flow through our waterways, into our plants and even store themselves in the fat cells of animals, including humans, chiefly causing hormone altering effects.

With the above, I hope to express to you the concern plastics pose to our environment on a grand scale, which includes our natural resources and humans themselves. This is the kuliana of everyone in the world, our ohana in Hawaii as we find ourselves not far from the largest garbage patch on the planet, depending on the ocean for play, economy and culture, but most chiefly, our elected officials, so I thank you for taking leadership on this issue.

State of Hawaii Constitution, Article XI, Section 1: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals, and energy sources and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the state. All public natural resources are held in trust by the State for the benefit of the people."

NOTE: Consider defining plastics, decomposables and biodegradables around those products comprised of "*petrochemicals*." This was a proposition I made at the City Council level as it's an easy catch-all, encapsulating all of the types of plastics which are synthetic and damaging in the ways described above. It was considered too aggressive at the time, but even in this short while, more and more people are aware of this issue and the long term problems it causes, so let's avoid being shy.

With aloha & mahalo plenty,

Elliot Van Wie

LATE

ing2-Mary

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 18, 2015 6:53 AM
To: omhtestimony
Cc: igibson@hsus.org
Subject: *Submitted testimony for HB621 on Feb 18, 2015 09:00AM*



HB621

Submitted on: 2/18/2015

Testimony for OMH on Feb 18, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Humane Society of the US-Hawaii	Support	No

Comments:

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Rafael Bergstrom
Surfrider Foundation Oahu Chapter
HB621
OMH, February 18th 2015, 9:00AM
Strong Support

LATE

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

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

Mahalo for your time and consideration.

Rafael Bergstrom
Oahu Chapter Coordinator, Surfrider Foundation