

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HB 621
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE CHRIS LEE, CHAIR

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: February 10, 2015

Room Number: 325

Time: 8:30 A.M.

- 1 **Fiscal Implications:** This bill has fiscal implications that were not accounted for in the Executive budget.
- 2 **Department Testimony:** The Department respectfully opposes this bill as it does not have sufficient
- 3 scientific foundation to necessitate new regulatory legislation to ban plastic microbeads in personal care
- 4 products. Also the bill is unclear as it intends to ban the manufacture and sale of personal care products
- 5 containing plastic micro beads but amends HRS 342H which regulates solid waste disposal.
- 6 Thank you for opportunity to testify.
- 7 **Offered Amendments:** None.

Jodi Malinoski
Surfrider Foundation Oahu Chapter
Committee of Energy and Environmental Protection
Tuesday, February 10th, 8:30 AM in Room 325
Bill HB 621: Synthetic Plastic Microbeads
Strong Support of HB 621

Dear Chair Lee and Vice Chair Lowen,

Aloha, my name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of House Bill 621.

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

This Bill is important because it reduces a type of pollution that cannot be cleaned up from the marine environment, yet poses many health risks to marine animals and humans.

Along with the voluntary action of several large skin and tooth care companies to reduce microbead pollution, Hawaii needs to take action to prevent the selling and distribution of products containing microplastics. On behalf of the Rise Above Plastics campaign, please pass HB 621 against synthetic plastic microbeads. Thank you.

Warmest Mahalo,

Jodi Malinoski

Rafael Bergstrom
Surfrider Foundation Oahu Chapter
HB621
EEP, February 10th 2015, 8:30AM
Strong Support

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

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

Mahalo for your time and consideration.

Rafael Bergstrom
Oahu Chapter Coordinator, Surfrider Foundation

EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 10:33 PM
To: EEPtestimony
Cc: zacharyhitchcock@yahoo.com
Subject: Submitted testimony for HB621 on Feb 10, 2015 08:30AM

HB621

Submitted on: 2/8/2015

Testimony for EEP on Feb 10, 2015 08:30AM 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 Chairman, The advent of plastic microbeads in products that end up in our sewers and waterways has nearly devastated our Great Lakes. Do you think that these microbeads are harming our shorelines and ecosystems as well? Are clogging up our sewers and waterways? More than likely. Our islands depend on our coastal water's health. Our coral reefs are dead and dying due to poor runoff policies. These microbeads add insult to injury to an already fragile balancing act our ecosystems undergo each minute the water flows. Bill 621 must be implemented to limit the negligence that product manufacturers have slipped into their products. How many gimmicks adversely effect people, wildl ife, and environments? Too many. Please, let your best judgement guide this bill to success. Sincerely, Zachary Hitchcock 808-222-6960

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



February 9, 2015

To: The Honorable Chris Lee, Chair
Members, Hawaii House Committee on Energy & Environment

From: Tim Shestek, Senior Director
State Affairs

Re: **HB 621 - SUPPORT IF AMENDED**
Set for hearing on Feb. 10, 2015

The American Chemistry Council (ACC) is a national trade association representing chemical and plastic manufacturers in the United States. Our members are committed to the safety of their products and to the protection of public health and the environment. To that end, our industry has implemented several programs aimed to reducing and eliminating marine debris by promoting the proper use, handling, recycling and recovery of these valuable materials. Information about these efforts can be found at www.marinedebrisolutions.org

Recently, your committee received proposed amendments to HB 621 from the Personal Care Products Council (PCPC). These amendments would align HB 621 with existing law in Illinois and would be consistent with model language adopted by the Council of State Governments (CSG) last year. ACC urges your committee to support these amendments so that a uniform and practical approach to this issue can be implemented nationally.

Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me or ACC's Hawai'i based representatives Red Morris and/or John Radcliffe at 808-531-4551.





PERSONAL CARE PRODUCTS COUNCIL

February 6, 2015

Committee on Energy & Environmental Protection
Hawaii House of Representatives
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Support HB 621 with technical amendments

Committee Members:

On behalf of the Personal Care Products Council, we wish to support HB 621 with technical amendments.

The Council is the leading national trade association representing the cosmetic and personal care products industry. The Council's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the U.S. As the makers of a diverse range of products millions of consumers rely on every day, from sunscreens, toothpaste and shampoo to moisturizer, lipstick and fragrance, personal care products companies are global leaders committed to product safety, quality and innovation.

Microbeads are used in some personal care cleansing products because of their safe and effective exfoliating properties and excellent safety profile, as they present no adverse events such as allergic reactions. They are gentle on skin, especially for consumers with acne or sensitive skin conditions.

The industry makes decisions not only based on health and safety concerns, but also based on the potential environmental impact of our products. Council members have voluntarily committed to discontinue formulating with microbeads in favor of other viable alternatives. Our members have elected to move ahead with reformulation ahead of any peer reviewed science.

In 2014 a wide range of environmental, governmental and business stakeholders came together to negotiate phase out legislation in Illinois. All stakeholders supported the bill which passed both houses unanimously and was signed into law in June. In August, the Illinois law was accepted by the Council of State Governments (CSG) Committee on Suggested State Legislation.

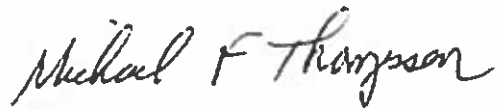
Attached you will find technical amendments that shorten the time frame for compliance and clarify the definitions. If adopted, these changes will effectively align HB 261 with the language that was approved by CSG. We ask that you support these technical amendments.

The Council is supportive of legislation that is aligned with the CSG model, as it provides uniformity and a practical and realistic approach to addressing this issue.

The nation's personal care products companies are pleased to support efforts that demonstrate their longstanding commitment to the global stewardship of their products. Our industry remains firmly committed to producing products that are safe for consumers, their families, and the environment.

Thank you for your leadership on this issue.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Thompson". The signature is written in a cursive style with a large initial "M" and "T".

Michael F. Thompson, Senior Vice President of Government Affairs

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. The legislature finds that synthetic plastic microbeads pose a serious threat to the natural environment. Synthetic plastic microbeads are an ingredient in many personal care products and are used for exfoliating dead skin cells. However, sewage waste treatment facilities are unable to filter synthetic plastic microbeads out of wastewater because of their small size. As a result, synthetic plastic microbeads are often discharged into the ocean along with the treated wastewater where they absorb toxic pollutants in the water. Marine life is endangered because fish and other wildlife easily swallow the synthetic plastic microbeads, potentially causing DNA damage and even death.

The legislature also finds that the State has an interest in protecting its natural environment and decreasing the amount of waste flowing into its waters. To address similar environmental concerns, Illinois recently enacted a gradual ban for the elimination of synthetic plastic microbeads from

H.B. NO.

personal care products. New York, California, and New Jersey have also introduced legislation banning microbeads.

The purpose of this Act is to phase out, and ultimately prohibit, the manufacture and sale in Hawaii of personal care products that contain synthetic plastic microbeads.

SECTION 2. Chapter 342H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§342H- Prohibition of synthetic plastic microbeads.

(a) Beginning ~~December 31, 2017~~ ~~January 1, 2019~~, no person shall manufacture for sale in Hawaii a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

(b) Beginning ~~December 31, 2018~~ January 1, 2020, no person shall ~~sell or offer accept~~ for sale a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

(c) Beginning ~~December 31, 2018~~ ~~January 1, 2020~~, no person shall manufacture for sale in Hawaii an over-the-counter drug that contains synthetic plastic microbeads.

(d) Beginning ~~December 31, 2019~~ ~~January 1, 2021~~, no person shall ~~sell or offer accept~~ for sale an over-the-counter drug that contains synthetic plastic microbeads.

H.B. NO.

(e) Any person who violates this section shall be liable for a civil penalty of up to \$1,000 for the first violation of this section and a civil penalty of up to \$2,500 for a second or subsequent violation of this section.

(f) The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of implementing this section.

(g) As used in this section:

"Over-the-counter drug" means a ~~drug that is a~~ personal care product that

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

"Personal care product" means any article ~~or substance~~ intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of the article. "Personal care product" does not include any prescription drug.

H.B. NO. 621

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

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

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Carmel
Kal Rhoad
Nicole E. Low
Thompson

H.B. NO. 621

Report Title:

Health; Environmental Protection; Synthetic Plastic Microbeads;
Marine Life

Description:

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

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Feb. 9, 2015

Committee Chair & Members of Energy and Environmental Protection (EEP)

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

Hearing on Tue., Feb. 10, State Capitol, Conf. Rm. 325, 8:30am.

Dear Chair Lee, 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

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: 9th February, 2015.

TO: Chair Chris Lee, Vice-Chair Nicole Lowen and Members of the Committee on Energy and Environmental Protection

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

RE: **TESTIMONY IN SUPPORT OF HB621**

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 Tuesday 10th February, 2015 at 8:30AM.

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

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) supports HB621. B.E.A.C.H. is an all volunteer, non-profit organization that brings awareness and solutions to plastic marine debris through environmental education; plastic reduction/litter prevention campaigns; and marine debris removal and research. B.E.A.C.H. inspires individuals and the community to take action to save and protect Hawai'i's marine life, sea birds and ocean/coastal environment.

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.

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 bans to go into effect to much sooner than the 4-6 years in the bill. Why would manufacturing of these products with plastic microbeads need to continue? They could change immediately to using natural alternatives and retailers are unlikely to have 4 years worth of merchandise stored away when these items would go off in that time and be unsellable and also with the cost of storage/space in Hawai'i so high, they would not be holding that much stock as it would cost too much to store it. Please change the ban to go into effect this year.

B.E.A.C.H. is also concerned about the definition of synthetic plastic microbead in HB621 as it refers to "non-biodegradable" solid particle. Unfortunately the word "biodegradable" is no longer a reliable term as it has been misused so much. By having "non-biodegradable" in the definition that means that "biodegradable" synthetic microbeads would be allowed under this law and that will result in no ban at all. This is because manufacturers could switch to "biodegradable" microbeads that are really plastic microbeads with a little bit of a starch additive. The addition of an additive does not make the plastic biodegrade. It only looks like it biodegrades. Therefore it is very important to ensuring a proper ban takes place that the words "non-biodegradable" or "biodegradable" are not used. Natural alternatives to plastic microbeads are available in the form of husks, nuts, seeds etc.

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

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.



founded 1881

February 9, 2015

The Honorable Chris Lee
Committee on Energy and Environmental Protection, Chair
Hawaii House of Representatives
State Capitol, Room 436
415 South Beretania St.
Honolulu, HI 96813

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

Dear Chairman Lee,

I am writing on behalf of the Consumer Healthcare Products Association (CHPA) to respectfully propose technical amendments to H.B. 621 and express CHPA's subsequent support for the bill. The proposed amendments would align the effective dates and key definitions proposed in H.B. 621 with similar legislation signed into law last year in Illinois.

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

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

To date, Illinois is the only state to have passed a law prohibiting the sale of products containing synthetic plastic microbeads¹, though as many as 25 states will consider legislation on the issue in 2015. Although CHPA believes there should be one unified national approach to addressing synthetic plastic microbeads, CHPA supports state solutions aimed at avoiding a patchwork of differing laws. By mirroring the existing Illinois law, Hawaii can mandate microbeads be phased out of personal care products and over-the-counter medicines, while ensuring reasonable effective dates and uniform definitions for key terms. This would also closely align with proposals that have been approved unanimously by the Indiana House of Representatives and both houses of the New Jersey legislature.

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

To this end, CHPA urges the timeframes be revised to align with the implementation dates in Illinois, and the definitions be clarified to ensure uniformity with other state laws. A mock-up of H.B. 621 is included below with CHPA's proposed language inserted.

We sincerely appreciate your consideration of our position on this important issue. We respectfully urge the committee adopt the proposed amendments and subsequently pass H.B. 621. 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,

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

Sean R. Moore
Associate Director, State Government Affairs
Consumer Healthcare Products Association
smoore@chpa.org 202-429-3537

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

HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE,
2015
STATE OF HAWAII

H.B. NO. 621

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

SECTION 1. The legislature finds that synthetic plastic microbeads pose a serious threat to the natural environment. Synthetic plastic microbeads are an ingredient in many personal care products and are used for exfoliating dead skin cells. However, sewage waste treatment facilities are unable to filter synthetic plastic microbeads out of wastewater because of their small size. As a result, synthetic plastic microbeads are often discharged into the ocean along with the treated wastewater where they absorb toxic pollutants in the water. Marine life is endangered because fish and other wildlife easily swallow the synthetic plastic microbeads, potentially causing DNA damage and even death.

The legislature also finds that the State has an interest in protecting its natural environment and decreasing the amount of waste flowing into its waters. To address similar environmental concerns, Illinois recently enacted a gradual ban

for the elimination of synthetic plastic microbeads from personal care products. New York, California, and New Jersey have also introduced legislation banning microbeads.

The purpose of this Act is to phase out, and ultimately prohibit, the manufacture and sale in Hawaii of personal care products that contain synthetic plastic microbeads.

SECTION 2. Chapter 342H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§342H- Prohibition of synthetic plastic microbeads. (a) Beginning ~~December 31, 2017~~ ~~January 1, 2019~~, no person shall manufacture for sale in Hawaii a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

(b) Beginning ~~December 31, 2018~~ ~~January 1, 2020~~, no person shall ~~sell or offer accept~~ for sale a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

(c) Beginning ~~December 31, 2018~~ ~~January 1, 2020~~, no person shall manufacture for sale in Hawaii an over-the-counter drug that contains synthetic plastic microbeads.

(d) Beginning ~~December 31, 2019~~ ~~January 1, 2021~~, no person shall ~~sell or offer accept~~ for sale an over-the-counter drug that contains synthetic plastic microbeads.

(e) Any person who violates this section shall be liable for a civil penalty of up to \$1,000 for the first violation of

this section and a civil penalty of up to \$2,500 for a second or subsequent violation of this section.

(f) The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of implementing this section.

(g) The provisions of this act shall preempt any ordinance or resolution of a municipality, county or any other local government entity concerning synthetic plastic microbeads.

(gh) As used in this section:

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

"Personal care product" means any article ~~or substance~~ intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of the article. "Personal care product" does not include any prescription drug.

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

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

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Health; Environmental Protection; Synthetic Plastic Microbeads;
Marine Life

Description:

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

Aloha Chair and Committee members,

I strongly support Bill 621. Tolerating synthetic plastic microbeads in our marine ecosystem is absurd. Should people choose to exfoliate their skin, there are readily available substitutes that do not threaten our marine wildlife. Alternatives to plastic microbeads exist such as jojoba, wax, fruit products. Unfortunately some companies have not yet changed their ingredients due to the unintended negative consequences, so please help them along.

Thank you, Lisa Marten

EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 2:07 PM
To: EEPtestimony
Cc: edward.g.bohlen@hawaii.gov
Subject: Submitted testimony for HB621 on Feb 10, 2015 08:30AM

HB621

Submitted on: 2/8/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Bohlen	Individual	Support	No

Comments: Plastic microbeads run through sewer treatment and collect toxins, harming marine life and possibly people eating sea life. Hawaii should ban the sale of these harmful products.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 2:55 PM
To: EEPtestimony
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for HB621 on Feb 10, 2015 08:30AM*

HB621

Submitted on: 2/6/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

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

Comments:

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EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:04 AM
To: EEPtestimony
Cc: brenda.asuncion@gmail.com
Subject: *Submitted testimony for HB621 on Feb 10, 2015 08:30AM*

HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brenda Asuncion	Individual	Support	No

Comments:

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EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:51 AM
To: EEPtestimony
Cc: justpeachy242@yahoo.com
Subject: *Submitted testimony for HB621 on Feb 10, 2015 08:30AM*

HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fawn Liebengood	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 Energy and Environmental Protection
Hearing: Tuesday, February 10, 2015 8:30 am, Room 325
In Support of HB 621 Relating to Environmental Protection

LATE

Aloha, Chair Lee, Vice Chair Lowen, and Members of the Committee. The Conservation Council for Hawai'i supports HB 620, 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 621 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

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





February 6, 2015

Hawaii House of Representatives
Committee on Energy & Environmental Protection
State Capitol
415 South Beretania Street
Honolulu, HI 96813

LATE

Re: Support HB 621 with technical amendments

Committee Members:

On behalf of the Grocery Manufacturers Association (“GMA”), we wish to support HB 621 *with technical amendments*.

Microbeads are used in some personal care cleansing products because of their safe and effective exfoliating properties and excellent safety profile, as they present no adverse events such as allergic reactions. They are gentle on skin, especially for consumers with acne or sensitive skin conditions.

The industry makes decisions not only based on health and safety concerns, but also based on the potential environmental impact of our products. GMA members and other industry leaders have voluntarily committed to discontinue formulating with microbeads in favor of other viable alternatives. Our members have elected to move ahead with reformulation ahead of any peer reviewed science.

In 2014 a wide range of environmental, governmental and business stakeholders came together to negotiate phase out legislation in Illinois. All stakeholders supported the bill which passed both houses unanimously and was signed into law in June. In August, the Illinois law was accepted by the Council of State Governments (CSG) Committee on Suggested State Legislation.

Attached you will find technical amendments that shorten the time frame for compliance and clarify the definitions. If adopted, these changes will effectively align HB 261 with the language that was approved by CSG. We ask that you support these technical amendments.

GMA is supportive of legislation that is aligned with the CSG model, as it provides uniformity and a practical and realistic approach to addressing this issue.

GMA and the nation’s personal care products companies are pleased to support efforts that demonstrate their longstanding commitment to the global stewardship of their products. Our

GROCERY MANUFACTURERS ASSOCIATION

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 ::

www.gmaonline.org



industry remains firmly committed to producing products that are safe for consumers, their families, and the environment.

Thank you for your leadership on this issue.

Sincerely,

A handwritten signature in blue ink that reads "John Hewitt". The signature is written in a cursive style with a prominent "J" and "H".

John Hewitt
Western Region Director

GROCERY MANUFACTURERS ASSOCIATION

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 ::

www.gmaonline.org

lowen2-Thomas

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 3:44 PM
To: EEPtestimony
Cc: jmccay@hotmail.com
Subject: *Submitted testimony for HB621 on Feb 10, 2015 08:30AM*

LATE

HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James McCay	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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lowen2-Thomas

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 3:50 PM
To: EEPtestimony
Cc: kenzen808@gmail.com
Subject: Submitted testimony for HB621 on Feb 10, 2015 08:30AM

LATE

HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Sentner	Surfrider Foundation	Support	Yes

Comments: Pass this bill to protect our marine environment, which is key to our residents' well-being, as well as a critical component of our tourism-based economy.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:38 PM
To: EEPtestimony
Cc: babyjean@hotmail.com
Subject: Submitted testimony for HB621 on Feb 10, 2015 08:30AM



HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

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

Comments: I strongly support this bill. These beads are polluting our oceans with tiny plastics that are not biodegradable. We do not need these products. Please pass this bill Mahalo, Ronnie Perry

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 10:04 PM
To: EEPtestimony
Cc: anthuriumz@hotmail.com
Subject: Submitted testimony for HB621 on Feb 10, 2015 08:30AM

LATE

HB621

Submitted on: 2/9/2015

Testimony for EEP on Feb 10, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
wynnie hee	Individual	Support	No

Comments: Plastic micro beads are horrible for our poor marine life... and our human life. You wouldn't want to eat fish that ate plastic micro beads, would you?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Hb621 gradual phase out of microbeads in beauty products

Products like 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. Hawaii'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 such as ground up fruit pits, oatmeal, coffee grounds, and sea salt. This bill builds on the voluntary phasing out of these products by companies such as L'oreal, Proctor and Gamble, and Johnson and Johnson. Marine health is a crucial focus of Hawaii sustainability, and microbeads and similar microplastics pose a known, unacceptable risk to Hawaii's marine life. Hawaii would join other states like Illinois, California, and Ohio who have passed and are pursuing similar legislation.

Jennifer Milholen

DATE: 9th February, 2015

TO: Chair Chris Lee, Vice-Chair Nicole Lowen and Members of the Committee on Energy and Environmental Protection

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

RE: **TESTIMONY IN SUPPORT OF HB621**
Relating to Environmental Protection. Gradually prohibits the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life

LATE

Committee hearing, Tuesday 10th February, 2015 at 8:30AM.

Aloha Chair Lee and Members of the Committee on Energy and Environmental Protection,

I am writing in support of HB621 to prohibit the manufacture and sale of personal care products containing synthetic plastic microbeads to protect marine life because plastic microbeads in the ocean absorb persistent organic pollutants (POP's, such as DDT, dioxins, DDE) on the surface of the plastic up to a million times more than the surrounding water. They are being ingested by marine life including filter feeders and plankton. The POP's bioaccumulate up through the marine food chain with the apex predators including humans accumulating the most POP's. These chemicals cause cancers, diabetes, and other diseases.

I'm concerned with the definition of "synthetic plastic microbead" as non-biodegradable which could mean that manufacturers may still use "biodegradable" plastic microbeads with natural additives such as starch. The starch in the plastic disappears and makes it look like it biodegrades when it only breaks them down into smaller plastic particles. Using only natural materials, eg. seeds for microbeads would be a better choice.

I would like to see the starting dates moved up because polluting the ocean with synthetic plastic microbeads is a very serious problem and needs to be addressed right away.

Thank you for bringing awareness of this important issue of synthetic plastic microbeads in personal care products. The ocean needs this protection and in turn the act would protect humans as well.

Please consider my concerns. Thank you for this opportunity to provide written testimony in support of HB621.

Aloha,



Dean Otsuki