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Lauren Zirbel, Executive Director

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TO: COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Representative Chris Lee, Chair
Representative Nicole E. Lowen, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Tuesday, January 31, 2017
TIME: 8:30 a.m.
PLACE: Conference Room 325

RE: HB 600 RELATING TO ENVIRONMENT, HB 819 RELATING TO OXYBENZONE & HB 818 RELATING TO OXYBENZONE

Position: Oppose

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

Sunscreen is a first line of defense for individuals seeking protection from the sun's cancer causing UV rays. Banning the use of oxybenzone, an important UV filter ingredient, in Hawaii will drastically reduce the selection of sunscreen products available to Hawaii residents and visitors. The combination of reduced choice and less effective products could have the dangerous consequence of individuals using less protective sunscreens or worse no longer using sunscreen, thereby causing more skin damage and potentially increasing skin cancer rates.

Oxybenzone Background

Oxybenzone is a safe and effective ingredient found in some of the most popular sunscreens and lotions on the market today. It is a sunscreen ingredient that protects users from both ultraviolet A (UVA) and ultraviolet B (UVB) rays that often contribute to skin cancer.

In addition to avoiding sun exposure and covering up when in direct sun light, sunscreens are a vitally important tool for individuals seeking to protect their skin against sun damage and to reduce the risk of America's most common cancer – melanoma. Oxybenzone containing sunscreens also protect against other forms of skin cancer. Some popular sunscreen products containing oxybenzone include: Coppertone, ChapStick, Blistex, Hawaiian Tropic Lotion Sunscreen, Aveeno Moisturizing Lotion, SoftLips Cube, Neutrogena lotions and sunscreen.

The Food and Drug Administration (FDA) has approved 16 sunscreens, of which only 2 provide effective UVA protection. Oxybenzone has been widely used in sunscreens for decades. Oxybenzone is effective in screening against UVB rays which are associated with sunburns, especially in areas near the equator and with high elevations, such as some areas in the Hawaiian Islands.

Cumulative exposure to UVA and UVB rays is known to cause skin cancer so it is important to use sunscreens that protect against both – like Oxybenzone. The FDA acknowledges the research that shows sunscreens aid in decreasing the risk of developing skin cancers and early skin aging.

The Impacts of Skin Cancer

Over 5 million cases of non-melanoma skin cancer are treated in more than 3 million Americans every year. Every year there are more cases of skin cancer than the combined incidents of breast cancer, prostate cancer, lung cancer, and colon cancer combined.

Over the last 30 years, more people have experienced skin cancer than all other cancers combined. One out of five Americans will develop skin cancer in their lifetime. One person dies of melanoma every hour. Melanoma accounts for less than 1 percent of skin cancer cases, but accounts for the vast majority of skin cancer deaths. The sun causes the vast majority of melanomas. A person's risk of melanoma doubles if he or she has had more than five sunburns. Hawaii has about 200 new cases of melanoma a year, and about 20 people die from it annually. Hawaiian tourism is one of the state's largest industries, and these numbers do not include cases observed amongst those visitors.

Oxybenzone And The Environment

The exposure of the environment to cosmetic and personal care products is relatively low compared to contaminants from other industrial sectors. There is no scientific evidence that sunscreen ingredients, including oxybenzone, contribute to the decline of native coral reef colonies. **According to the U.S. National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Conservation Program, coral reefs are threatened by an increasing array of impacts – primarily from global climate change, unsustainable fishing and other factors. Increasing ocean temperature and acidification, overfishing, coastal development and pollution are well known stressors on coral reefs.** They may induce coral bleaching, a process by which corals lose their symbiotic microalgae.

Ultimately, corals may die when these stressful environmental conditions last too long. Weakened corals, more susceptible to infectious diseases, show poor resilience from episodic bleaching events. Some studies have reported that certain UV filters contained in sunscreens lotions and washed off by swimmers, could contribute to coral bleaching. Studies have shown that five weeks of chronic exposure to these UV filters at concentrations above those reported in natural sea waters, did not induce coral bleaching nor reduce the photosynthetic efficiency of the symbiotic micro-algae.¹

A higher standard of evidence must be met before the legislature bans products, which help individuals easily wear sunscreen every day to prevent skin cancer. Oxybenzone is an extremely effective ingredient that rubs in clear and is contained in many of consumer's favorite every day choices for sunscreen. Thank you for the opportunity to testify.

¹ 26th Annual Meeting of the Society of Environmental Toxicology and Chemistry (SETAC), conducted at La Cité Nantes Congress Center in Nantes, France, from 22 - 26 May 2016

Predictive laboratory methodology to assess coral bleaching: application to UV filters

J. Fel, L'Oréal Research & Innovation, Aulnay-sous-Bois, France / Environmental Research; M. Leonard, L'Oréal SA

Increasing ocean temperature and acidification, overfishing, coastal development and pollution are well known stressors on coral reefs. They may induce coral bleaching, a process by which corals lose their symbiotic microalgae (zooxanthellae). Ultimately, corals may die when these stressful environmental conditions last too long. Weakened corals, more susceptible to infectious diseases, show poor resilience from episodic bleaching events. Some studies have reported that certain UV filters (mostly 4-methylbenzylidene-camphor, benzophenones and octylmethoxycinnamate) contained in sunscreens lotions and washed off by swimmers, could contribute to coral bleaching. Media took it for granted and suspicion has been extended to all organic UV filters present in sunscreens products. The present study was aimed at clarifying the potential effect that organic UV filters (such as Avobenzone, Octocrylene, Terephthalylidene-dicamphor sulfonic acid, Silatrizole, etc...) may have on different coral species. Two herbicides (Monuron and Diuron) were used as positive references. First a preliminary laboratory screening test was developed to assess potential adverse effect of short exposure (48h) to elevated concentrations (from 1 to 100 mg/L) of the compounds. As a sublethal endpoint predictive of coral bleaching, chlorophyll photosynthetic efficiency of the symbiotic micro-algae (zooxanthellae) was monitored with PAM (Pulse Amplitude Modulated) fluorimetry on nubbins of hard coral species *Seriatopora caliendrum* and *Stylophora pistillata*. In a second step, coral nubbins of *Stylophora pistillata* (hard coral) and *Turbinaria reniformis* (soft coral) were exposed for 5 weeks at lower concentrations in 15 liters aquariums, under semi static conditions with weekly solution renewal. **A specific analytical methodology was developed, combining automated solid phase extraction with UPLC-UV detection, to monitor the compounds concentrations in sea water and analyze large number of samples. 5 weeks of chronic exposure to these UV filters at concentrations above those reported in natural sea waters, did not induce coral bleaching nor reduce the photosynthetic efficiency of the symbiotic micro-algae.**



TIM VANDEVEER
Chair,
MARIE STRAZAR
Vice Chair

MARGARET WILLE
SEAN SMITH
Legislative Committee Co-Chairs

January 30, 2017

Dear Chairs Chris Lee and Nicole Lowen, and
Members of the Committee on Energy and Environmental Protection:

On behalf of the Democratic Party of Hawaii we stand in strong support of Bill 600,
which bans the sale of sunscreens and personal care products that contain Oxybenzone.

The presence of oxybenzone in miniscule amounts has been found to have a deleterious
impact on coral and other marine life. In light of the large number of swimmers along
our shores where coral is found, preventing further harm to our marine life from this
chemical is urgent and critical for our long-term economic, cultural, and environmental
wellbeing.

Passage of a ban on sunscreen and personal care products containing oxybenzone is one
of the Hawai'i Democratic Party's slate of legislative priorities for the 2017 legislative
session.

Neither of the other bills relating to the sale of oxybenzone, HB 818 and 819, (which are
not bans) is worthy of consideration and appear to be little more than a pretext for action.

Respectfully submitted,

/s/ Tim Vandever (tim@hawaiidemocrats.org)
Chair of the Democratic Party of Hawai'i

/s/ Marie (Dolly) Strazar (hilomds@gmail.com)
Vice Chair of the Democratic Party of Hawai'i

/s/ Margaret Wille (margaretwille@mac.com)
/s/ Sean Smith (simashang@yahoo.com)
Legislative Committee Co-chairs



SIERRA CLUB OF HAWAI'I
MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017 8:30 AM Room 325

In SUPPORT HB 600 Relating to the Environment

Aloha Chairman Lee and members of the House Energy & Environmental Protection Committee,

On behalf of our 20,000 members and supporters the Sierra Club of Hawai'i strongly supports HB 600, which seeks to ban any sale, offer for sale, or distribution of sunscreen or personal care products containing oxybenzone. Oxybenzone is a chemical UV filter that is added to nearly 70 percent of non-mineral sunscreens¹ and commonly washes into our oceans when applied at the beach, harming our coral reef ecosystems.

Oxybenzone damages coral DNA and inhibits its ability to reproduce, causes deformities on the coral, makes coral more susceptible to bleaching, and initiates endocrine disruption.² These pathologies can occur at concentrations as low as 62 parts per trillion, but some beaches in Hawai'i have oxybenzone levels higher than 700 parts per trillion³, a major concern when our reef system annually generates about \$800 million in gross revenues.⁴

Panels held at the International Union for the Conservation for Nature (IUCN) and International Coral Reef Symposium (ICRS) in Honolulu have both suggested that Oxybenzone is toxic to corals and urge that we stop using these products^{5,6}. The State's Department of Land and Natural Resources is also asking people who enter the ocean to avoid using sunscreens which contain oxybenzone.⁷

¹ <http://www.ewg.org/sunscreen/report/the-trouble-with-sunscreen-chemicals/>

² Downs CA, Kramarsky-Winter E, Segal R, et al. Toxicopathological Effects of the Sunscreen UV Filter, Oxybenzone (Benzophenone-3), on Coral Planulae and Cultured Primary Cells and Its Environmental Contamination in Hawaii and the U.S. Virgin Islands. *Arch Environ Contam Toxicol* 2015 Oct 20. doi: 10.1007/s00244-015-0227-7.

³ <http://www.marinesafe.org/blog/2016/05/12/how-sunscreen-is-putting-coral-reefs-at-risk/>

⁴ http://www.hawaii.edu/ssri/cron/files/econ_brochure.pdf

⁵ <http://www.civilbeat.org/2016/09/drop-the-oxybenzone-or-stop-swimming-in-hawaiian-waters/>

⁶

<http://www.honolulumagazine.com/Honolulu-Magazine/June-2016/Your-Sunscreen-Might-Be-Killing-Coral-Reefs-in-Hawaii/>

⁷

<http://governor.hawaii.gov/newsroom/latest-news/dlnr-news-release-ocean-users-urged-to-use-reef-safe-sun-screens/>



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While these voluntary, educational efforts to curb the usage of these products are commendable, an effective way to prevent these chemicals from entering our waterways is to pass HB 600 and ban the sale, offer for sale, or distribution of these products. Many visitors purchase sunscreen once they arrive to the islands and this bill ensures that Oxybenzone and other reef harming chemicals will not be sold in the State.

Although there are many causes of reef degradation, HB 600 provides a sensible opportunity to help maintain the economic, ecological, cultural, and recreational value of Hawai'i's reef systems. No one likes to see a film of floating chemical-laden sunscreen on our beaches. Banning oxybenzone protects our vulnerable reef ecosystems from toxic products and promotes the usage of reef-safe sunscreens that are mineral, not chemical based.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,

Martha Townsend
Director

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 6:14 AM
To: EEPtestimony
Cc: westhawaiihumanesociety@gmail.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	West Hawaii Humane Society	Support	No

Comments: Dear Chair Lee and EEP Committee Members, The West Hawaii Humane Society supports all efforts to regulate and/or prohibit the sale of sunscreens containing oxybenzone. Recent research has found that this chemical is toxic to our reefs and reef wildlife. Ocean health is critical to Hawaii's economy and ecosystems. Further there are alternative sunscreens available that do not contain oxybenzone. Thank you, Inga Gibson Policy Consultant West Hawaii Humane Society 808.922.9910

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:22 AM
To: EEPtestimony
Cc: kkburdt@gmail.com
Subject: *Submitted testimony for HB600 on Jan 31, 2017 08:30AM*

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Koba-Burdt	Hawaii Association for Behavior Analysis	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 12:45 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Conservation Council for Hawai'i	Support	No

Comments: Banning the sale of sunscreens containing oxybenzone would be the most effective of the three bills to address this threat being heard today. Coral reefs are already under stress. Taking this action to reduce coral bleaching is good for coral reefs, fishes, he'e, limu, and other native species; recreation and traditional and customary practices; and the economy. It is hard to imagine anyone opposing the protection of our coral reefs. Please pass HB 600. Mahalo nui loa for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:36 AM
To: EEPtestimony
Cc: banillavean@yahoo.com
Subject: *Submitted testimony for HB600 on Jan 31, 2017 08:30AM*

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Prior	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:31 AM
To: EEPtestimony
Cc: vicepresident@hawaiiaba.org
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Penland	Individual	Support	No

Comments: Protect our reefs and wildlife!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:28 AM
To: EEPtestimony
Cc: danielle@jayewardene.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Jayewardene	Individual	Support	No

Comments: The health and future of coral reefs are under threat, also in Hawaii. There is growing scientific evidence that chemicals in sunscreen such as oxybenzone has damaging effects on corals. In Hawaii, oxybenzone is continuously entering our near shore waters supporting coral reefs. This factor may contribute to the decline of these invaluable natural resources, which play an important role in Hawaii's economy. It behooves the State of Hawaii to take steps to mitigate impacts from all threats to coral reefs, including exposure of corals to harmful chemicals such as oxybenzone.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 3:25 PM
To: EEPtestimony
Cc: nimboy44@aol.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/29/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Quinlan	Individual	Support	No

Comments: Oxybenzone is extremely harmful to the corals that protect our islands. Please ban the use of sunblocks that contain Oxybenzone.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 1:16 PM
To: EEPtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB600 on Jan 31, 2017 08:30AM*

HB600

Submitted on: 1/29/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 10:37 PM
To: EEPtestimony
Cc: williamrandysmith@gmail.com
Subject: *Submitted testimony for HB600 on Jan 31, 2017 08:30AM*

HB600

Submitted on: 1/27/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William R Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 5:12 PM
To: EEPtestimony
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/27/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments: Aloha, I urge your support of HB600, especially because researchers have found oxybenzone concentrations in some Hawaiian waters at more than thirty times the level considered safe for coral. From a spiritual and Hawaiian cultural view, the Kumulipo, a Hawaiian Creation Chant, tells us that the first organism born was the coral polyp, a very small and simple organism that was the basic building block for life in the seas. Thus, we must protect the coral. As an island community, coral reefs help protect our coastlines from the damaging effects of wave action and tropical storms and provide habitats and shelter for many marine organisms. Healthy reefs contribute to our economy through tourism. Diving tours, fishing trips, hotels, restaurants, and other businesses based near reef systems provide jobs and contribute to the economy. Please adopt this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 4:07 PM
To: EEPtestimony
Cc: cchaudron08@gmail.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/27/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Camila Chaudron	Individual	Support	No

Comments: Hi, my name is Camila Chaudron, and I live in the Manoa/Makiki area. I support this measure to protect our oceans against this harmful chemical. All the data indicates that oxybenzone is harmful to the environment, and it has unknown effects on the human body. Given that Hawaii relies on the health of its oceans for tourism and food, this will also be a protection for our tourism economy. For the sake of the health of our community, thank you for supporting this measure. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 10:38 AM
To: EEPtestimony
Cc: rfurst808@gmail.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Furst	Individual	Support	No

Comments: I support the ban on sunscreen products containing oxybenzone. Protection of our natural resources like coral reefs is essential to our economy, especially for tourism in Hawaii.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 11:16 AM
To: EEPtestimony
Cc: mark.gordon333@gmail.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

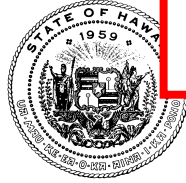
Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Gordon	Individual	Support	No

Comments: Aloha ! As a resident of Hawaii Island and an environmental, health and safety engineer, I Strongly SUPPORT HB 600 which bans the Sale of Sunscreens and other Personal Care Products that Contain Oxybenzone Dr. Craig Downs of Haereticus Environmental Laboratory has done research that CLEARLY shows that sunscreens which contain the compounds oxybenzone or avobenzone are killing our coral reefs. In turn, they are having a detrimental effect on other marine life and possible humans. Even a very small amount of oxybenzone in the waters can have very devastating effects. I also request the Senate introduce a companion Bill. I respectfully request Approval of HB 600. Respectfully Submitted, Mark Gordon Waikoloa HI.

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LATE

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

**WRITTEN
TESTIMONY ONLY**

**Testimony in SUPPORT of H.B. 600
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: January 31, 2017
8:30 a.m.

Room Number: 325

- 1 **Fiscal Implications:** No funding is provided to implement this measure
- 2 **Department Testimony:** The Department of Health supports the intent of the bill banning the
- 3 sale and distribution of sunscreen and personal care products containing oxybenzone, with
- 4 comments. As the bill notes, studies indicate that oxybenzone in sunscreens may wash off and
- 5 damage coral reefs.
- 6 DOH suggests that the legislature place the language of this bill into HRS chapter 328
- 7 because the substance of this bill is more consistent with the subject matter of that chapter,
- 8 specifically, the regulation of personal care products.
- 9 Thank you for the opportunity to testify on this measure.

January 30, 2017

The Honorable Chris Lee
Chairman, Energy & Environmental Protection
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, HI 96813

RE: Opposition to HB 600 – relating to environment
Opposition to HB 819 – relating to oxybenzone
Opposition to HB 818 – relating to oxybenzone

Dear Chairman Lee:

On behalf of the Consumer Healthcare Products Association (CHPA), I am writing to express strong opposition to HB 600, HB 819, and HB 818 – all of which are under consideration by the House Energy & Environmental Protection Committee on Tuesday, January 31st. These three pieces of legislation restrict and/or ban the use and sale of oxybenzone, a Food and Drug Administration (FDA) approved ingredient found in many personal care products including sunscreen. While we applaud attempts to limit coral decline in Hawaii, we have strong reservations of doing so by limiting access to an ingredient which has proven benefits against deadly skin cancers.

CHPA is the 135-year-old national 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 empowering consumer self-care by preserving and expanding choice and availability of consumer healthcare products.

Oxybenzone is a safe, and effective ingredient approved by the FDA in 1978 and found in nearly 2000 personal care products on the market today including some of the most popular sunscreens, lip balms, and lotions designed to guard against sun damage. In fact, oxybenzone offers broad spectrum protection against both ultraviolet A (UVA) and ultraviolet B (UVB) rays that often contribute to skin cancer. Some popular sunscreen products containing oxybenzone include Coppertone, ChapStick, Blistex, Hawaiian Tropic Lotion Sunscreen, Aveeno Moisturizing Lotion, SoftLips Cube, Neutrogena lotions and countless other shampoos, conditioners, lipsticks, body washes, hairsprays, aftershaves, and more.

Importance of Protection Against Skin Cancer

The most common form of cancer is skin cancer. Every year there are more cases of skin cancer in the United States than the combined incidents of breast cancer, prostate cancer, lung cancer, and colon cancer combined. In fact, over the last 30 years, more people have experienced skin cancer than all other cancers combined. One out of five Americans will develop skin cancer in their lifetime, and one person dies of melanoma (the deadliest form of skin cancer) every hour. The vast majority of melanomas are caused by the sun, and a person's risk of melanoma doubles if he or she has had more than five sunburns. When used as directed, sunscreens containing oxybenzone on the market today have proven to be very effective in protecting skin against the sun's harmful rays. The FDA has acknowledged research that shows sunscreens aid in decreasing the risk of developing skin cancers and early skin aging. The FDA recommends use of a broad spectrum sunscreen with sun protection factor (SPF) values of 15 or higher regularly and as directed to protect against ultraviolet A sun rays as provided by oxybenzone sunscreen products. In order to get ultra-high SPF, oxybenzone is required to serve as a stabilizer for other sunscreen ingredients in sunscreen. Without it, high SPF may not be achieved.

Oxybenzone and the Environment

Despite recent headlines highlighting coral decline and the impacts of oxybenzone on that deterioration, there is disagreement within the scientific community on the linear relationship between the two. A number of studies have examined coral reef bleaching and have concluded a number of factors at fault for global coral reef decline. Some

of the primary reasons include climate change (ocean temperature)¹, and pollution runoff.² Even Craig Downs of the Haereticus Environmental Laboratory in Virginia and primary author of a study on coral reef decline published in the Archives of Environmental Contamination and Toxicology admitted in an interview that “agriculture run-off and sewage are probably responsible for the historical collapse of coral reefs for the past 40 years.”³ Ultimately, global climate change presents the greatest stress to the world’s coral reef. Other factors like over-fishing, agricultural practices, and sewage are also to blame. Terry Hughes, director of the Australian Research Council Centre of Excellence for Coral Reef Studies at James Cook University suggests that extrapolations asserting sunscreen is damaging the world’s coral “are a bit of a stretch.”⁴ He continues, “the conclusion from the media is sunscreen is killing the world’s coral, and that’s laughable.”⁵

There is no scientific evidence that under naturally-occurring environmental conditions, sunscreen ingredients are contributing to coral degradation. According to the U.S. National Oceanic and Atmospheric Administration’s (NOAA) Coral Reef Conservation Program, coral reefs are threatened by an increasing array of impacts – primarily from global climate change, unsustainable fishing and other factors. Increasing ocean temperatures, acidification, overfishing, coastal development and pollution are well known primary stressors of coral reef.

Opportunity Cost

Over-the-counter sunscreen containing oxybenzone is an affordable, accessible first line of defense for individuals seeking protection from the sun’s cancer causing UV rays. Banning the use of oxybenzone, an important UV filter ingredient, in Hawaii will drastically reduce the selection of sunscreen products available to residents and tourists. The combination of reduced choice and less effective products could have the dangerous consequence of individuals using less protective sunscreens or worse –not using sunscreen at all – thereby, causing more skin damage and potentially increasing skin cancer rates.

Conclusion

No state has taken the drastic action of banning or restricting oxybenzone’s sale or use beyond what is already mandated by the FDA. Since there have been no studies published to date that scientifically prove any sunscreen active ingredient is a hazard to coral reefs, CHPA respectfully requests the Hawaii legislature oppose HB 600, HB 818, and HB 819. A greater standard of evidence must be considered before such a valuable product to people’s health be removed from the market.

Should you have any questions for CHPA, please contact me directly or our local counsel, Ms. Lauren Zirbel at 808-294-9968 or laurenzirbel@gmail.com.

Respectfully submitted,



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

cc: Members, House Energy and Environmental Protection

¹ Mydlarz et. al., 2010; Aeby et al., 2016.

² Fabricius, 2005; Messina and Biggs, 2016.

³ No, your sunscreen isn't killing the world's coral reefs. <http://mashable.com/2015/11/10/sunscreen-killing-coral-reefs/>.

⁴ Ibid.

⁵ Ibid.

LATE



PERSONAL CARE
PRODUCTS COUNCIL

STATEMENT OF THE PERSONAL CARE PRODUCTS COUNCIL

ON: HEARING ON HB 600, HB 818, HB 819

TO: HAWAII HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION

FROM: MIKE THOMPSON, SENIOR VICE PRESIDENT,
GOVERNMENT AFFAIRS

DATE: JANUARY 31, 2017

Before the Committee on Energy & Environmental Protection
Hawaii House of Representatives
Statement of the Personal Care Products Council

January 31, 2017

The Personal Care Products Council (Council) is the leading national trade association representing the cosmetic and personal care products industry. The Council's approximately 600 member companies manufacture and distribute the vast majority of products marketed in the US. As the makers of a diverse range of products that consumers rely on daily, from sunscreen, shampoo, and toothpaste to antiperspirant, moisturizer and lipstick, personal care product companies are global leaders committed to safety, quality and innovation.

On behalf of the Council, we are writing to express opposition to House Bill 600, House Bill 819 and House Bill 818:

- HB 600 would ban the sale, offer for sale, or distribution for sale of sunscreen or personal care products containing oxybenzone effective July 1, 2018.
- HB 819 prohibits the sale, offering for sale, or distribution of any sunscreen containing oxybenzone in the State, unless the sunscreen label contains a warning that the use of oxybenzone in nearshore waters poses serious hazards to coral and reef health effective July 1, 2017.
- HB 818 requires advertisements or displays for sunscreen containing oxybenzone in the State to include a conspicuously displayed statement that the use of oxybenzone in nearshore waters poses serious hazards to coral and reef health effective July 1, 2017.

These pieces of legislation lack sufficient scientific evidence connecting a sunscreen ingredient to coral bleaching. The proposed ban is based on a laboratory experiment which does not demonstrate sufficient cause for policymakers to ban sunscreens. The experiment's conclusions are based on preliminary research conducted under exaggerated laboratory conditions, which do not accurately reflect the complexity of the natural marine environment. According to noted scientists, coral requires an elaborate ecosystem to survive. Transporting it to an artificial setting, such as a laboratory, makes it less viable and likely to die in the face of any disturbance. Several prominent scientists around the world have stated publicly that the experiment's findings were "inconclusive."

The threat to the world's coral reefs is a very serious concern. According to the U.S. National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Conservation Program, coral reefs are impacted by an increasing array of hazards – primarily from global climate change, ocean acidification, and unsustainable fishing practices.

Climate change and ocean warming are the most notable culprits for reef bleaching. According to NOAA, coral bleaching events have occurred as the world's oceans temperatures have increased to the warmest levels recorded since measuring began in the late 19th century.

Oxybenzone is a safe and effective active ingredient in over-the-counter sunscreens approved by the U.S. Food and Drug Administration (FDA) and is designed to protect skin against the damaging effects of ultraviolet light. It is a critical ingredient that provides broad-spectrum protection from both UVA and UVB rays. In addition to the FDA, Health Canada, Australian Government (TGA), and the European Union have approved the use of oxybenzone as a safe and effective sunscreen ingredient.

The FDA, the Centers for Disease Control and Prevention (CDC), the U.S. Surgeon General, the American Academy of Dermatology (AAD), the Skin Cancer Foundation and health care professionals worldwide emphasize that using sunscreens is a critical part of a safe sun regimen. The dangers of sun exposure are clear and universally recognized by public health professionals and dermatologists. The National Institutes of Health Report on Carcinogens identifies solar UV radiation as a 'known human carcinogen.' A single bad burn in childhood doubles the risk of developing skin cancer later in life.

These pieces of legislation, although well intended, lack sufficient scientific evidence demonstrating that sunscreen ingredients are responsible for coral bleaching. Skin cancer is the most common cancer in the United States today. This legislation will create confusion, put consumers' health at risk and potentially discourage the use of sunscreens. Since this legislation is based on one laboratory experiment, it would seem appropriate to support further research, and not rush to judgement on a potentially lifesaving product.

Please vote NO on HB 600, HB 819, and HB 818.

Thank you for consideration of our views.

LATE



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Clifford, Virginia 24533 U.S.A.
Email: haereticus1@hughes.net
Phone/Fax: 434-263-5740
www.haereticus-lab.org

January 31, 2017

Dear Chairs Chris Lee, Nicole Lowen, and
Members of the Committee on Energy and Environmental Protection,

I was the lead scientist who co-authored the scientific paper in Archives of Environmental Contamination and Toxicology regarding the impact of oxybenzone on coral planula and oxybenzone contamination along the coasts of Hawai'i and the U.S. Virgin Islands. I am also a graduate of the John A. Burns School of Medicine at the University of Hawai'i at Mānoa.

Oxybenzone in the marine environment can have detrimental effects to all marine life, including changes in fish behavior, pathological changes to fish sexual identity, damage to genomic and DNA integrity, and may suppress restoration of coral reefs by preventing juvenile corals to recruit into an area that is polluted by oxybenzone.

Passage of a ban on the sale of products containing oxybenzone (unless it is a medical prescription by a medically licensed physician) can be a VERY effective means in mitigating oxybenzone pollution in both coastal and inland waters.

Haereticus Environmental Laboratory and I support House Bill 600 as being an effective means in reducing oxybenzone pollution, as well as preventing unnecessary conflict with industry representatives.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig A. Downs". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Craig A. Downs, Ph.D.
Executive Director

LATE



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2017 8:30 AM Room 325

In SUPPORT HB 600 Relating to the Environment

Aloha Chair Lee and members of the House Energy & Environmental Protection Committee,

The Surfrider Foundation's Oahu Chapter is writing in support of HB 600 and its intent to protect both our coral reef ecosystems and human health from adverse effects of the chemical oxybenzone often found in sunscreens.

Oxybenzone damages coral DNA and inhibits its ability to reproduce, causes deformities on the coral, makes coral more susceptible to bleaching, and initiates endocrine disruption. These negative can occur at concentrations as low as 62 parts per trillion, but some beaches in Hawai'i have oxybenzone levels higher than 700 parts per trillion, a major concern when our reef system annually generates about \$800 million in gross revenues.

Surfrider spent time during 2016 at both the International Coral Reef Symposium and the International Union on Conservation of Nature World Conservation Congress (both held in Honolulu) in focus groups on the issues associated with oxybenzone based sunscreens. Top scientists on coral reef health indicated in localized studies that this chemical was not only detrimental to reef health but also to humans, exhibiting endocrine disrupting effects. In September 2016, Governor Ige made a World Conservation Congress Legacy Commitment to have 30 percent of Hawaii's nearshore waters effectively managed by 2030. Taking steps to reduce harmful chemicals that are damaging our reefs is a step toward effective management.

In addition to scientific studies, Surfrider is continuously alerted by recreational users of the nearshore environment of slicks of sunscreen creating a sheen across ocean water in highly used regions. There are also reports of a smell of sunscreen emanating from beaches in Waikiki and other tourist locations. Alternatives to oxybenzone exist and education and outreach will need to accompany a ban so that ocean users understand that they have other options to protect themselves from UV sun rays.

Surfrider advocates for a precautionary principle in which we take measures to protect both environmental and human health when possible harmful agents exist. Given that Hawaii's economy relies almost exclusively on our ocean resources, it is imperative that we take necessary steps to protect these areas. Banning the use of oxybenzone based products is a step towards limiting the damage we are doing to our reefs.

Mahalo for Considering this bill.

Rafael Bergstrom

Oahu Chapter Coordinator, Surfrider Foundation.

Jan. 30, 2017

RE: Strong Support for HB 600 (Relating to the Environment)

Energy & Environmental Protection (EEP) Hearing on Mon., Jan. 31, 8:30am, Rm. 325.

Dear Chair Lee, Vice Chair Lowen and EEP Committee Members,

As the Hawaii Manager of the Surfrider Foundation, I am writing in strong support of HB 600 to ban sunscreens with the toxic chemical oxybenzone due to its destructive effects on Hawaii's coral reefs. The Surfrider Foundation's five chapters in Hawaii and our extensive network of supporters are concerned about the damage chemicals like oxybenzone are doing to our reef system, which annually generates about \$800 million in gross revenues.

On behalf of our 10,000 supporters, activists and members across the state, we strongly support HB 600, which seeks to ban any sale, offer for sale, or distribution of sunscreen or personal care products containing oxybenzone. This chemical UV filter is added to nearly 70 percent of non-mineral sunscreens and commonly washes into our oceans when applied at the beach, harming our coral reef ecosystems.

Along with damaging coral DNA and inhibiting its ability to reproduce, oxybenzone causes deformities on coral reefs, makes them more susceptible to bleaching, and initiates endocrine disruption. In 2016, scientific panels held at the International Union for the Conservation for Nature (IUCN) and the International Coral Reef Symposium (ICRS) in Honolulu both suggested that Oxybenzone is toxic to corals and urged that we stop using these products. There have also been studies showing that this chemical and its many derivatives are toxic to human health as well.

The State's Department of Land and Natural Resources is also asking people who enter the ocean to avoid using sunscreens that contain oxybenzone. We support educational efforts to curb the usage of these products, but they are not enough. The most effective way to prevent these chemicals from entering our waterways is to ban the sale and distribution of these products. Many visitors purchase sunscreen once they arrive in the Islands, and this bill ensures that oxybenzone and other reef harming chemicals will not be sold in the State. With a gross annual revenue of \$800 million, our reefs are an important and valuable part of Hawaii's ecosystem, and we must do all we can to protect them.

There may be other causes of reef degradation, but HB 600 offers a sensible solution to help maintain the economic, ecological, cultural, and recreational value of Hawai'i's reef systems. As a regular ocean swimmer and surfer on Oahu's South Shore, I can tell you that I often see a film of chemical-laden sunscreen in our waters. Banning oxybenzone protects our vulnerable reef ecosystems from toxic products and promotes the usage of reef-safe sunscreens that are mineral-based and not made from harmful chemicals to our reefs and skin. Mahalo for considering my testimony.

Aloha,

Stuart Coleman



Stuart H. Coleman, Hawaii Manager

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 3:57 PM
To: EEPtestimony
Cc: bob@fergusonleadersunlimited.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Ferguson	Individual	Support	No

Comments: Having listened to a park ranger speak to the Maui Meadows homeowners annual meeting, I was really stunned to understand the negative impact of oxybenzones on the health of the reefs. I see no reason to continue this damage by allowing oxybenzone containing sunscreens to be sold or used in Hawaii, particularly when there are safe alternatives.

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31/01/2017


Letter of support for oxybenzone bans (bills HB600 and SB260).

Our studies including others studies by scientists, showed that the chemical benzophenones / oxybenzone (e.g. benzophenone-2 and benzophenone-3) an active sunscreen ingredient found in common sunscreen products and cosmetics affects coral larvae viability and is toxic to coral cells *in vitro*. This work is part of a study carried out by our group to assess the effects of chemicals found in cosmetics on marine organisms particularly on coral reefs. We demonstrated that benzophenones, UV filtering chemicals found in commercial sunscreen can cause coral bleaching affect calcification and may even cause death of corals. The last study that published recently showed that Benzophenone-3 affects coral larvae preventing their development and ability to settle and metamorphose. These effects occur at concentrations that are very low, at parts per billion levels. It is important to note that such relative effective levels of this contaminant were actually found in water in Hawaiian beaches, in the Virgin Islands and the Red Sea. The information published in this paper was significant and may led to changes in legislation in Hawaii, The US Virgin Islands and also to motion for a European Parliament resolution on banning benzophenones / oxybenzone in cosmetics (B8-1243/2015).

To summaries, studies showed that the chemical benzophenones / oxybenzone is an endocrine disruptor that induces unnatural calcification of the coral larvae, encasing them in their own skeleton. The presence of oxybenzone in miniscule amounts has been found to have a deleterious impact on coral and other marine life. In light of the large number of swimmers along our shores where coral is found, preventing further harm to our marine life from this chemical is urgent and critical for our long-term economic, cultural, and environmental wellbeing.

Prof. Ariel Kushmaro,

Head of Environmental Biotechnology Lab, Department of Biotechnology Engineering, The Ilse Katz Center for Meso and Nanoscale Science and Technology and NIBN Ben-Gurion University, Beer Sheva, 84105, Israel.



Prof. Ariel Kushmaro
Head of Environmental Biotechnology Laboratory
The Department of Biotechnology Engineering
Ben-Gurion University of the Negev

Aloha,

I am Christina Comfort (M.Sc.), and I am a professional coastal oceanographer at the University of Hawaii. I live in Makiki, and I support this legislation. I carry out long term environmental monitoring in coastal environments in the Pacific Islands, including here in Hawaii and elsewhere. In my research, I constantly grapple with the multiple human-caused environmental impacts that affect our nearshore ecosystems. Coral reefs are one of the most biodiverse habitats on earth, and are incredibly important to Pacific Island communities for the resources they provide in tourism, recreation, culture, food, and environmental resilience. At the same time, reefs are constantly and increasingly damaged by a multitude of stressors ranging from global impacts such as warming ocean temperatures and acidification to local effects from overfishing, nutrient input from runoff, and pollution (such as that from oxybenzone input into coastal waters in the form of sunscreen and cosmetics). In fact, water samples from Hawaii beaches have revealed oxybenzone levels that are at or above the levels shown to be toxic to corals (Downs et al, 2015, Arch Environ Contam Toxicol 2015. doi:10.1007/s00244-015-0227-7).

The more stressors impacting a reef system at a time, the more likely the coral organisms will be overwhelmed by physiological stress, bleach their food-providing symbionts, fail to recover, and ultimately die. Preventing oxybenzone sunscreens from being sold in Hawaii will help prevent them from impacting our coral reefs, as many tourists buy sunscreen once they arrive in Hawaii, as well as all local sales. This ban is the easiest and fastest way to reduce stress on corals in our local ecosystems. Alternative sunscreens exist (zinc oxide, titanium dioxide) that have not been shown to have the same toxic effects on corals, and we can educate the public that these alternatives are available and effective for their sunscreen needs. Additionally, oxybenzone is a known endocrine disruptor in humans - alternative sunscreens are healthier for our bodies as well as the reef. Taking the simple step to ban sales of products containing oxybenzone will reduce the stress on Hawaii corals, and better enable them to cope with a multitude of environmental stressors and recover from large-scale bleaching events. Support for this legislation is needed if we are serious about giving our reefs a fighting chance for survival in the future. This is a local, directed action which can have an immediate impact on improving the resiliency of our coral reefs here in Hawai'i.

Thank you for the opportunity to testify on this issue.

Aloha Chairman Lee and members of the House Energy & Environmental Protection Committee,

My name is Mika Eisen and I am in support of HB 600 I was born and raised on the island of Maui. My childhood consists of many fond memories playing in the reefs surrounding the island. I remember my first experience at Molokini, a small island off the coast of Maui that embodies the shape of a crescent moon. The unique geography of the island was not its only attribute. In the bay of its shell, Molokini had arguably some of the most amazing reef life on the planet. The moment I plunged into the glossy water for the first time, I gazed at the world below me, and couldn't believe that it was real. Schools of fish swam around me and created a colorful society that represented pure natural balance. The vibrant coral reef was home to hundreds of thousands of fish and marine life. That was my senior year of high school in 2013.



Molokini Crater (Figure 1.1)

Three years later, I visited the same sight on a commercial snorkel cruise out of the Lahaina Harbor. I was excited to show my out-of-state friends the amazing marine life at Molokini. It was slightly overcast, but I was optimistic that the snorkeling would be worth it. I was shocked to discover a dull and barren reef. I saw fewer than 10 fish swimming above the grey sand. My heart shattered as I surfaced and looked around in confusion. What had gone wrong? A sheen of oily sunscreen coated the surface of the entire bay. Only one's ignorance could ignore its presence.



Then (Figure 1.2)



Now (Figure 1.3)

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 8:40 PM
To: EEPtestimony
Cc: jrodwell@gmail.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/30/2017

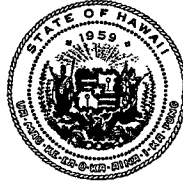
Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Rodwell	Individual	Support	No

Comments: Dear Representatives. Thank you for your time and effort. I am a resident of Palolo and a part time teacher at Hawaii state and public charter schools for over 5yrs. I support the ban of oxybenzone in sunscreens both for environmental and health reasons. There are many less potentially harmful ways of protecting skin that rules this particular chemical unnecessary, no to mention the harm it is causing reefs as shown in scientific literature. Mahalo for listening your support!

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

**WRITTEN
TESTIMONY ONLY**

**Testimony in SUPPORT of H.B. 600
RELATING TO ENVIRONMENTAL PROTECTION**

LATE

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Hearing Date: January 31, 2017
8:30 a.m.

Room Number: 325

- 1 **Fiscal Implications:** No funding is provided to implement this measure
- 2 **Department Testimony:** The Department of Health supports the intent of the bill banning the
- 3 sale and distribution of sunscreen and personal care products containing oxybenzone, with
- 4 comments. As the bill notes, studies indicate that oxybenzone in sunscreens may wash off and
- 5 damage coral reefs.
- 6 DOH suggests that the legislature place the language of this bill into HRS chapter 328
- 7 because the substance of this bill is more consistent with the subject matter of that chapter,
- 8 specifically, the regulation of personal care products.
- 9 Thank you for the opportunity to testify on this measure.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 9:18 AM
To: EEPtestimony
Cc: octopus@maui.net
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/31/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Umberger	For the Fishes	Support	No

Comments: Mahalo Chair Lee, Vice-chair Lowen and Committee members for considering this critically important bill to protect Hawaii's coral reefs from the toxins found in many sunscreen and personal care products. As a Hawaii non-profit working to protect Hawaii's coral reefs and wildlife, we are in strong support of this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 8:02 AM
To: EEPtestimony
Cc: michelematsuo@yahoo.com
Subject: Submitted testimony for HB600 on Jan 31, 2017 08:30AM

HB600

Submitted on: 1/31/2017

Testimony for EEP on Jan 31, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
michele matsuo	Individual	Support	Yes

Comments: Good Morning Chair Lee, Vice Chair Lowen, and members of the Energy and Environmental Protection Committee ! Thank you for this opportunity to testify. I thank Vice Chair Lowen and all 26 introducers for this bill. I am generally very supportive of this bill but think that it does not go far enough. Many people bring their sunscreen with them, and wear sunscreen daily. This bill does not reach the millions who may bring their favorite sunscreen with them. If you could address this issue then that would be great. I would also like to point out that once here, the oxybenzone can be washed off in baths as well, and enter the sewer water system and be discharged into the ocean. Oxybenzone is a very common ingredient in cosmetic products. Is it possible to ban the chemicals, or the use also, rather than just the sale? Thank you for your consideration! Aloha Michele Matsuo

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