

SB-2109

Submitted on: 1/30/2018 12:56:11 PM

Testimony for AEN on 1/31/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Kucharski		Comments	No

Comments:

Dear Chairperson Gabbard and Members of the Committee on Agriculture and Environment,

The County of Hawaii (COH) is submitting comments on SB 2109. The COH is concerned because adding additional regulatory mandates to such a complex group of chemicals identified as "volatile organic compounds" (VOC) is too broad.

For example, the following items contain/emit VOC and to apply new regulatory standards to this broad category of compounds would not be feasible:

Building Materials	Home & Personal Care Products	Activities
<ul style="list-style-type: none">• Paint, varnishes, caulks, adhesives• Carpet, vinyl flooring• Composite wood products• Upholstery and foam	<ul style="list-style-type: none">• Air fresheners, cleaning products• Cosmetics• Fuel oil, gasoline	<ul style="list-style-type: none">• Smoking• Dry cleaning, photocopiers• Cooking, hobbies• Burning wood

Sincerely,

William A. Kucharski

Director, Department of Environmental Management, COH



Representing Household & Institutional Products

Aerosol - Air Care - Cleaners - Polishes
Automotive Care - Antimicrobial - Pest Management

Testimony of Peter Vujovich
Director, State Government Relations & Public Policy
Consumer Specialty Products Association

Submitted to the Senate Agriculture and Environment Committee
January 31, 2018

Chairman Gabbard and esteemed members of the Senate Agriculture and Environment Committee:

On behalf of the Consumer Specialty Products Association (CSPA), I am writing to express our member companies' opposition to SB 2109, a broadly-drafted bill that was recently referred to the Senate Agriculture & Environment Committee.

CSPA member companies oppose the bill because it erroneously characterizes all VOCs as a nuisance, rather than a class of chemicals which, when used appropriately, play an indispensable role formulating products that play an essential role in creating clean and healthy homes and workplaces. Moreover, the bill could be interpreted to grant the Department of Health the authority to limit or restrict the use VOCs to formulate all consumer and commercial products sold in Hawaii. Taking such an action would have unintended severe adverse consequences for Hawaiians.

CSPA is a national trade association representing companies engaged in the manufacture, formulation, distribution and sale of more than \$178.9 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. CSPA member companies employ 199,000 people globally. Products CSPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles and a host of other products used every day. Many of these products contain VOCs as an essential part of their formulation.

VOCs are a necessary ingredient use to formulate consumer and commercial antimicrobial products (*i.e.*, disinfectants, sanitizers) and pest management products (*i.e.*, insecticides, rodenticides), which are subject to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and are regulated by both the U.S. Environmental Protection Agency (EPA) and the Hawaii Department of Agriculture. These products provide essential public health benefits by destroying bacteria, fungi and viruses on hard surfaces (*e.g.*, kitchen counters, school lunchrooms) and by controlling control disease-bearing insects and vermin (*e.g.*, cockroaches, mice, rats). Consumer products simply cannot maintain efficacy without the use of these ingredients. Enacting this legislation would therefore take away key tools consumers use to protect their families from the diseases these pest carry.

As a practical matter, VOCs are ubiquitous in nature. For example, the scent of all Hawaii's famous and beautiful flowers is composed of VOCs (*i.e.*, aroma compounds) emitted by flower petals. Furthermore, the pleasant aroma of bread baking is the result of VOCs being released during the leavening process and being enhanced upon baking process.

CSPA member companies share a common goal with you and other legislators: improving air quality and the health of Hawaiians, and all Americans. During the past 30 years, CSPA member companies have spent hundreds of millions of dollars to develop new or reformulated products that are more effective and environmentally sustainable. Our member companies' actions have helped to improve air quality and public health while maintaining our industry's ability to supply affordable products that consumers can rely on to benefit their health, safety and quality of life each and every day.

Currently, almost all consumer and commercial products are subject to federal and state VOC regulations. CSPA member companies continue to work cooperatively with the California Air Resources Board (CARB) and environmental groups to formulate more environmentally sustainable consumer products. Specifically, since 1989, CSPA has been actively engaged as a stakeholder in the numerous rulemaking procedures CARB has conducted to continually revise California's comprehensive and stringent Consumer Products Regulation. See [Cal. Code Regs. Title 17 §§ 94507-17](#).

CSPA member companies also worked cooperatively with the U.S. Environmental Protection Agency (EPA) to develop the current national VOC regulation for consumer products to comply with Section 183(e) of the Clean Air Act. See [40 C.F.R. 59 Subpart C](#).

Finally, CSPA members continue to support state actions to adopt regionally consistent regulations based on the Ozone Transport Commission (OTC) Consumer Products Model Rule. See <http://www.otcair.org/upload/Documents/Meeting%20Materials/OTC%20CP%20Complete.pdf>. Currently, 16 states and the District of Columbia have adopted final regulations based on the OTC Model Rule. These regulations cover more categories of consumer products and generally impose more stringent VOC limits than the current EPA national regulation and are an integral part of the comprehensive regional strategy to reduce ground-level ozone to comply with the federal ozone standard. As you can see, these products are currently effectively regulated at all levels of government.

Thank you for considering our concerns about SB 2109. CSPA and our member companies are eager to start a conversation with you and the distinguished members of the Senate Agriculture and Environment Committee to discuss the important role that VOCs play in the lives of Hawaiians, and why banning their use in consumer products would, at this point, be inadvisable. If you have any questions, please do not hesitate to contact me at pvujovich@cspa.org.

Respectfully,



Peter Vujovich
Director, State Government Relations & Public Policy

Testimony of the
CONSUMER HEALTHCARE PRODUCTS ASSOCIATION
*in **OPPOSITION** to*
SENATE BILL 2109 (GREEN ET AL.)
AN ACT RELATING TO VOLATILE ORGANIC COMPOUNDS
submitted to the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
STATE OF HAWAII
JANUARY 31, 2018

Submitted by: Sean Moore, Director, State and Local Government Affairs

Chairman Gabbard and distinguished members of the Senate Committee on Agriculture and Environment:

I am writing on behalf of the Consumer Healthcare Products Association (CHPA) to respectfully oppose Senate Bill 2109. This bill would inappropriately classify volatile organic compounds (VOCs) as a public health nuisance and direct the Department of Health to take steps to remove or mitigate products containing VOCs.

CHPA is the 136-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 members' products provide millions of Americans with safe, effective, and affordable therapies to treat and prevent many common ailments and diseases. CHPA and its members also take seriously the environmental health and safety profile of consumer healthcare products.

The VOC content of consumer products is already highly regulated. For nearly 30 years, our members have complied with California's stringent regulations on VOC emissions for consumer products. Our members have continuously worked to improve their products to ensure compliance with VOC regulations in several states, as well as those promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to §183(e) of the Clean Air Act.¹

Many consumer healthcare products are marketed nationally; therefore, CHPA is supportive of uniform laws and regulations that ensure air and water quality are protected without imposing unnecessary impediments to interstate commerce. CHPA is concerned with the vague authority and direction provided to the Department of Health in this proposal. It is not clear what metrics will be used to determine whether specific products represent a nuisance, and what steps might be taken to remove from commerce, products that are already highly regulated for safety under several state and federal laws.

For these reasons, we oppose SB 2109. CHPA sincerely appreciate your consideration of our position on this issue, and respectfully urges the committee to defer SB 2109. 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.

¹ See 40 C.F.R. Part 59 Subpart C: <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol6/pdf/CFR-2015-title40-vol6-part59-subpartC.pdf>



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MEMORANDUM

TO: Chair Mike Gabbard and Vice Chair Gil Riviere

CC: Committee Members, Hawaii Senate Committee on Agriculture and Environment

FROM: Jacob Cassady
Director, Government Affairs
American Cleaning Institute®

DATE: January 31, 2018

SUBJECT: **OPPOSE SB 2109** – A bill for an act relating to volatile organic compounds

The American Cleaning Institute’s (ACI) purpose is to serve the growth and innovation of the U.S. cleaning products industry by advancing the health and quality of life of people and protecting our planet. ACI achieves this through a continuous commitment to sound science and being a credible voice for the cleaning products industry.

ACI appreciates the opportunity to provide comment on SB 2109. We believe that an effective system of shared responsibility for end-of-life product management currently exists, which includes all factors in the commercial chain including producers, consumers and government. This system has evolved, and continues to evolve, with shared costs and responsibilities between the parties.

ACI Respectfully Opposes SB 2109

The legislation improperly suggests that household and consumer cleaning products are a nuisance and creates extra burdens for local governments and consumers alike. The inclusion of these cleaning products is unnecessary because the vast majority of cleaning products are water-soluble and are formulated for safe disposal in either municipal or home wastewater treatment systems. Cleaning products do not typically contain ingredients that would harm the environment in the quantities that are disposed of by households.

Additionally, no product can meet the environmental standard of being “not toxic to humans.” Everything is potentially toxic to humans: dose, pathway, and length of exposure are all attributes which must be taken into consideration in determining product safety. Virtually anything, taken in too great a quantity, is toxic.

The cleaning products industry has demonstrated its commitment to manufacturing sustainably while maintaining its social commitment to providing consumers of all economic levels with cost efficient cleaning products leading to improved hygiene.

Thank you for your attention and consideration of these comments. We urge the Committee to consider ACI’s critique of SB 2109 against the decades long commitment our members have had to sustainability. For future reference, my contact information is (202) 662-2900 (direct dial) or via electronic mail at jcassady@cleaninginstitute.org.

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