

STAND. COM. REP. NO. 3850

Honolulu, Hawaii

APR - 8 2022

RE: H.B. No. 1644
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred H.B. No. 1644, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to ban the manufacture, sale, or distribution for sale or use of wraps and liners, plates, food boats, pizza boxes, and firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances.

Your Committees received testimony in support of this measure from Climate Protectors Hawai'i and four individuals. Your Committees received testimony in opposition to this measure from Par Hawaii and one individual. Your Committees received comments on this measure from the Department of Health, Hawai'i Restaurant Association, Island Energy, and American Chemistry Council.

Your Committees find that perfluoroalkyl and polyfluoroalkyl substances, or "PFAS", are "forever chemicals" that persist in the environment and have even been detected in drinking water. PFAS are commonly used in food packaging materials to repel water and grease. When humans ingest foods packaged in materials containing PFAS, PFAS can accumulate in the body, leading to adverse health outcomes. Because other effective and safer options have become affordable, the use of PFAS has become unnecessary. This measure



bans PFAS to protect the environment and human health from their detrimental and toxic effects.

Your Committees note the concerns raised in testimony that a complete ban on the use of PFAS would restrict the ability to utilize highly effective firefighting foams containing PFAS in exigent circumstances and may compromise public health and safety in the event certain fires cannot otherwise be extinguished effectively and in a timely manner using other products. Therefore, amendments to this measure are necessary to limit the prohibition on the use of firefighting foams containing PFAS specifically for testing and training purposes to reduce the unnecessary release and exposure to PFAS, but allow for the continued use of these foams in the event they are necessary for the effective suppression of certain fires, such as petroleum fires.


Your Committees have amended this measure by:

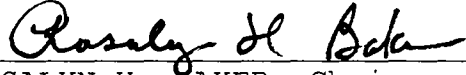
- (1) Clarifying that, beginning July 1, 2024, it shall be unlawful for any person or state or county department or agency to discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally introduced PFAS chemicals;
- (2) Clarifying that, beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for training or testing purposes in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1644, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1644, H.D. 1, S.D. 1.




Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and Ways
and Means,


DONOVAN M. DELA CRUZ, Chair


ROSALYN H. BAKER, Chair

The Senate
 Thirty-First Legislature
 State of Hawai'i


Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:
HB11644 , HD1	AEN, CPN / WAM	04-01-2022
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
BAKER, Rosalyn H. (C)	✓	
CHANG, Stanley (VC)	✓	
DECOITE, Lynn		✓
NISHIHARA, Clarence K.	✓	
RIVIERE, Gil	✓	
SAN BUENAVENTURA, Joy A.	✓	
FEVELLA, Kurt	✓	
TOTAL	6	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 1644, HD1	Committee Referral: AEN, CPN/WAM	Date: 4/1/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MISALUCHA, Bennette E.				X
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
WAKAI, Glenn				X
FEVELLA, Kurt	X			
TOTAL	8			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes