



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on HB1644 HD1
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 2/11/2022 Room Number: 329/Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor’s
2 Executive Budget Request for the Department of Health’s (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** The Department appreciates the opportunity to provide testimony
5 offering comments on HB1644 HD1. The Department supports the intent to prohibit the
6 manufacture, sale, distribution, and use of food packaging and class B firefighting foam that
7 contain per- and poly fluoroalkyl substances (PFASs) in an effort to decrease the public’s
8 exposure to these chemicals. ~~However, the Department has concerns about how the current~~
9 ~~language seeks to achieve such a prohibition through amending Chapter 328, Hawaii Revised~~
10 ~~Statutes (HRS), a statute which directs the Department to ensure that foods, drugs, and cosmetics~~
11 ~~are safe, effective, and properly labeled, and to remove products from sale when necessary to~~
12 ~~protect human health.~~

13 The U.S. Food and Drug Administration (FDA) has considerable information available to the
14 public on PFAS in foods. On December 14, 2021, FDA released “Testing Food for PFAS and
15 Assessing Dietary Exposure”, which related that “PFAS can enter the food chain through
16 environmental contamination or through migration from food packaging.” They also address
17 “the specific types of PFAS that can migrate to food from packaging go through a safety
18 assessment before they are allowed to enter the market to ensure that exposure levels from their
19 intended use are very low and do not pose a health risk”.

1 The Department recognizes the benefit that a prohibition on PFAS containing food packaging
2 products will have on the wastestream. By eliminating these products, the overall persistent
3 environmental contamination from PFASs will be reduced.

4 ~~The Department respectfully requests any prohibition on the use of PFAS be removed from~~
5 ~~amending Chapter 328, HRS. In order to further this important discussion, the Department is~~
6 ~~amendable to amending Chapter 321, HRS.~~

7 **Offered Amendments:** None.

8

9 Thank you for the opportunity to testify on this measure.



Greg Maples, Chairman – Polynesian Cultural Center **Ryan Tanaka, Incoming Chair**- Giovanni Pastrami

Ave Kwok, Vice Chair- Jade Dynasty **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

Sheryl Matsuoka, Executive Director **Chivon Garcia**, Executive Assistant **Holly Kessler**, Director of Membership Relations

Date: February 9, 2022

To: Rep. Aaron Ling Johanson, Chair
Rep. Lisa Kitagawa, Vice Chair
Committee on Energy & Environmental Protection

From: Victor Lim, Legislative Lead

Subj: HB 1644, HD1 Relating to Environmental Protection

The Hawaii Restaurant Association representing 3,400 restaurants supports the intent of HB 1644, HD1 that prohibit the manufacture, sale, distribution, and use of wraps, liners, plates, and pizza boxes that contain PFAS by December 31, 2024.

Due to the Covid-19 Pandemic and shipping challenges globally, our industry has not only been one of the hardest hit economically, we are also facing major obstacles in obtaining food as well as packaging supplies. The manufacturers have not been able to get the needed raw materials on a timely and reasonable costs. Shortages and supply targets are at least a year out if you can get them. Our Restaurant Industry manufacturers have been working very hard to find suitable replacement food packaging. Based on the above facts, please move the effective date to at least end of 2025.

Thank you for giving us this opportunity to share our comments with you.



HB-1644-HD-1

Submitted on: 2/9/2022 8:07:20 PM

Testimony for CPC on 2/11/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Aaron Ling Johanson, Chair, the Honorable Lisa Kitagawa, Vice Chair, and members of the House Consumer Protection and Commerce Committee

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

RE: **Hearing HB1644 HD1 RELATING TO ENVIRONMENTAL PROTECTION**, Friday February 11, 2022 at 2:00 p.m.

Aloha Chair Johanson and Vice Chair Kitagawa:

The **Hawai'i Reef and Ocean Coalition SUPPORTS** this bill as needed to prevent toxic chemicals from entering our environment.

"Forever chemicals" such as PFAS are harmful compounds that never disappear from our environment. They appear in plastic wraps and liners, plates, food boats, and Class B firefighting foams. This bill is an important step toward protecting the environment by removing such "forever chemicals" from packaging and elsewhere.

Please pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

John Bickel, President
Alan Burdick, Vice President
Dave Nagajji, Treasurer
Doug Pyle, Secretary

DIRECTORS

Melodie Aduja
Keola Akana
Juliet Begley
Stephanie Fitzpatrick
Jan Lubin
John Miller
Jenny Nomura
Stephen O'Harrow

MAILING ADDRESS

Bill South
Zahava Zaidoff
P.O. Box 23404
Honolulu
Hawaii 96823

February 10, 2022

TO: Chair Johanson and Members of the CPC Committee

RE: HB 1644 HD1 Relating to Environmental Protection

Support for hearing on February 11

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support this bill as it would 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. PFAS chemicals have been linked to cancer, birth defects, and other serious health problems. Due to these risks, seven states (California, Connecticut, Maine, Minnesota, New York, Vermont, and Washington) have already banned PFAS in food packaging. There are safer alternatives to PFAS which have proven to be just as effective at repelling water and grease.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



2/9/2022

CPC Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Johanson, Vice Chair Kitagawa and Members of the House Committee on Consumer Protection & Commerce,

Position: Support HB1644.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider Foundation maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Per- and polyfluorinated alkyl substances (PFAS) are a group of more than 4,700 chemicals that are very widespread and dangerous. Manufacturers use PFAS to make grease-resistant food packaging, non-stick cookware, and stain-resistant fabrics. Some single-use molded paper products, such as plates and bowls, use PFAS to provide a grease and moisture barrier so that oils and liquids don't seep through the products. PFAS in food packaging and wrappers can contaminate the food it comes into contact with and leach into the water supply when it is disposed of in landfills.

PFAS chemicals have been linked to cancer, birth defects, and other serious health problems. Due to the significant public health risk associated with PFAS chemicals, seven states (California, Connecticut, Maine, Minnesota, New York, Vermont, and Washington) have already banned PFAS in food packaging. Safer alternatives to PFAS have proven to be just as effective at repelling water and grease.

Across Hawai'i, we have made significant progress towards reducing single-use plastics. Surfrider Foundation has strongly supported and championed these efforts. However, we must now ensure that we are replacing those single-use plastics with alternatives that are safe for both the environment and public health.

Thank you for your consideration of this testimony in support of HB1644, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

HB-1644-HD-1

Submitted on: 2/9/2022 2:32:04 PM

Testimony for CPC on 2/11/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Fern Anuenue Holland	Individual	Support	No

Comments:

Mahalo for hearing this bill! I support!

HB-1644-HD-1

Submitted on: 2/9/2022 3:59:48 PM

Testimony for CPC on 2/11/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cara Oba	Individual	Support	No

Comments:

Chair Johanson and members of the CPC committee,

I shared this testimony with the EEP committee and it pertains directly to my safety as a consumer to persistent chemical pollutants so I will share my comments again.

Seeing this bill brings great hope and relief to me and my family. After learning about PFAS, we were horrified to not have any knowledge as a consumer as to what was safe and what was not with regards to PFAS exposure due to use in food packaging. We personally can avoid fire-fighting foams and recognize our exposure to waterproofed materials but having it in contact with our foods without knowing or accepting that risk is another level of concern and is simply not acceptable. This bill would offer us some level of protections in reducing our exposure/risk. Eliminating the PFAS/PFOS/PFOA fire fighting foams is something we fully support as that is equivalent to an uncontrolled release of incredibly damaging toxins into the environment that can easily make it's way into our waterways. We also want to protect the health of our fire fighters who are likely to have the most exposure.

We know that this bill doesn't eliminate PFAS from entering our environment as studies have found that mutiple products have tested positive for PFAS despite it not being part of the intentional design or manufacture but this is a start. From our perspective, this is a high impact place to start in lessening some of the higher direct risks as consumers/citizens and simultaneously putting pressure on manufacturers to push for alternatives. Companies have already acknowledged the damaging effects and are moving to find alternatives but have been dragging their feet to fully commit to phasing it out. If consumers can put pressure on product manufacturers, the product manufacturers will put pressure on the chemical producers. We need to push for faster change and find alternatives. These are forever chemicals and they will continue to accumulate in our environment and our bodies. The only action available to us is to avoid their use. We can start now. This directly impacts the health and safety of every single person. My family strongly supports this bill.

Thank you for allowing me to share my thoughts.

HB-1644-HD-1

Submitted on: 2/9/2022 6:01:47 PM

Testimony for CPC on 2/11/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

We will not Accept this. this is just more False Crap from the Clime Idiots and none of this Exist .

We the People need to put an End to this Crap Now. We will be Getting ride of anyone Conected to this Bull Shit.

HB-1644-HD-1

Submitted on: 2/9/2022 10:46:08 PM

Testimony for CPC on 2/11/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
chris c.	Individual	Support	No

Comments:

Dear Chair Johanson, Vice Chair Kitagawa and Committee Members,
I support HB 1644 HD1.



LATE

February 11, 2022

To: The Honorable Aaron Ling Johanson, Chair
Members, House Committee on Consumer Protection & Commerce

From: Tim Shestek
Senior Director, State Affairs

Re: **HB 1644 HD 1 – Comments; Amendment Request**

The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments on HB 1644 HD1.

PFAS are a diverse group of chemistries characterized by the strong bond between fluorine and carbon. Because of this strong bond, PFAS provides products with strength, durability, stability and resilience. These properties are critical to the reliable and safe function of a broad range of products that are important for industry and consumers, such as the cellphones, tablets and telecommunications systems we use every day to connect with our friends and family; the aircraft that power the U.S. military; solar panels and turbines critical to alternative energy development; and medical devices and technology that help keep us healthy.

PFAS include a variety of different chemicals with different properties and characteristics. Therefore, the hazard and risk profiles of various PFAS are different. ACC supports a comprehensive approach to managing PFAS substances that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

As you consider HB 1644 HD1, ACC respectfully requests the following amendment:

Proposed Amendment

§321- Class B firefighting foam; prohibited items. (a) 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.

(b) Beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for training or testing purposes use in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals.

(c) This section shall not apply to the manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals is required by federal law or regulations; provided that if applicable federal law or regulations are amended after the effective date of this Act to allow the use of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal law or regulation.

* * *

Background

Class B firefighting foams that contain intentionally added PFAS - sometimes referred to as aqueous film forming foams (AFFF) - serve a vital role in controlling combustible and flammable liquid fuel fires commonly found at military bases, airport operations, storage tanks, and petroleum/chemical operations. The ability of foam to rapidly extinguish



flammable liquid fires has undoubtedly saved many lives, reduced property loss, and helped minimize the global pollution that can result from the uncontrolled burning of flammable liquids.

While “fluorine-free foams” are available and can provide an alternative to fluorinated foams in some applications such as spill fires and smaller tank fires, they do not uniformly meet necessary performance requirements for a significant fire event that may occur at an oil refinery or a large tank farm, given the different flammable liquids being managed. The chemistries within AFFF provide fuel repellency and heat stability, allow for rapid extinguishment, burnback resistance, and protection against vapor release, which help to prevent re-ignition and protect firefighters working in the area as part of the rescue and recovery operations.

Fire test results presented at international fire protection conferences in 2011, 2013, 2015 and 2016, including some performed by the Naval Research Labs (NRL), all show that fluorinated foams are significantly more effective at extinguishing flammable liquid fires than fluorine-free foams. In a recent trade publication (Jan’19), an NRL scientist said fluorinated foams “outperform fluorine-free foams by a factor of four to five” by containing the fire and suppressing vapors that can reignite. Similar conclusions were reached by a National Fire Protection Association report.¹

Chemical manufacturers and downstream users of AFFF recognize the need to ensure release of these chemistries into the environment is minimized to the greatest extent possible. There are alternative fluids and methods currently available that make it possible in many cases to eliminate the use of AFFF foams for training, which represent the majority of foam use and discharges.

ACC supports current best practices that call for the containment and treatment of foam discharges during training and testing and would certainly support similar provisions in HB 1644 HD 1. Given that large scale high hazard Class B fires are actually rare, adopting training and testing restrictions have the potential to significantly reduce discharges of PFAS to the environment from foam.

ACC appreciates recent amendments that extend the implementation date to July 1, 2024. However, we urge you to limit the prohibition on the use of firefighting foams that contain intentionally added PFAS specifically for testing and training purposes but allow for the continued use of these foams in the event they are necessary for a large scale, real-world fire incident.

Adoption of our suggested amendment would allow fire fighters and high hazard facilities to reduce unnecessary releases into the environment during training and testing while also ensuring the most effective firefighting foams are available to protect the community, workers, emergency responders and property in the event of a significant incident.

Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC’s Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at ryamasaki@808cch.com

¹ National Fire Protection Association Research Foundation. *Evaluation of the fire protection effectiveness of fluorine free firefighting foams*, January 2020