



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB1644 HD1
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 2/25/2022

Room Number: 308/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.

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

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

19 **Offered Amendments:** None.

1

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



AMERICANS FOR DEMOCRATIC ACTION

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P.O. Box 23404
Honolulu
Hawaii 96823

February 23, 2022

TO: Chair Luke and Members of the Finance Committee

RE: HB 1644 HD1 Relating to Environmental Protection

Support for hearing on February 25

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



2/23/2022

FIN Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Luke, Vice Chair Yamashita, and Members of the House Committee on Finance,

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 Hawaii, 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 Hawaii 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
Hawaii Regional Manager
Surfrider Foundation



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 23, 2022

To: Rep. Sylvia Luke, Chair
Rep. Kyle T. Yamashita, Vice Chair
Committee on Finance

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 most packaging supplies. The manufacturers have not been able to get the needed raw materials on a timely basis with 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 the beginning of 2026..

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





House Committee on Finance
Chair Sylvia Luke, Vice Chair Kyle Yamashita

February 25, 2022, 1:30 p.m., Conference Room 308 via videoconference

HB 1644 HD1 -- RELATING TO ENVIRONMENTAL PROTECTION

TESTIMONY

Nancy Davlantes, Legislative Committee, League of Women Voters of Hawaii

Chair Luke, Vice Chair Yamashita, and Committee Members:

The League of Women Voters of Hawaii supports HB 1644 HD1, which 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.

Hawaii can be proud of its efforts to ban single-use plastics, but we can't pat ourselves on the back until we are assured that whatever replaces the banned plastics doesn't contain harmful chemicals. Per- and polyfluorinated alkyl substances (PFAS) are widely used in the packaging industry, but the chemicals can contaminate food they come into contact with and eventually leach into the water supply after disposal. Even worse, they have been linked to cancer, birth defects, and other serious health problems.

There are safer alternatives to PFAS, and we must take every effort to find and to use them as we strive to reform our long-held practices of using single-use plastics.

Old habits are tough to break, but we can be up to the challenge. Our environment demands it.

Thank you for the opportunity to submit testimony.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 25, 2022
HB 1644 HD2 Relating to Environmental Protection**

Good afternoon, Chairperson Luke and members of the House Committee on Finance. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to HB 1644 HD1 Relating to Environmental Protection. This measure bans 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. Effective 7/1/2100

Bans are not the simple answer. We need to maintain a fair balance regarding food service containers and other products.

Businesses respond to the wants of the customers that patronize their establishments all while operating on a very thin profit margin. Measures like this would call for most brands of microwave popcorn,

Businesses look for cost effective food containers that ensure that products are durable enough to protect people from spills and burns as well as keep food protected and fresh longer by sustaining appropriate temperature.

A mere substitution of perfluoroalkyl and polyfluoroalkyl sustenance type containers, wraps, liners, plates, food boats and pizza boxes is not a simple answer. The replacement products are more expensive. This topped with supply chain issues and shipping has slowed getting products to Hawaii. Retailers, warehouses, and manufacturers located across the U.S. and internationally continue to face low inventory levels due to supply chain disruption. In 2020 and 2021 we saw many manufactures locally, nationally, and internationally going out of business or having a hard time finding employees. We are seeing shipping delays that are now 3-6 months out. We also saw how the consumer price index climbed over 7% in 2021 (the largest 12-month gain since June 1982, according to US Labor Department) and how the prices have increased because of this.

Restaurants and Retailers were the 2 hardest hit industries during this ongoing pandemic. The majority have not recovered, hold a lot of debt and are struggling to keep their doors open. Now is not the time to place more of a financial burden on businesses who are already down.

We urge you to hold this measure. Mahalo again for this opportunity to testify.

HB-1644-HD-1

Submitted on: 2/23/2022 11:07:26 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

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

Comments:

The Honorable Sylvia Luke, Chair and Members of the House Committee on Finance

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

Re: Hearing **HB1644 HD1 RELATING TO ENVIRONMENTAL PROTECTION.**

Hearing: Friday, February 25, 2022, 1:30 p.m., CR 308 and by videoconference

Aloha Chair Luke and Members of the House Committee on Finance:

The Hawaii Reef and Ocean Coalition (HIROC) was formed in 2017 with coral scientists, educators, legislators, filmmakers and advocacy groups to protect coral reefs and marine life. **The Hawaii Reef and Ocean Coalition SUPPORTS HB1644 HD1.**

"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)



February 24, 2022

To: The Honorable Sylvia Luke, Chair
Members, House Committee on Finance

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

HB-1644-HD-1

Submitted on: 2/23/2022 2:34:12 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Douglas Perrine	Individual	Support	No

Comments:

HB1644 proposes to ban some of the most persistent and health-damaging chemicals currently polluting our environment and our own bodies. We cannot get rid of these substances quickly enough!

HB-1644-HD-1

Submitted on: 2/23/2022 3:27:07 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

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

Comments:

Dear Chair Luke, Vice Chair Yamashita and Committee Members,

I support House Bill 1644 HD1.

HB-1644-HD-1

Submitted on: 2/23/2022 5:33:31 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

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

Comments:

THERE IS NOTHING WRONG WITH THESE PRODUCTS . BUT THERE IS SOMETHING SERIOUSTLY WRONG WITH OUR GOVERNMENT!

All of you Need to Go!!

HB-1644-HD-1

Submitted on: 2/23/2022 8:07:48 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carl J. Berg	Individual	Support	No

Comments:

PFAS, forever chemicals must be taken out of all contact with our foods. Studies have shown that many of us are already contaminated. The long term health effects are unknown, but animal studies are terrifying.

HB-1644-HD-1

Submitted on: 2/23/2022 8:30:05 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ana Velasquez	Individual	Support	No

Comments:

Dear Chair Luke, Vice Chair Yamashita, and Members of the House Committee on Finance,

My name is Ana Velasquez, I am a marin biology student at the university of Hawai'i at Mānoa and I am testifying in strong support of HB1644.

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. And I have 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.

Sincerely,

Ana Velasquez

HB-1644-HD-1

Submitted on: 2/23/2022 10:37:08 PM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sherry Pollack	Individual	Support	No

Comments:

I support HB 1644 HD1 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. Seven states (California, Connecticut, Maine, Minnesota, New York, Vermont, and Washington) have already banned PFAS in food packaging. Let's be the next! There are safer alternatives to PFAS which have proven to be just as effective at repelling water and grease.

Please PASS HB1644 HD1. Mahalo for the opportunity to testify on this important measure!

HB-1644-HD-1

Submitted on: 2/24/2022 10:06:34 AM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sanne Berrig	Individual	Support	No

Comments:

Testifying as a private citizen, I strongly **support** this bill which bans the manufacture, sale, distribution, and use of wraps, liners, plates, food boats, pizza boxes, and firefighting foams that contain PFAS.

The science is very clear - these persistant chemicals are bad for humans, bad for the environment.

Mahalo nui,

Sanne Berrig

HB-1644-HD-1

Submitted on: 2/24/2022 11:20:32 AM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support

HB-1644-HD-1

Submitted on: 2/25/2022 10:35:13 AM

Testimony for FIN on 2/25/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nicole Larson	Individual	Support	No

Comments:

PFAS are known as forever chemicals. The state is requiring businesses to pay 3x the cost for fiberware that is "compostable", knowing it doesn't get composted because we on't have any commercial composting facilities that take anything beyond green waste. Even worse though, is the idea that we even would compost the fiberware. Most of it, without the BPI label, has PFAS and PFOAS, which are known to have many dangerous carcinogens that would become part of our soil and food systems if we were to actually compost it. This is not a good idea.

Our state's future depends on making smart choices to mitigate climate change immediately. A return to the old ways, employing circular economies such as reusable items and togoware, would be a great way to increase climate resiliency. In the mean time, please ban the PFAS and PFOAS from our foodware, we really don't want or need it.