



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of SB2290 SD1  
RELATING TO MICROBEADS**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: 3/15/2022

Room Number: CR325/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 supports this measure. This measure seeks to amend  
5 Hawaii Revised Statutes (HRS), Chapter 321 by requiring a phase-out and ultimate prohibition  
6 on the manufacture and sale in Hawaii of personal care products and non-prescription drugs  
7 containing plastic microbeads five millimeters in size or smaller. The Department is aware that  
8 the accumulation and possible impacts of microplastic particles in the marine environment is  
9 recognized as an important environmental issue and supports efforts to decrease microplastic  
10 pollution in Hawaii's waters to protect our marine environment. Banning personal care products  
11 with plastic microbeads, not regulated under the federal Microbead-Free Waters Act of 2015, is a  
12 small step towards achieving this overall goal.

13

14 **Offered Amendments:** None.

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

**SB-2290-SD-1**

Submitted on: 3/12/2022 9:55:23 AM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Navarra	Zero Waste Hawaii Island	Support	Written Testimony Only

Comments:

Please pass this measure to protect marine life, human health and the environment. These tiny plastic particles enter our streams and ocean when they get washed down the drain, further contaminating the environment with tiny plastic particles.

**SB-2290-SD-1**

Submitted on: 3/13/2022 6:59:32 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Culbertson	Hawaii Island 'Reef Keepers' Hui	Support	Written Testimony Only

Comments:

Aloha Senators!

Yes!!

As we (and the fish) are literally swimming in this stuff already, we need to take positive action to curtail the availability of these products which proliferate due to a lack of awareness.

Mahalo for your time and attention!

R A Culbertson

(for Hawaii Island 'Reef Keepers' Hui)

Honokaa

**SB-2290-SD-1**

Submitted on: 3/13/2022 8:26:56 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	Remotely Via Zoom

Comments:

To: The Honorable Nicole Lowen, Chair, the Honorable Lisa Marten, Vice Chair, and Members of the House Committee on Energy and Environmental Protection

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

Re: Hearing SB2290 SD1 RELATING TO MICROBEADS.

Tuesday March 15, 2022, 9:00 a.m., by videoconference

Aloha Chair Lowen, Vice Chair Marten, and Members of the House Committee on Energy and Environmental Protection!

Position: **Hawai'i Reef and Ocean Coalition Strongly Supports SB2290 SD1!**

The Hawai'i Reef and Ocean Coalition (HIROC) is very concerned about protecting coral reefs and other marine species from the many harmful effects that plastic microbeads have on marine life. The Hawai'i Reef and Ocean Coalition **strongly supports** SB2290 SD1 to reduce plastic microbead pollution in Hawai'i waters.

The plastic microbeads that are in many personal care products are harmful to coral and marine life. Plastic microbeads can enter the ocean by the billions. They come off the skin of swimmers, and even more enter the ocean through the sewer system after they are eventually washed off in the shower, as they are too small to be filtered out by most treatment facilities. They are especially harmful because they can often absorb chemicals and toxins found in water along the way and are then ingested by marine life, passing up through the food chain, even to the humans who eat seafood.

The purpose of this bill is to reduce the harm to corals and marine species by phasing in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads.

This bill applies to "leave-on" personal care products that contain plastic microbeads; "rinse-off" cosmetics are regulated under the federal Microbead-Free Waters Act of 2015. Public Law 114-114. SB2290 SD1 properly amends the definition of "personal care products" to add products related to hygiene, skin care, and sun protection to the existing products for cleansing,

beautifying, promoting attractiveness, or altering appearance. The bill defines "plastic microbead" as a plastic particle that is less than 5 millimeters in size.

This bill is needed to reduce plastic microbead pollution that harms corals and other marine species in Hawaii's ocean. Please pass this bill!

Mahalo!

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



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 15, 2022  
SB 2290 SD1 RELATING TO MICROBEADS**

Good morning, Chairperson Lowen and members of the House Committee on Energy and Environmental Protection. 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 SB 2290 SD1 Relating to Microbeads. Beginning 7/1/2022, this measure bans the manufacture of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2023, bans the sale or offer for sale of a personal care product, except a non-prescription drug, that contains plastic microbeads. Beginning 7/1/2024, bans the sale or offer for sale of a non-prescription drug that contains plastic microbeads. Specifically exempts rinse-off cosmetics that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015. Effective 7/1/2050.

Retailers are concerned about our environment. **We are unclear exactly what types of products this bill is trying to address. It is our understanding that there is already federal legislation in place with The Microbead-Free Waters Act of 2015.** This Federal law has been in effect since 2017 prohibits the manufacturing, packaging, and distribution of products containing plastic microbeads. This federal law also states that

*Under the new law, state or local authorities are not allowed to enact laws or continue to enforce laws that:*

- *restrict the manufacture of rinse-off cosmetics that contain plastic microbeads, or*
- *restrict the introduction or delivery of such products into interstate commerce, unless the state or local restrictions are the same as those of the new federal law that have taken effect.*

Mahalo for this opportunity to testify.



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**SB-2290-SD-1**

Submitted on: 3/14/2022 8:54:23 AM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Bishop	Friends of Hanauma Bay	Support	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice-Chair Marten, and EEP Committee members,

Mahalo for the opportunity to testify in SUPPORT of SB2290 SD1 that will help protect fragile marine wildlife and seabirds from the scourge of plastic microbeads.

Mahalo for passing SB2290 SD1!

With aloha,

Lisa Bishop

President

Friends of Hanauma Bay

**SB-2290-SD-1**

Submitted on: 3/14/2022 10:52:12 AM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maxx Phillips	Center for Biological Diversity	Support	Written Testimony Only

Comments:

The Center writes in support of Senate Bill 2290 SD 1, which would ban plastic Microbeads in personal care products. Please pass this bill as it is essential to marine and human life health.

Mahalo,

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center *for* Biological Diversity

1188 Bishop Street, Suite 2412

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**Derek Kurisu**, KTA Superstores, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*  
**Joe Carter**, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Energy and Environmental Protection  
Rep. Nicole E. Lowen, Chair  
Rep. Lisa Marten, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: March 15, 2022  
TIME: 9am  
PLACE: Via Videoconference

RE: SB2290 SD1 Relating to Microbeads

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.

HFIA is in opposition to this measure. It's unclear what products this measure is intended to regulate. Microbeads were used in certain personal care products, also known as rinse-off cosmetics, until they were phased out by the Microbead-Free Waters Act of 2015.

On the FDA information page about the Act it notes that:

“Under the new law, state or local authorities are not allowed to enact laws or continue to enforce laws that:

- restrict the manufacture of rinse-off cosmetics that contain plastic microbeads, or
- restrict the introduction or delivery of such products into interstate commerce,

unless the state or local restrictions are the same as those of the new federal law that have taken effect.”

The text of the measure states that “The legislature notes that nothing in this Act shall be construed to apply to rinse-off cosmetics and rinse-off cosmetics that are also non—

prescription drugs, as these products are exclusively regulated by the federal government pursuant to the federal Microbead—Free Waters Act of 2015.” However, it fails to explain what products it does intend to regulate. It does not clarify whether or not products that would meet the definition of personal care products contained in the bill, and which contain microbeads, but are not regulated by the FDA even exist. If such products exist this measure does not indicate what these products are, what they’re used for, and if they are manufactured or sold in Hawaii presently.

For these reasons we ask that the measure be held. We thank you for the opportunity to testify.

**SB-2290-SD-1**

Submitted on: 3/12/2022 12:32:35 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rep. Nicole Lowen and Vice-Chair Rep. Lisa Marten

I am in full support of SB 2290 SD 1 banning plastic Microbeads in personal care products.

Mahalo

**SB-2290-SD-1**

Submitted on: 3/13/2022 11:16:11 AM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

Microbeads in personal products effect one more way that microplastics get into our environment and contribute to malnutrition of sea creatures. when used in personal products they are washed away into the water system and on their way to the ocean. They may look like plankton, but they provide no nourishment. Microbeads must be eliminated from personal products and thus from the ocean.

**SB-2290-SD-1**

Submitted on: 3/13/2022 5:05:25 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Committee Members,

SB2290, as amended is now a good bill that can help protect marine life from the scourge of plastic microbeads. Please support this measure and move it forward.

Mahalo,

Diane Ware, Volcano HI 96785

**SB-2290-SD-1**

Submitted on: 3/13/2022 6:04:17 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sophia Daniel	Individual	Support	Remotely Via Zoom

Comments:

Aloha House Representatives,

I hope all is well. I am Sophia, a second year student and Ecology Club President at Kapi'olani Community College. Please support SB2290 to ban microbeads in personal care products and non-prescription drugs. The small beads can range in different colors such as blue or red and are in hand sanitizer, face and body soaps, pillows, toothpaste and more. Microbeads pollute our land, ocean and harm every living species through the process an individual bead goes on. The bead will go down a sink, shower or storm drain as well as land in the ocean due to wind, passing through storm drain cleaning systems and immediately entering the ocean. When a species digests a bead or beads, this affects species and human health, as the beads absorb bacteria, dirt and oil while moving in the ocean. Human beings also eat seafood, therefore, we are consuming these beads. Economically, personal care products are used up quickly, as there is less of the product due to the microbeads taking up space, causing the consumer to purchase the product often. The beads are also commonly advertised to 'exfoliate' the skin and do not whatsoever.

Thank you for your time and consideration. I hope you have a wonderful week!

Sincerely,

Sophia Daniel

**SB-2290-SD-1**

Submitted on: 3/14/2022 7:59:06 AM

Testimony for EEP on 3/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sanne Berrig	Individual	Support	Written Testimony Only

Comments:

Testifying as a private citizen who works in the environmental field on Hawai'i Island, I **support** this bill. We *must act now* in order to begin to turn around the damage we have done and continue to inflict on the environment, especially the oceans.

Please **support** this measure.

Respectfully,

Sanne Berrig