

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

**Testimony in SUPPORT of SB0504-HD1
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE MARK NAKASHIMA, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 3/21/2023 Room Number: 329

- 1 **Fiscal Implications:** This measure will 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 which seeks to expand on
5 2022's Act 152 extending prohibitions on the manufacturing, distribution, and use of products
6 containing per- and poly-fluoroalkyl substances (PFAS). This measure expands the prohibition
7 to additional types of food containers, food service ware, cosmetics and personal care products
8 and its implementation would likely decrease the overall burden of PFAS contamination in
9 Hawaii's environment.
- 10 The Department supports this measure which seeks to expand on 2022's Act 152 extending
11 prohibitions on the manufacturing, distribution, and use of products containing per- and poly-
12 fluoroalkyl substances (PFAS). This measure expands the prohibition to additional types of food
13 containers, food service ware, cosmetics and personal care products and its implementation
14 would likely decrease the overall burden of PFAS contamination in Hawaii's environment.
- 15 While the Department supports this measure, implementation and enforcement may be difficult.
16
- 17 Thank you for the opportunity to testify on this measure.



MAKAKILO/KAPOLEI/HONOKAI HALE NEIGHBORHOOD BOARD NO. 34

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

RESOLUTION

SUPPORTING THE PROTECTION OF O‘AHU’S WAI (DRINKING WATER) FROM PFAS

WHEREAS PFAS, or perfluoroalkyl and polyfluoroalkyl substances, are widely used, long lasting chemicals, components of which break down very slowly over time and are commonly referred to as “forever chemicals”; and

WHEREAS PFAS are persistent, toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on humans; and

WHEREAS PFAS are utilized in a broad range of products, including firefighting foam, clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara; and

WHEREAS recently low levels of perfluoropentanoic acid (PFPeA) a type of PFAS has been detected at Makakilo Well, low levels of perfluorohexanoic acid (PFHxA) a type of PFAS has been detected at the Waipahu Wells II Granular Activated Carbon (GAC) Treatment Facility, and low levels of PFAS has been detected at the Kunia Village water system’s Del Monte Kunia 3 well; and

WHEREAS a spill of approximately one thousand three hundred gallons of toxic PFAS-containing firefighting foam occurred at Kapūkakī (Red Hill) in September and November of 2022; and

WHEREAS PFAS is not a regulated drinking water contaminant in Honolulu; and

WHEREAS scientific studies have shown that exposure to some PFAS in the environment may be linked to harmful health effects in humans and animals including kidney and testicular cancer, liver problems, high cholesterol, endocrine disruption, fertility problems, and decreased birth weight and immunosuppression; and

WHEREAS the Hawaii State Legislature passed in 2022, Act 152, which prohibits by the end of 2024, PFAS in certain types of food packaging and firefighting foam and this is a great step towards protecting our wai from PFAS but does not go far enough; now, therefore,

BE IT RESOLVED that the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 supports the protection of Oahu’s wai (drinking water) from PFAS; and

BE IT RESOLVED that the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 urges the Hawaii State Legislature to pass SB504 (2022) – Relating to Environmental Protection whose purpose is to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains PFAS, or similar such legislation to protect Oahu’s wai (drinking water) from PFAS.

Adopted by Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 at its Wednesday, February 22, 2022, Regular Board Meeting; 5-0-1.





**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 21, 2023**

Re: SB 504 SD1 HD1 RELATING TO ENVIRONMENTAL PROTECTION

Good afternoon, Chair Nakashima members of House Committee on Consumer Protection & Commerce. 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 and is a statewide, not for profit trade organization committed to supporting 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, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We oppose to SB 509 SD1 HD1 Relating to Environmental Protection. This measure beginning 12/31/2026, prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

It is our understanding that the FDA authorizes the use of perfluoroalkyl and polyfluoroalkyl in not only food contact applications but cosmetics as well.

“The FDA has authorized specific PFAS for use in specific food contact applications. Some PFAS are used in cookware, food packaging, and in food processing for their non-stick and grease, oil, and water-resistant properties. To ensure food contact substances are safe for their intended use, the FDA conducts a rigorous review of scientific data prior to their authorization for market entry. The FDA’s authorization of a food contact substance requires that available data and information demonstrate that there is a reasonable certainty of no harm under the intended conditions of use.” FDA website

There are tens of thousands of variations of

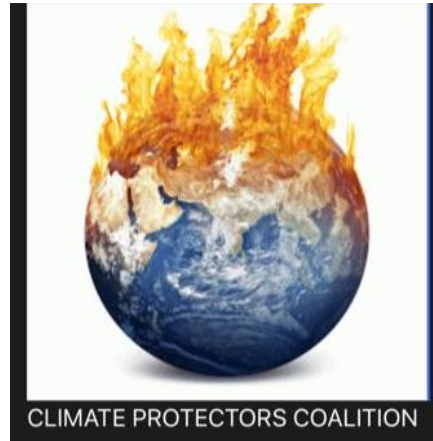
There have been few studies on the presence of PFAS in cosmetics. Those studies that have been published found the concentration of certain PFAS in cosmetics—as impurities or as ingredients—ranged from the parts per billion level to the 100s of parts per million range. There is also limited research on whether PFAS in cosmetics are absorbed through the skin at levels that could be harmful to human health. A 2018 by Denmark’s Environmental Protection Agency, the only risk assessment that has evaluated PFAS in cosmetics, was conducted on certain PFAS unintentionally present in cosmetics. The study focused on five different types of PFAS impurities that were detected in the largest number of different cosmetic products. **The researchers determined that the levels of PFAS in the individual products tested are unlikely to pose a health risk for consumers.** <https://www2.mst.dk/Udgiv/publications/2018/10/978-87-93710-94-8.pdf>

This measure would also ban many cosmetic and personal care products that include but not limited to:

- **Long Wear & Waterproof Makeup**
- **Anti-Wrinkle Cream**
- **Dental Floss**
- **Mascara**
- **Foundation**
- **Lipstick & Lip Balm**
- **Eye Shadows & Liner**
- **Nail Polish**
- **Lotions & Sunscreens**
- **Hand Soap**
- **Deodorant**
- **Shower Gel**
- **Perfume**
- **Menstrual Underwear**
- **Shampoo & Conditioner**
- **Hairstyling Gel**
- **Mouthwash**
- **Toothpaste**
- **Cleansers**
- **Shaving Cream**
- **And More.**

By banning these products that the FDA deems safe, the choices that consumers in Hawaii have will shrink considerably. Many products will no longer be available to purchase to Hawaii’s consumers. Small local retailers who do not have mainland locations will be forced to take a loss on the products if they must sell them at a deep discount or discard them to make the deadline. Business with contracts may have to pay an early cancellation fine to the distributors. Local consumers would then turn to the internet to order their favorite banned products online. Or find a way for a friend or family member to purchase them from military facilities where there are no taxes charged. Or purchase it through the black market where personal care products and cosmetics are one of the sought-after items to steal by retail organized crime.

We ask you to hold this bill. Mahalo again for this opportunity to testify.



To: The Honorable Chair Mark Nakashima, the Honorable Vice Chair Jackson Sayama, and Members of the Committee on Consumer Protection and Commerce

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: Hearing SB504 SD1 HD1 RELATING TO ENVIRONMENTAL PROTECTION

Hearing: Tuesday March 21, 2023, 2:00 p.m., room 329

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection and Commerce:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about PFAS "forever chemicals" in the marine environment.

The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate. Climate Protectors Hawai'i is deeply concerned about PFAS "forever chemicals" in the environment.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT SB504 SD1 HD1!**

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances. PFAS are often called "**forever chemicals**" because they do not naturally break down in the environment and **can continue to pollute the environment for thousands of years**. PFAS can contaminate drinking water, bioaccumulate in fish and wildlife, and have **multiple adverse health effects on animal and human populations including cancer, reproductive and developmental harm, thyroid disruption, impaired immune function, increased cholesterol levels, and vital organ damage**.

PFAS are utilized in a broad range of products, including **clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara**. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

As an island state, when **these forever chemicals** are brought in the State, they **never leave**. Instead, they make their way into residents' bodies and the State's wastewater, landfills, and eventually groundwater and the drinking water supply. Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health. **Banning products known to contain these forever chemicals is required**.

This Act would **prohibit** the manufacture, sale, offer for sale, distribution for sale, and distribution for use of **any food packaging, food service ware, cosmetic, or personal care product that contains PFAS, with certain exceptions**. This is an important measure to protect human health and the environment in Hawai'i.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill to reduce the presence of PFAS "forever chemicals" in Hawai'i.

Please pass this bill! Mahalo!

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

SB-504-HD-1

Submitted on: 3/18/2023 9:02:38 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Kauai Climate Action Coalition (KCAC)	Support	Written Testimony Only

Comments:

Having read the excellent article on PFAS and PFOS in the Honolulu Civil Beat: "Forever Chemicals Have Been Found In Hawaii's Environment. Now What? <https://www.civilbeat.org/2023/03/forever-chemicals-have-been-found-in-hawaiiis-environment-now-what/>" we can only hope that this bill will be sufficient to effect change. It is desperately needed!



March 21, 2023

TO: Mark M. Nakashima, Chair
Members, House Committee on Consumer Protection & Commerce

FR: Tim Shestek
Senior Director, State Affairs

RE: **SB504 SD1 HD1 Relating to Environmental Protection. – OPPOSE**

The American Chemistry Council (ACC) appreciates the opportunity to submit the following comments relative to SB504 SD1 HD1 legislation pertaining to perfluoroalkyl and polyfluoroalkyl (PFAS) substances in food packaging, food service ware, cosmetics, and personal care products.

ACC supports a comprehensive approach to managing PFAS substances that helps to ensure protection of human health and the environment. We appreciate recent changes that have been incorporated into the latest version, however we continue to have concerns. ACC looks forward to working with you and the Legislature to ensure this legislation is science-based and implementable.

Background

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 smartphones, tablets, and telecommunications systems; aircraft; solar panels and turbines critical to alternative energy development; and medical devices.

PFAS includes a variety of different chemicals with different properties and characteristics. Therefore, the hazard and risk profiles of various PFAS are different. According to the US EPA, “approximately 600 PFAS are manufactured (including imported) and/or used in the United States.” Among these 600 are substances in the solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) and gaseous (e.g., hydrofluorocarbon refrigerants) forms. The fundamental physical, chemical, and biological properties of solids, liquids and gases are clearly different from one another. The very distinct physical and chemical properties of the three types of commercial PFAS described demonstrate how varied they are and how a broad definition of PFAS could have significant impacts to manufacturers of a variety of different products.

Definition of PFAS

SB504 SD1 HD1 incorporates by reference a very broad definition of PFAS as contained in HRS [§321-601]. This definition would capture legacy substances such as PFOA and PFOS (substances that have been phased out of production in the US), newer “short-chain” chemistries (currently subject to review by US EPA), fluoropolymers (which have well-established safety profiles and meet internationally recognized criteria developed to identify polymers of low concern for potential risk to human health or the environment), as well as gasses and liquids that are used as refrigerants and aerosol propellants in products like medical inhalers.

To avoid potential unintended impacts for critical uses and to ensure the focus of any restriction is on the substances of the greatest concern, ACC suggests the bill include the following definition of PFAS:



“For purposes of this section, PFAS means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that contain at least two fully fluorinated sequential carbon atoms, excluding gasses and volatile liquids.”

Compliance Threshold Needed

The current bill language places a prohibition on any “food packaging, food service ware, cosmetic, or personal care products that **contains** PFAS.” (Emphasis added). Additional clarity is needed as advancements in analytical chemistry could detect molecules at the parts per million or parts per trillion levels. Without additional specificity, inadvertent contaminants in the manufacturing process could be detected and therefore impose a compliance requirement that may be impossible for manufacturers to meet.

ACC suggests the bill include a definition of “intentionally added” substances to provide needed certainty for product manufacturers.

“Intentionally Added” means PFAS deliberately added to a product or a product component where the continued presence of the substance or the intentional breakdown products of the added substance is intended to have a functional or technical effect in the final product. If a product contains a technically unavoidable quantity of PFAS, that trace quantity shall not be considered intentionally added PFAS.”

Food Packaging Restrictions Already in Place

HRS [§321-601] defines “food packaging” to mean “a package or packaging component that is applied to or in direct contact with any food or beverage and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.” ACC supports this definition and would urge that it be included specifically in SB504 SD1 HD1.

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



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 21, 2023

2:00 PM

Conference Room 329

In **SUPPORT** of **SB504 SD1 HD1**: RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chair Nakashima, Vice Chair Sayama, and Committee Members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS WITH AMENDMENTS SB504 SD1 HD1**, which will help to partially stem the flow of “forever chemicals” into our islands and environment.

As the Committee is well aware, the public health impacts of PFAS or “forever chemicals” are just beginning to be more widely recognized. Unfortunately, Hawai'i is not isolated from the global ubiquitousness of these extremely toxic compounds, and may be far more vulnerable to the consequences of PFAS entering our groundwater, streams, soil, and aquatic life. Strategies for remediating existing PFAS contamination – particularly from PFAS found in highly mobile, highly concentrated, and readily ingestible forms, such as Department of Defense class B fire-fighting foams – remain to be developed; however, we do have the opportunity to take the proactive step of preventing the further importation of PFAS, through measures such as the present bill. **Given that PFAS will persist in our environment – bioaccumulating in plants, animals, and people – for centuries, such proactive action is the bare minimum step we can take right now to safeguard the health and well-being of present and future generations – including generations born well after our lifetimes.**

By expanding the classes of PFAS-based products that should be prohibited from sale or distribution, this measure takes a small but important step towards mitigating the impacts of these “forever chemicals” on our environment and people, now and for generations to come.

The Sierra Club does note that the original wording of Section 5 of this measure is critical to preserving the pending prohibition of PFAS in certain products beginning on December 31, 2024. Accordingly, should the Committee seek to advance this measure, the Sierra Club respectfully urges the Committee to restore the language found on page 3, line 17 of this measure's original draft.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS WITH AMENDMENTS SB504 SD1 HD1**. Mahalo nui for the opportunity to testify.



Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
Members of the Committee on Consumer Protection & Commerce

Re: **SB 504 SD1 HD1 – RELATING TO ENVIRONMENTAL PROTECTION**
Hearing: Tuesday, March 21, 2023, 2:00 p.m., Conference Room 329 & Videoconference

Position: **Strong support**

Aloha, Chair Nakashima, Vice Chair Sayama and Members of the Committee on Consumer Protection and Commerce:

The 7,500 members of the Environmental Caucus of the Democratic Party of Hawai'i stand in strong support of SB 504 SD1 HD1. Beginning 12/31/2026, this measure would prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

We humbly request that this measure be amended to include a ban on firefighting foams that contain perfluoroalkyl and polyfluoroalkyl substances.

The Platform environmental policies of the Democratic Party of Hawai'i are to protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine of [Article XI, Section 1 of] the Hawai'i State Constitution.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)

The Environmental Caucus supports this bill as studies have shown that PFOA and PFOS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals, and both PFOA and PFOS have caused tumors in animals. In addition, there have been findings of an increased cholesterol levels among exposed populations with other findings related to low infant birth rates, effects on the immune system, cancer for PFOA, and thyroid disruption for PFOS.



March 21, 2023

Page 2

Individuals can be exposed to PFAS by eating food that was packaged in material that contains PFAS or using consumer products that contain PFAS. Another pathway to PFAS is through drinking water contaminated by firefighting foam containing PFAS. Once PFAS enters the environment, they persist for 700-1000 years, hence the name, “Forever Chemicals,” as there are no natural processes that can break down these substances. As such, these forever chemicals can continue to cause exposures long after they are phased out of consumer and other products and they bioaccumulate in the environment and in our bodies from one generation to the next.

Given the known health risks and persistency of these forever chemicals, beginning 12/31/2026, prohibiting the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions would be reasonable, justifiable, and in the best interest of the citizens and the environment in the State of Hawaii. Please pass this measure.

Please support and pass this bill.

/s/ Melodie Aduja and Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

March 20, 2023

Committee Chair Nakashima & Vice Chair Sayama
House Energy and Environmental Protection Committee
Hawaii State Legislature
415 South Beretania Street
Honolulu, HI 96813

RE: Oppose unless amended: SB504

Chair Nakashima and Vice Chair Sayama:

Good morning/afternoon, Chair Nakashima and Members of the Committee. On behalf of the members of the Personal Care Products Council (PCPC), I am writing to express our opposition to SB504 as currently drafted, legislation to ban the sale of PFAS in cosmetics. PCPC appreciates the intent of the language and seeks an additional amendment to harmonize the bill with other recently enacted state laws.

The Personal Care Products Council is the leading national trade association representing cosmetics and personal care products companies and serving as the voice on scientific, legal, regulatory, legislative and international issues for the global cosmetics industry. The personal care products industry holds sacred the trust families put in the safety of their products. Our member companies invest substantial resources in scientific research and safety processes to ensure we are precisely following all laws and regulations and providing safe products to our consumers. PCPC and its member companies have a long history of going above and beyond what is required by law and a long history of working with various stakeholders at all levels of government on public policy.

PCPC seeks harmonization with other recently enacted state laws

In concept, PCPC supports the phase out of the PFAS class of chemicals in cosmetics and personal care products. However, we are seeking an amendment to provide regulatory certainty. PCPC is requesting an amendment to clarify that the law would apply to **“intentionally added”** PFAS in order to make the bill consistent with other state laws including California AB 2771. AB 2771 was signed by Governor Newsom in September 2022 and phases out intentionally added PFAS in cosmetics.

Specific concerns with SB504 as currently drafted - PCPC thanks Chair Lowen for additional amendments and requests the term “intentionally added” be added to the legislation:

- **“(a) Beginning December 31, 2026, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for use in the State any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added PFAS; provided that this section shall not apply to:”**

PCPC recommends the following definition for “intentionally added” (as found in California and Colorado statute)

(c) “Intentionally added PFAS” means either of the following:

- (1) PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product.
- (2) PFAS chemicals that are intentional breakdown products of an added chemical.

For the reason I outlined today, PCPC respectfully asks that you oppose SB504 unless amended. We welcome the opportunity to dialogue with you on the legislation and thank you for your consideration and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be 'KJ', is written over a light gray rectangular background.

Kelsey Johnson
Vice President, State Government Affairs
Personal Care Products Council

SB-504-HD-1

Submitted on: 3/17/2023 3:40:15 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Friends of Hanauma Bay urges you to pass this important bill!

With Aloha,

Lisa Bishop

President



March 21, 2023

The Honorable Mark M. Nakashima, Chair
House Committee on Consumer Protection and Commerce
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Senate Bill 504 (Oppose)

Dear Chair Nakashima and Members of the House Committee on Consumer Protection and Commerce:

Thank you for the opportunity to submit comments and share our concerns regarding SB 504 relating to PFAS and environmental protection. **The Consumer Brands Association is opposed to SB 504 in its current form.**

The Consumer Brands Association (Consumer Brands) represents the world's leading CPG companies. The industry plays a unique role as the largest U.S. manufacturing employment sector, delivering products which are vital to the wellbeing of people's lives every day. From household and personal care items to food and beverage products, the CPG industry plays a vital role in powering Hawaii's economy, contributing \$6.3 billion to the state's GDP, and supporting more than 80,000 jobs.

Consumer Brands members are currently undertaking efforts to eliminate PFAS from products and packaging, but we have several concerns with SB 504:

- **SB 504 would require manufacturers to remove unavoidable trace amounts of PFAS out of their control.** In addition to prohibiting intentionally-added PFAS, the bill also requires that manufacturers control for and remove unintentionally-added PFAS. In certain cases, it is possible for trace amounts of PFAS to be detected in products/packaging due to factors associated with the sourcing of post-consumer recycled materials, the local municipal water supply, or machinery used during the manufacturing process of the product or its ingredients. Since these are factors that are typically out of the control of the brands, we have serious concerns being held to a standard that would be nearly impossible to meet, leading to the elimination of beneficial products from the marketplace.
- **'Intentionally added' PFAS should be the standard on which any PFAS prohibition be based, as that is within the control of the manufacturer. Intentionality should be qualified as that being a measure of whether the chemical has been introduced to the product or its packaging to impart a specific functional, aesthetic, or technical purpose.** PFAS that is found as a trace amount or background level should not be considered intentionally added.

Consumer Brands Association
1001 19th Street North, 7th Floor
Arlington, VA 22209

Powering every day.



- **We believe the federal government is better situated to develop a comprehensive approach for assessing and regulating PFAS at the national level.** Agencies including the U.S. Environmental Protection Agency and U.S. Food and Drug Administration are engaged in research, data collection, and safety assessments to better understand and regulate the risks associated with specific PFAS. FDA in particular will be initiating work under the Modernization of Cosmetics Regulations Act of 2022 (MoCRA) to assess the safety of PFAS use in cosmetics.
- **PFAS regulations should provide adequate transition time.** Companies need sufficient time to take all of the various practical steps that may be necessary to ensure compliance with any requirements, including potential reformulation, product testing, supplier verification, and restructuring of supply chains.

We appreciate the opportunity to present our concerns, however for these reasons we must oppose SB 504 as currently constructed. Thank you for your time and consideration, and please let us know if we can answer any additional questions going forward.

Sincerely,

A handwritten signature in black ink that reads "Brendan Flanagan". The signature is written in a cursive, flowing style.

Brendan Flanagan
Senior Director, State Affairs
Consumer Brands Association



Chamber of Commerce HAWAII

The Voice of Business

Testimony to the House Committee on Consumer Protection & Commerce Wednesday, March 20, 2023, at 2:00 P.M. Conference Room 329 & Videoconference

RE: SB 504 SD1 HD1 Relating to Environmental Protection

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **has serious concerns on SB 504 SD1, HD1**, which beginning 12/31/2026, prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

By banning the use of these substances in packing in the state, our food manufacturers and other small businesses would be at a disadvantage in terms of competition to all other states.

It is our understanding that the FDA authorizes the use of perfluoroalkyl and polyfluoroalkyl in not only food contact applications but cosmetics as well:

“The FDA has authorized specific PFAS for use in specific food contact applications. Some PFAS are used in cookware, food packaging, and in food processing for their non-stick and grease, oil, and water resistant properties. To ensure food contact substances are safe for their intended use, the FDA conducts a rigorous review of scientific data prior to their authorization for market entry. The FDA’s authorization of a food contact substance requires that available data and information demonstrate that there is a reasonable certainty of no harm under the intended conditions of use.”
FDA website

This bill would ban dozens of products that are very popular in Hawaii, like cardboard boxes, waterproof makeup, dental floss, mascara, shampoos and conditioners, toothpaste, lip balm, etc.

There is currently no federal law banning PFAS in food packaging intended for customer use. By the State of Hawaii banning these products, our small businesses would be the ones hurt. Local consumers would turn to large corporations on the continent to order goods online and bypass our local merchants. This would have large impacts to our economy and put even more people out of business and out of work.

The Chamber is Hawaii’s leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small



Chamber *of* Commerce HAWAII

The Voice of Business

businesses with less than 20 employees. As the “Voice of Business” in Hawaii, the organization works on behalf of members and the entire business community to improve the state’s economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.



Aloha Committee Members,

My name is Arwen Revere and I am a high school student from Kailua. Today, I am testifying on behalf of the student-run environmental organization Wild Kids in strong support of SB504.

Perfluoroalkyl and polyfluoroalkyl substances (more commonly known as PFAS) are persistent, toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and have numerous adverse health effects on humans.

PFAS are utilized in a broad range of products, including clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara. PFAS can enter the human body when consumed, applied directly on the skin, and after eating food packaged in materials that contain PFAS.

PFAS are often called "forever chemicals" due to the fact that they do not naturally break down in the environment and can continue to pollute ecosystems for thousands of years. When these forever chemicals are brought here, they never leave particularly due to our isolated geography. Instead, they make their way into our bodies, our wastewater, our landfills, and eventually into the groundwater and the drinking water supply.

Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk the health of residents and wildlife.

Please pass this vital legislation and help protect our planet for future generations.

Thank you for hearing our testimony,
Arwen Revere on behalf of Wild Kids

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com



March 21, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair
KAPUA SPROAT, Vice Chair
MAX J. SWORD
NA'ALEHU ANTHONY
JONATHAN KANESHIRO

DAWN B. SZEWCZYK, P.E., Ex-Officio
EDWIN H. SNIFFEN, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ERWIN M. KAWATA
Deputy Manager

The Honorable Mark M. Nakashima, Chair
and Members
House Committee on Consumer Protection and Commerce
Hawaii State Capitol, Room 329
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: Senate Bill 504 SD1, HD1: Relating to Environmental Protection

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 504 Senate Draft (SD) 1, House Draft (HD) 1.

This bill proposes to prohibit to manufacture, sell, offer for sale, distribute for sale, or distribute for use of any food packaging, food service ware, cosmetic, or personal care product that contains per- and polyfluoroalkyl substance (PFAS) beginning December 31, 2026.

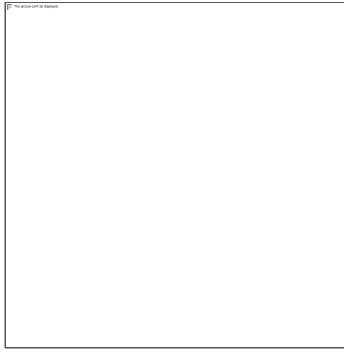
PFAS are chemicals used in water-repellent, stain resistant, non-stick and many other products. It has also been found in firefighting foams used to extinguish fuel fires, wastewater, and landfills. They are water soluble, persistent and do not easily degrade in the environment. They are also linked to several health effects and can leach and contaminate groundwater aquifers used for drinking water.

This measure will help protect public health by reducing PFAS exposure to our environment, drinking water, and residents.

Thank you for the opportunity to testify in strong support for SB 504, SD 1, HD 1.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



**Testimony to the House Committee on Consumer Protection & Commerce
Tuesday, March 21st, 2023, at 2:00 P.M.
Conference Room 329 & Via Videoconference**

RE: SB 504 SD1 HD1 Relating to Environmental Protection

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

The Hawaii Food Manufacturers Association **does not support** SB 504 SD1, HD1 which beginning 12/31/2026, prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

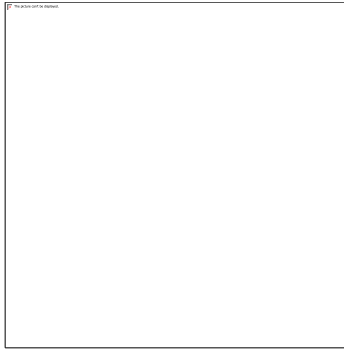
The Hawaii Food Manufacturers Association (HFMA) is a non-profit organization of approximately 120 members that has been promoting Hawaiian grown or manufactured products since 1977. The HFMA works to increase the understanding and appreciation of the unique flavors, quality, and care that go into the production of Hawaii's fine foods and beverages represented by our valued members and enjoyed by our valued community.

The food manufacturing industry in Hawaii generates \$900 million in annual revenue and is the largest manufacturing sector in the state using local inputs according to the Hawaii State Department of Business, Economic Development and Tourism. The industry provides over 6,100 jobs in the state and an annual payroll of more than \$160 million.

HFMA believes that having this mandate on food manufacturers would be devastating to the industry and potentially shut down many small businesses here in Hawaii. It would also put us at a disadvantage against mainland corporations since Hawaii would be the only ones to not be able to use these chemicals.

It is our understanding that the FDA authorizes the use of perfluoroalkyl and polyfluoroalkyl in not only food contact applications but cosmetics as well:

"The FDA has authorized specific PFAS for use in specific food contact applications. Some PFAS are used in cookware, food packaging, and in food processing for their non-stick and grease, oil, and water resistant properties. To ensure food contact substances are safe for their intended use, the FDA conducts a rigorous review of



***scientific data prior to their authorization for market entry. The FDA’s authorization of a food contact substance requires that available data and information demonstrate that there is a reasonable certainty of no harm under the intended conditions of use.”
FDA website***

This bill would ban dozens of products that are very popular in Hawaii, like cardboard boxes, waterproof makeup, dental floss, mascara, shampoos and conditioners, toothpaste, lip balm, etc.

The Hawaii Food Manufacturers Association urges the committee to hold this bill so it does not devastate our industry and potentially close down local companies.

Thank you for the opportunity to testify.

IRON WORKERS STABILIZATION FUND

March 21, 2023
2:00 pm

House Committee on Consumer Protection and Commerce
Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

Re: SB504 SD1HD1 – RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chair Mark Nakashima, Vice Chair Jackson Sayama and Members of the Committee:

We **SUPPORT** the intent of SB504 SD1 HD1. The bill will prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS).

PFAS are commonly known as “forever chemicals” because they are toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and do not naturally breakdown in the environment. Scientific studies have shown that there are multiple negative health effects including kidney and testicular cancer, liver problems, high cholesterol, endocrine disruption, fertility problems, and decreased birth weight and immunosuppression. PFAS are found in all types of products, including firefighting foam, clothing and textiles, food packaging, and cosmetic products.

On June 25, 2022, the U.S. Environmental Protection Agency (EPA) released four drinking water health advisories for PFAS in the latest action under President Biden’s action plan to deliver clean water and Administrator Regan’s PFAS Strategic Roadmap which updates the prior EPA 2016 advisory on the effects of PFAS. However, PFAS is still entering into our state and as such the risk of contaminating our drinking water grows daily.

Recently, low levels of PFAS have been detected in Oahu’s drinking water at the Makakilo Well, Waipahu Wells II Granular Activated Carbon Treatment Facility, and at the Kunia Village water system’s Del Monte Kunia 3. Hawaii’s people deserve safe and toxic free drinking water; please safeguard Hawaii’s water from PFAS. We urge the committee to PASS this bill.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 329
TUESDAY, MARCH 21, 2023 AT 2:00 P.M.

To The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
Members of the committee on Consumer Protection & Commerce

COMMENTS ON SB504 SD1 RELATING TO ENVIRONMENTAL PROTECTION

The Maui Chamber of Commerce has **COMMENTS SB504 SD1** which prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS), with certain exceptions. We appreciate that the beginning date was extended to 12/31/2026.

The Chamber understands the intent of this bill and the growing concern with PFAS. We would support a working group of experts to further explore which products with PFAS should be prohibited. The group would help identify the proper prohibitions without having unintended consequences. We also recommend that the group report to next year's legislative session.

We appreciate that anything the FDA allows with PFAS packaging continues to be allowed.

Thank you for the opportunity to **COMMENT on SB504 SD1**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-504-HD-1

Submitted on: 3/20/2023 2:05:36 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Latkiewicz	Individual	Support	Written Testimony Only

Comments:

SB 504 prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

We are currently burying our selves in our waste and poisoning ourselves. We are fouling our nest. You'd think we would be wise enough to avoid such stupidity. We'll see. In the meantime, please support SB504.

SB-504-HD-1

Submitted on: 3/17/2023 4:15:22 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

To much Government Control!!!

SB-504-HD-1

Submitted on: 3/17/2023 6:17:41 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please protect the women in our state. Please pass this important bill. Mahalo.

SB-504-HD-1

Submitted on: 3/18/2023 6:17:05 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances that can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on humans.

PFAS are utilized in a broad range of products, including clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

PFAS are often called "forever chemicals" due to the fact that they do not naturally break down in the environment and can continue to pollute ecosystems for thousands of years. We are an island state. When these forever chemicals are brought here, they never leave. Instead, they make their way into our bodies, our wastewater, our landfills, and eventually into the groundwater and the drinking water supply.

Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health. Banning these dangerous chemicals is completely warranted, and I urge you to support SB504 SD1 HD1.

SB-504-HD-1

Submitted on: 3/18/2023 6:17:09 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Please pass this important measure to prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains PFAS. Given the recent contamination at Red Hill of PFAS-laden aqueous film-forming foam (AFFF) concentrate, and knowing that there are PFAS-free foams available which are a safe and effective replacement product, I strongly urge the Committee expand the scope of this measure to include banning AFFF as well. Oahu is already suffering from the contamination of these forever-chemicals due to the Navy's criminal negligence at Red Hill. Hawaii cannot afford to further risk contamination of our finite resources and risk the health of our communities.

Mahalo for your consideration of this amendment and for the opportunity to testify on this important measure.

SB-504-HD-1

Submitted on: 3/20/2023 8:53:54 AM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-504-HD-1

Submitted on: 3/19/2023 1:30:34 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

Even since the introduction of this bill, new research has emerged showing that even barely detectable quantities of PFAs can increase the probability of a wide range of severe health problems. I strongly support the passage of SB504.

SB-504-HD-1

Submitted on: 3/20/2023 12:48:10 PM

Testimony for CPC on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Helen Cox	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

Please pass SB504. The more we learn about PFAS/PROS, the more we are aware of the dangers they present. It is simply an obvious step to do all we can to get them out of the environment and stop their usage. WHILE this bill does not get us all the way, it is an extremely important step in that direction. For the sake of our people and our environment, please pass SB504. Mahalo.

Helen Cox, Kalaheo, Kauai