

JAN 19 2024

A BILL FOR AN ACT

RELATED TO TOXIC CHEMICALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that per- and
2 polyfluoroalkyl substances (hereinafter "PFAS") are a group of
3 synthetic organofluorine chemical compounds that have multiple
4 fluorine atoms attached to an alkyl chain that are increasingly
5 becoming understood to pose serious toxicity to humans and other
6 organisms in the environment. In 2021, the Organization for
7 Economic Co-operation and Development (OECD) identified at least
8 4,730 distinct PFAS chemicals. The United States Environmental
9 Protection Agency's toxicity database (DSSTox) lists 14,735
10 unique PFAS, while PubChem lists more than 6,000,000 that fit
11 under the 2021 revised definition of PFAS by the OECD. They
12 include the perfluorosulfonic acids, such as
13 perfluorooctanesulfonic acid (PFOS), and the perfluorocarboxylic
14 acids like perfluorooctanoic acid (PFOA).

15 Many PFAS chemicals were used in the mid-20th century in
16 products and on materials due to their enhanced water-resistant
17 properties, like Teflon or aqueous film forming foam, before the



1 environmental impact and toxicity to human and mammalian life
2 had been studied. PFOS, PFOA, and other PFAS chemicals are
3 commonly described as persistent organic pollutants or "forever
4 chemicals" because they remain in the environment for long
5 periods of time. Residues have been detected in humans and
6 wildlife, prompting concern about impacts on health. According
7 to the National Academies of Sciences, Engineering, and
8 Medicine, PFAS exposure is linked to increased risk of
9 dyslipidemia (abnormally high cholesterol), suboptimal antibody
10 response, reduced infant and fetal growth, and higher rates of
11 kidney cancer.

12 Health concerns related to PFAS have resulted in numerous
13 lawsuits. PFAS producers such as 3M, Chemours, DuPont, and
14 Corteva have reached billion-dollar agreements to settle claims.
15 The use of PFAS is regulated in several parts of the world, with
16 some plans to phase them out entirely from products.

17 Chemical corporations that produce PFAS generate
18 approximately \$4,000,000,000 in annual profits from the
19 production of these chemicals in the United States, but they
20 impose monumental costs on taxpayers and the health of the
21 planet's human and animal populations. Of these costs, the most



1 expensive are remediation efforts to fight PFAS soil and water
2 contamination, followed by the healthcare costs to treat cancer,
3 thyroid disease, kidney dysfunction, birth defects, and other
4 major medical conditions that have been linked to even low
5 levels of exposure to PFAS, and followed by the costs of
6 monitoring of PFAS pollution in human and other life forms. The
7 International Chemical Secretariat has estimated that PFAS cost
8 approximately \$17,500,000,000,000 annually.

9 The legislature further finds that PFAS have been
10 frequently documented in marine species that are commonly
11 consumed by humans, posing potential health risks. Studies on
12 the bioaccumulation in certain species are important to
13 determine daily tolerable limits for human consumption, and
14 where those limits may be exceeded causing potential health
15 risks. Local communities may face economic and food source
16 consequences due to potential future advisories, fishing limits,
17 or closures for certain species due to their PFAS content.

18 As of August 2023, twenty-five states have established
19 enforceable drinking water standards related to PFAS. The
20 United States Environmental Protection Agency is conducting a



1 study from 2023 to 2025 to collect data on PFAS and potentially
2 develop additional regulations.

3 The purpose of this Act is to establish a long-term task
4 force to increase publicly available information and proactively
5 plan for future regulation regarding PFAS and regulated chemical
6 substances.

7 SECTION 2. (a) There is established within the office of
8 the governor for administrative purposes the PFAS working group.

9 The PFAS working group shall comprise:

- 10 (1) The director of health, who shall serve as the
11 chairperson of the working group;
- 12 (2) The chairs of the house and senate standing committees
13 with subject matter jurisdiction encompassing
14 environmental protection and restoration;
- 15 (3) A representative from the city and county of Honolulu,
16 county of Hawaii, county of Maui, and county of Kauai,
17 to be selected by the mayor of each county;
- 18 (4) Two representatives from established Hawaii
19 organizations whose mission statements or purposes are
20 dedicated to environmental protection, including



1 protection against contamination by environmental
2 toxins, who shall be designated by the governor; and

3 (5) Two representatives of the business community that
4 manufacture or sell products containing PFAS, who
5 shall be designated by the governor.

6 (b) The working group shall proactively plan for the
7 remediation of PFAS contamination throughout the State. To
8 accomplish this objective, the working group shall:

9 (1) Identify the presence, character, location, and
10 controlling authority of all major accumulations of
11 PFAS and related chemicals, or both, within the State;

12 (2) Propose plans of action, including but not limited to
13 proposals for legislation and litigation, remediation,
14 or elimination of all major accumulations of PFAS and
15 related chemicals within the State;

16 (3) Identify any known contaminants or environmental
17 hazards associated with the inventoried lands, any
18 environmental studies performed in connection with the
19 lands, and any required remediation;

20 (4) Affirmatively engage in a public information campaign
21 to advise the public of the dangers of PFAS and



1 related chemicals, and actions that the public may
2 undertake to limit their exposure to these chemicals;

3 (5) Encourage the business community to become more aware
4 of the presence of PFAS and related chemicals in
5 products and product packaging, make the community
6 aware of the dangers of such chemicals, and encourage
7 members of the community to adopt practices to
8 eliminate or at least reduce the presence of these
9 chemicals in the products that they use and sell; and

10 (6) Work on any other objectives deemed necessary by the
11 working group.

12 (c) Members of the working group shall serve without
13 compensation but shall be reimbursed for reasonable expenses
14 necessary for the performance of their duties. No member of the
15 working group shall be subject to chapter 84, Hawaii Revised
16 Statutes, solely because of the member's participation in the
17 working group.

18 (d) The working shall report to the legislature as
19 follows:

20 (1) Submit a preliminary report of its findings and
21 recommendations, including any proposed legislation,



1 to the legislature no later than twenty days prior to
2 the convening of the regular session of 2025; and

3 (2) Submit subsequent reports on its findings and
4 recommendations, including any proposed legislation,
5 to the legislature no later than twenty days prior to
6 the convening of each regular session thereafter.

7 The reports shall include status updates on each of the
8 tasks specified in subsection (b).

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



S.B. NO. 2369

Report Title:

Toxic Chemicals; Working Group; PFAS; Report

Description:

Establishes a working group to investigate the existence and environmental dangers of per- and polyfluoroalkyl substances and related chemicals. Requires a report to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

