

STAND. COM. REP. NO.

1321

Honolulu, Hawaii

MAR 17, 2023

RE: S.B. No. 504
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 504, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to, beginning on December 31, 2026, 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.

Your Committee received testimony in support of this measure from the Department of Health, Department of Environmental Management of the County of Hawai'i, Honolulu Board of Water Supply, Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34, Hawai'i Reef and Ocean Coalition, Climate Protectors Hawai'i, Life of the Land, Friends of Hanauma Bay, Environmental Caucus of the Democratic Party of Hawai'i, Sierra Club of Hawai'i, Iron Workers Stabilization Fund, and seven individuals. Your Committee received testimony in opposition to this measure from the Personal Care Products Council, Consumer Brands Association, Retail Merchants of Hawaii, American Chemistry Council, and one individual. Your Committee received comments on this measure from the Maui Chamber of Commerce.

2023-2515 SB504 HD1 HSCR HMSO



Your Committee finds that perfluoroalkyl and polyfluoroalkyl substances (PFAS) have multiple adverse health effects on humans, despite being utilized in a broad range of products, including clothing, textiles, food packaging, and cosmetic products. Although PFAS in certain types of food packaging and firefighting foam will be prohibited in the State at the end of 2024, this measure will further protect residents against toxic chemicals by subjecting additional PFAS-containing consumer products to the prohibition.

Your Committee has amended this measure by:

- (1) Adding certain exceptions from the prohibition of PFAS-containing consumer products;
- (2) Inserting definitions for "cosmetic", "food service ware", "ingredient", "manufacturer", "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS", and "personal care product";
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the repeal of section 321-602, Hawaii Revised Statutes, in section 3 of this measure is not intended to take effect until January 1, 2027, after the more comprehensive prohibitions proposed by this measure are intended to take effect.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 504, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 504, S.D. 1, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



1321

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



NICOLE E. LOWEN, Chair



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 504, 501	Committee Referral: EEP, LPC, FIN	Date: 03/14/23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. COCHRAN, Elle (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. KAHALOA, Kirstin	✓			
5. PERRUSO, Amy A.				✓
6. WOODSON, Justin H.	✓			
7. WARD, Gene		✓		
TOTAL (7)	5	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation.				
Vice Chair's or designee's signature: <u>Elle Cochran</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				