



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

March 27, 2024

9:30 AM

Conference Room 229

### In **SUPPORT** of **HB1896 HD2 SD1**: RELATING TO ENVIRONMENTAL PROTECTION

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Aloha Chair Keohokālole, Vice Chair Fukunaga, and Committee Members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB1896 HD2 SD1**, 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 habitats. Strategies for effectively 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.

Accordingly, the Sierra Club of Hawai'i respectfully urges the Committee to **PASS** HB1896 HD2 SD1. Mahalo nui for the opportunity to testify.

**Hawaii  
Legislative  
Council  
Members**

Joell Edwards  
Wainiha Country  
Market  
Hanalei

Russell Ruderman  
Island Naturals  
Hilo/Kona

Dr. Andrew Johnson  
Niko Niko Family  
Dentistry  
Honolulu

Robert H. Pahia  
Hawaii Taro Farm  
Wailuku

Maile Meyer  
Na Mea Hawaii  
Honolulu

Tina Wildberger  
Kihei Ice  
Kihei

L. Malu Shizue Miki  
Abundant Life  
Natural Foods  
Hilo

Kim Coco Iwamoto  
Enlightened Energy  
Honolulu

Chamber of  
Sustainable  
Commerce  
P.O. Box 22394  
Honolulu, HI  
96823

Sen. Jarrett Keohokalole, Chair  
Sen. Carol Fukunaga, Vice-Chair  
Comm. on Commerce & Consumer Protection

Wednesday, March 27, 2024  
9:30 AM in Room 229

RE: **HB1896 HD2 SD1** Environmental Protection -**Support**



Dear Chair Keohokalole, Vice Chair Fukunaga & Committee Members,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State of Hawaii that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment.

We support HB1896 HD2 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 intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

This bill protects consumers and the environment from substances that cause harm and forces those who profit from the commerce of PFAs containing products to use safer alternatives to PFAs. (See example below.)

Those who oppose this measure willfully ignore the alternatives to PFAs currently available in the supply chain. They also give the false impression that businesses are not prepared to adapt to change. Change is the only constant for most businesses: technology, consumer awareness, supply chain, labor shortages, competition, price of real estate, utilities, raw materials – so many things constantly changing at the same time.

If we are incapable of operating our businesses without hurting our customers, then we should examine our motivations for staying in business.

**Table 1. Safer alternatives identified for specific food packaging applications.**

Application	Safer alternatives	Total number identified
Bags and sleeves	Densified paper and wax-coated options	2
Bowls	Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options	4
Flat serviceware	Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options	4
Open-top containers	Clay-coated, densified paper, wax-coated, polylactic acid-coated, polylactic acid foam, aluminum, and reusable options	7
Closed containers	Clay-coated, polylactic acid-coated, polylactic acid foam, and aluminum options	4



# Food+ Policy Internship 2024

[food@purplemaia.org](mailto:food@purplemaia.org)

March 25, 2024

To: Chair Keohokalole, Vice-Chair Fukunaga, and the members of the Senate Committee on Commerce and Consumer Protection.

Subject: **Support of HB1896**, *Relating to Environmental Protection*

Honorable Members of the Committee,

We at Hawaii Food+ Policy, strongly support passing HB1896, which would align with the goals of Act 152 and further ban the distribution of perfluoroalkyl and polyfluoroalkyl (PFAS) substances in the state.

PFAS are extremely persistent in the environment and living organisms as they do not break down easily and remain which is the reasoning behind their nickname “forever chemicals”. This is particularly concerning because as they move up the food chain, concentrations can increase significantly. This means that animals higher on the food chain, including humans, can be exposed to high levels of PFAS. It has been found to harm fish, birds, and other animals, therefore it disrupts ecosystems and leads to long-term damage relating to biodiversity.

One of the primary ways PFAS enters the environment is through contaminated water sources as it leaches into groundwater from firefighting foam, industrial discharges, landfills, and other sources. In Hawaii, where water sources are crucial for both the environment and the population, PFAS contamination poses a serious threat on top of other health hazards water sources currently face.

As previously touched upon, these chemicals affect environmental factors such as soil, water, and air. It's concerning when it affects the soil in Hawai'i when local farmers need to constantly utilize the land for their cattle that they will harvest or for fresh fruit and vegetables that they

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**The Food+ Policy internship** develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2024, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



# Food+ Policy Internship 2024

[food@purplemaia.org](mailto:food@purplemaia.org)

produce. Ultimately it will directly affect us, the consumers, by unknowingly consuming said chemicals.

With the passing of HB1896, we have the opportunity to protect our cherished land, which we call home, and protect the well-being of those who both visit and live here.

Mahalo for your time and consideration,

Kawika Kahiapo + Hawaii Food+ Policy Team

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# BEAUTYCOUNTER<sup>®</sup>

March 25, 2024

Re: House Bill 1896

**Dear Chair Keohokalole, Vice Chair Fukunaga and Distinguished Members of the House Committee on Commerce and Consumer Protection:**

Beautycounter—a manufacturer of clean beauty and personal care products—strongly supports a statewide ban of cosmetics that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), but we are concerned that House Bill 1896 exempts Hydrofluoroolefins (HFOs) used as propellants in cosmetics. Beautycounter has been a stalwart champion of the federal No PFAS in Cosmetics Act and supported recently passed state legislation that ban PFAS from cosmetics, including Washington state’s Toxic-Free Cosmetics Act, Oregon’s Toxic Free Cosmetics Act and California Assembly Bill 496.

With millions of products sold across North America and various third-party certifications and awards for our thorough approach to safety, Beautycounter has prohibited over 2,800 harmful or questionable ingredients, including PFAS, from our products. Nicknamed “forever chemicals” due to their persistence, PFAS are used in a variety of applications including in cosmetics to create products such as long-lasting lipstick and waterproof mascara. Unfortunately, well-studied members of this class of chemicals have been linked to a variety of health problems and are known to pollute the environment where they can harm wildlife.

Beautycounter supports banning PFAS from cosmetics and personal care products, and we are concerned that House Bill 1896 exempts Hydrofluoroolefins (HFOs) used as propellants in cosmetics. HFOs are considered PFAS, as defined in California law and by the Organisation of Economic Co-operation and Development. HFOs are not necessary to manufacture effective cosmetic and personal care products as a number of safer options including mechanical mechanisms involving compressed air are available. Beautycounter urges you to remove the HFO exemption from House Bill 1896.

With a recent valuation of \$1 billion, Beautycounter has proven that prohibiting the use of harmful chemicals to formulate cosmetics products, including PFAS, does not hinder the industry's ability to conduct business or deliver on consumer expectations. We encourage you to strengthen HB 1896 and prohibit all PFAS, including HFOs, from cosmetics and personal care products sold in Hawai'i.

Regards,

A handwritten signature in black ink, appearing to read "Dr. Jennifer McPartland". The signature is stylized and cursive.

**DR. JENNIFER MCPARTLAND**

VP of Mission  
Beautycounter

**HB-1896-SD-1**

Submitted on: 3/22/2024 6:14:26 PM

Testimony for CPN on 3/27/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

**HB-1896-SD-1**

Submitted on: 3/26/2024 12:01:28 AM

Testimony for CPN on 3/27/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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 intentionally added perfluoroalkyl and polyfluoroalkyl substances, but with the requested amendment.

According to findings from studies on this subject, limiting bans on PFAS to products in which PFAS are intentionally used will not be sufficient to achieve the protections needed. For example, fluorination of plastic surfaces generates PFAS that are likely to leach into the packaging content, but these PFAS are not intentionally used.

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. Please remove the word 'intentional' so that this bill may offer the critical protection that was intended.

Mahalo for the opportunity to testify.