



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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In reply, please refer to:
File:

**Testimony in SUPPORT of HB1896
RELATING TO ENVIRONMENTAL PROTECTION**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/8/2024 Room Number: 325

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 The Department respectfully requests that funding and personnel resources be established
5 to implement this bill.

6 **Department Testimony:** HB1896 amends Hawaii Revised Statutes (HRS) Section 321-602 and
7 expands on Act 152, 2022 by prohibiting food packaging, food service ware, cosmetic, or
8 personal care products that contain intentionally added per- and poly-fluoroalkyl substances
9 (PFAS), to decrease the public's exposure to these chemicals.

10 The Department recognizes the benefit of prohibiting food packaging, food service ware,
11 cosmetic, or personal care products with intentionally added PFAS to the waste stream, and that
12 prohibiting these products will reduce overall persistent environmental contamination from
13 PFAS. As noted by the Legislature, PFAS are called "forever chemicals" because they do not
14 naturally break down in the environment and can contaminate drinking water, bioaccumulate in
15 fish and wildlife, and can have multiple adverse health effects on humans. PFAS can be found in
16 a diverse range of products including clothing, food packaging, disposable cutlery, shaving
17 creams, and mascara, and can enter the human body when consumed, applied directly on the
18 skin, and/or after eating food that is packaged in materials containing PFAS.

19 The Department supports HB1896 but notes the challenges to implement this measure
20 due to a lack of resources, particularly the positions, funding, and testing equipment necessary to

1 conduct analysis of potentially violative products and conduct enforcement and outreach
2 activities. To facilitate implementation of this measure, the Department respectfully requests that
3 manufacturers of these products be required to annually submit certification and testing
4 documentation demonstrating compliance, with appropriate deadlines to address the approximate
5 six-month timeline for retailers to sell through backstock.

6 Thank you for the opportunity to testify.

7 **Offered Amendments:** None

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

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February 8, 2024

The Honorable Nicole Lowen, Chair
and Members
Committee on Energy and Environmental Protection
House of Representatives
Hawai'i State Capitol, Room 325
Honolulu, Hawai'i 96813

Dear Chair Lowen and Members:

Subject: House Bill 1896: Relating to Environmental Protection

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB)1896. This bill proposes 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 per- and polyfluoroalkyl substance (PFAS) beginning December 31, 2026.

According to the U.S. Environmental Protection Agency (EPA), PFAS are a category of manufactured chemicals that have been used in industry and consumer products since the 1940s.¹ PFAS are 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 support of HB 1896.

Very truly yours,

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

¹ EPA Finalizes Rule to Require Reporting of PFAS Data to Better Protect Communities from Forever Chemicals. U.S. Environmental Protection Agency, September 28, 2023.

HB-1896

Submitted on: 2/2/2024 10:37:34 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexandra Kahn	PlanIt Branding	Support	Written Testimony Only

Comments:

I am in full support of this bill.

Mahalo!



Ave Kwok, Chairman - Jade Dynasty

Andy Huang, Incoming Chair - L&L Hawaiian Barbeque **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace

Ryan Tanaka, Past Chairman – Giovanni Pastrami

Sheryl Matsuoka, Executive Director **Ginny Wright**, Operations Associate **Holly Kessler**, Director of Membership Relations

2023-24

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Date: February 3, 2024

To: Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair
Committee on Energy & Environmental Protection

From: Victor Lim, Legislative Lead

Subj: HB1896 Relating to Environmental Protection

The Hawaii Restaurant Association representing 4,000 Eating and Drinking Place locations in Hawaii supports HB 1896 seeking to eliminate PFAS from food packaging and food service ware by January 1, 2027.

Our Industry as well as our suppliers have been working hard to eliminate from our products the past few years and the additional two years to meet this is welcome. Many of the major brands will meet this deadline way before this date.

Thank you for this opportunity to shae this with you.





SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 8, 2024

9:30 AM

Conference Room 325

In **SUPPORT** of **HB1896**: RELATING TO ENVIRONMENTAL PROTECTION

Aloha Chair Lowen, Vice Chair Cochran, and Committee Members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS HB1896**, 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. Mahalo nui for the opportunity to testify.

HB-1896

Submitted on: 2/5/2024 8:07:57 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Certain PFAS "forever chemicals" (perfluoroalkyl and polyfluoroalkyl substances) are very persistent and very toxic to human health, even at very low levels (even in parts per trillion). To protect public health, we need to stop manufacturing or selling products containing such PFAS now, wherever feasible.

The Hawaii Reef and Ocean Coalition **STRONGLY SUPPORTS** efforts to eliminate such PFAS from food packaging, food service ware, cosmetics, and personal care products, especially where "intentionally added."

Please pass strong legislation to restrict the sale or distribution of food packaging, food service ware, cosmetics, and personal care products containing PFAS that harm human health.

Mahalo!

Hawaii Reef and Ocean Coalition (by Ted Bohlen)



Food+ Policy Internship 2024

food@purplemaia.org

February 5, 2024

Subject: HB1896, Relating to Environmental Protection

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

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

This bill would further prohibit the manufacture, sale, offer for sale, distribution for sale, and distribution which will include any food packaging, food service ware, cosmetic, or personal care product that intentionally contains the previously mentioned chemicals.

It's proven that these substances are persistent in the environment for a long time as it's been found in the soil, air and water. Thus affecting the produce local farmers grow and therefore the consumers, us, by unknowingly consuming said chemicals.

With the passing of HB1896, we can prevent further harm done to this precious 'āina we call home and to those who reside here.

Mahalo for your consideration,

Kawika Kahiapo & the Food+ Policy Team
#fixourfoodsystem

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.



Date: February 8, 2024

To: The Honorable Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee
From: Hawaii Environmental Change Agents (HECA) - Solid Waste Task Force
Re: HB1896 - Prohibits PFAS in Food Packaging, Cosmetics, and Person Care Products

Aloha Chair Lowen, Vice Chair Cochran, and Members of EEP Committee,

The HECA Solid Waste Task Force is **in support** of HB1896 which prohibits the manufacturing, 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.

The negative impacts of PFAS or “forever chemicals” is now well understood, but sadly, they are utilized in so many products that it is hard to keep up or know what products contain them. While we support this measure, we wonder if it is enforceable, how will we be able to track if these products no longer contain these chemicals? Will manufacturers just substitute them with another chemical that is equally as harmful or chemically similar as they have done with other chemicals in the past such as Bisphenol A?

If there is a way to strengthen this legislation in a way that improves enforceability, for example requiring food ware and packaging to be purchased from distributors that are registered with the state and can verify that the products do not contain PFAS, might be one way to make this legislation more enforceable.

Mahalo nui loa,

~HECA Solid Waste Task Force

Jennifer Navarra, Ted Bohlen, Ruta Jordans, Jolie Ryff, and Michele Mitsumori



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
FEBRUARY 8, 2024**

Re: HB 1896 RELATING TO ENVIRONMENTAL PROTECTION

Good morning, Chair Lowen members of House Committee on Energy & 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 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 HB 1896 Relating to Environmental Protection. This measure 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.

We suggest that Hawaii do an independent study on what products contain PFAS and if they are at safe levels that the FDA approves. We may not be aware of how large of an impact the ban of goods and products that will no longer be available in Hawaii that are deemed safe from the FDA.

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 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>

We would like to point out that there are thousands of food packaging & service wear as well as cosmetics and personal care products that would be impacted. **This ban would include cardboard boxes, parchment paper, but is also not limited paper product without a lining to protect it from wet or oily foods like paper bags and plates, some ice cream products, microwave popcorn, food wrappers, certain pet food bags to name a few.**

This measure would also ban many cosmetic and personal care products like long wear and waterproof makeup, dental floss, mascara, foundation, menstrual underwear, shampoo & conditioner, toothpaste, nail polish, eye makeup, lotions, cleansers, shaving cream, lipstick, eyeliner, sunscreens, hand soap, deodorant, shower gel, perfume, hairstyling gel, mouthwash, anti-wrinkle cream, lip balm, and more.



There is currently no federal law explicitly banning PFAS in food packaging intended for consumer use. 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. Businesses 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 illegal 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.



Testimony of
Consumer Brands Association
Before the House Committee on
Energy & Environmental Protection
With Concerns on HB 1896

February 8, 2024

Thank you for the opportunity to submit comments regarding H.B. 1896. The Consumer Brands Association is supportive of the intention of this legislation and is willing to work with the sponsor to seek improvements. We are currently providing comments as “with concerns” on HB 1896.

The Consumer Brands Association (Consumer Brands) represents the world’s leading CPG companies. From household and personal care items to food and beverage products, the CPG industry plays a vital role in Hawaii’s economy, contributing \$6.3 billion to the state’s GDP, and supporting more than 80,000 jobs.

Consumer Brands members are generally supportive of the intention of this legislation and have been actively undertaking efforts to eliminate PFAS from products and packaging. We also note one positive change from last year’s bill specifically a narrowing of focus on PFAS that are within the control of the manufacturer, and a shift away from “unintentional PFAS” that may be present in trace amounts due its ubiquity in the environment.

We do however note two ongoing concerns with HB 1896:

- **HB 1896 includes “PFAS chemicals that are intentional breakdown products of an added chemical” as part of the definition of “intentionally-added”.** This additional definition is vague and undefined within the bill. It is also inconsistent with most other state approaches to addressing intentionally-added PFAS. Our concern is that this provision could potentially cover the unintentional degradation of products. Since these scenarios are typically out of the control of the brands, we have concerns being held to a standard that would be nearly impossible to meet, leading to the potential elimination of beneficial products from the marketplace.
- **HB 1896 also lacks a definition of “food packaging”.** Due to a lack of a definition, we are unable to determine the full range of packaging/products that would be within the scope of the bill.



We appreciate the opportunity to present our concerns with HB 1896. 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'.

Brendan Flanagan
Vice President, State Affairs
Consumer Brands Association

BEAUTYCOUNTER[®]

February 8, 2024

Re: House Bill 1896

Dear Chair Lowen, Vice Chair Cochran and Distinguished Members of the House Committee on Energy & Environmental Protection:

Beautycounter—a manufacturer of clean beauty and personal care products—strongly supports a statewide ban of cosmetics and personal care products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). 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 broadly banning PFAS from cosmetics and personal care products and is 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.

While leading brands like Beautycounter ban intentionally added PFAS, including HFOs, from our products and continuously work with our partners to increase supply chain transparency, other companies along the cosmetics supply chain, including raw material and packaging suppliers, are not held accountable. Without stronger regulations, it can be challenging for brands to have full accountability for their supply chain. Legislation that restricts or prohibits harmful chemicals, such as House Bill 1896, aids brands' efforts to obtain critical information from upstream actors in the cosmetics chain.

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 'J. McPartland', is positioned below the text 'Regards,'.

DR. JENNIFER MCPARTLAND

Head of Mission
Beautycounter

HB-1896

Submitted on: 1/31/2024 7:26:54 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Prohibits

HB-1896

Submitted on: 2/2/2024 2:01:01 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

Of course we must prohibit "forever chemicals" which are obviously harmful

HB-1896

Submitted on: 2/4/2024 6:12:23 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dorothy Norris	Individual	Support	Written Testimony Only

Comments:

PFAS compounds are persistent in the environment and can cause cancer in humans especially in pregnant women. Please limit their use to only emergency needs and remove them from food or cosmetic uses. Mahalo

HB-1896

Submitted on: 2/4/2024 8:36:36 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

support

HB-1896

Submitted on: 2/5/2024 9:37:52 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lowen and members of the EEP

I support HB1896

PFAS are known to be toxic and persistent in the environment. Consistent with the stewardship embodied in the state motto, PFAS must be banned.

Mahalo,

Keith Neal

Waimea

HB-1896

Submitted on: 2/6/2024 9:27:04 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald "Ron" Reilly	Individual	Support	Written Testimony Only

Comments:

Dear Chair Lowen, Vice Chair Cochran, and members of the Committee On Energy & Environmental Protection,

In support of HB1896.

Since perfluoroalkyl and polyfluoroalkyl substances, have been found to to harmful to human health, this measure to prohibit their use of any food packaging, food service ware, cosmetic, or personal care products should be adopted.

I respectfully urge your support of this measure.

Sincerely, Ron Reilly
Volcano Village, Hawaii

HB-1896

Submitted on: 2/6/2024 3:26:06 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

Please support whether PFAS is on purpose or not.

HB-1896

Submitted on: 2/6/2024 9:44:24 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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 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.