

STAND. COM. REP. NO.

1532

Honolulu, Hawaii

MAR 24

, 2023

RE: S.B. No. 504
S.D. 1
H.D. 2

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 504, S.D. 1, H.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 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, with certain exceptions.

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

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received comments on this measure from the Chamber of Commerce Hawaii and Maui Chamber of Commerce.

Your Committee finds that Act 152, Session Laws of Hawaii 2022, prohibits, beginning July 1, 2024, the manufacture, sale, and distribution of food packaging and class B firefighting foam containing intentionally introduced perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS or forever chemicals. However, in light of the November 2022 spill of approximately one thousand three hundred gallons of firefighting foam containing PFAS at the Red Hill Bulk Fuel Storage Facility, your Committee believes that further action is needed to prevent future releases of these substances into the environment and drinking water sources. This measure will further protect residents against toxic chemicals by expanding the range of PFAS-containing consumer products subject to the prohibition.

Your Committee has amended this measure by:

- (1) Clarifying that the prohibition applies to products that contain intentionally added PFAS;
- (2) Changing the effective date to December 31, 2026; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 504, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 504, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



MARK M. NAKASHIMA, Chair



