



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on SB2369
RELATED TO TOXIC CHEMICALS**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. BUENAVENTURA, CHAIR
COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 9, 2024

Room Number: 224

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) respectfully provides comments to
3 SB2369 which establishes a long-term task force to increase publicly available information and
4 proactively plan for future regulation regarding per- and polyfluoroalkyl substances (PFAS) and
5 related chemicals.

6 DOH has been involved in a number of projects to better understand the presence of PFAS
7 contamination, the associated risks, and remediation . For the past 5 years, DOH has worked
8 closely with the US Environmental Protection Agency (EPA), the Environmental Council of the
9 States (ECOS), Association of State and Territorial Solid Waste Management Officials
10 (ASTSWMO) and multiple state regulatory agencies to manage emerging contaminants like
11 PFAS and to provide guidance on testing and remediation. Most recently EPA provided public
12 notice on a proposed rule to list specific PFAS as hazardous constituents.

13 The Hazard Evaluation and Emergency Response (HEER) Office of the DOH has a dedicated
14 web page on PFAS which provides information and guidance on risk.

15 <https://health.hawaii.gov/heer/environmental-health/highlighted-projects/pfas/>. As part of
16 outreach and education efforts there are PFAS fact sheets in English and also translated into

1 various languages. HEER Office partnered with Hawaii Pacific University and the US
2 Geological Survey to conduct studies in fish and sea water in the near-shore environment and on
3 frequently- eaten fish purchased from markets. Other studies include PFAS in wastewater,
4 biosolids and landfill leachate, and PFAS concentrations and risks in compost made from
5 compostable food containers and food crops grown in compost.

6 The DOH continues to respond to environmental releases of chemicals containing PFAS, oversee
7 groundwater monitoring wells around the Red Hill Bulk Fuel Storage facility for the presence of
8 PFAS, continue to evaluate and update the PFAS Environmental Action Levels (EALs) and
9 oversee the evaluation and long-term cleanup of PFAS contaminated sites.

10 For these reasons, a task force is unnecessary at this time given the activities and outreach DOH
11 is currently engaged in. The ongoing discussions we have nationwide with the environmental,
12 scientific, and business communities keep us abreast of new and emerging information on PFAS.

13 Thank you for the opportunity to testify.

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI**

CITY AND COUNTY OF HONOLULU

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February 9, 2024

The Honorable Mike Gabbard, Chair
and Members
Committee on Agriculture and Environment
Hawaii State Capitol, Room 224

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Health and Human Services
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair San Buenaventura and Members:

Subject: Senate Bill 2369: Relating to Toxic Chemicals

The Honolulu Board of Water Supply (BWS) supports Senate Bill (SB) 2369.

Per- and polyfluoroalkyl substances (PFAS) is an emerging class of chemicals that are increasingly becoming understood to pose serious toxicity to humans and other organisms in the environment. These substances are known as "forever chemicals" because they do not easily break down and can remain in the environment for long periods of time. Residues have been detected ground water, surface water, soils, in humans and in wildlife.

In response to the growing health and environmental significance of PFAS chemicals, on March 14, 2023, the United States Environmental Protection Agency (EPA) proposed the first-ever national standard to limit six per- and polyfluoroalkyl substances (PFAS) in drinking water. The rule is anticipated to be finalized in early 2024 and will require regular testing for PFAS and the installation of water treatment systems to reduce levels that exceed the standard. In anticipation of the proposed PFAS rules, the Board of Water Supply (BWS) began annual testing of our water sources for PFAS in 2020. The results to date show measurable PFAS

The Honorable Mike Gabbard, Chair
The Honorable Joy A. San Buenaventura, Chair
and Members
February 9, 2024
Page 2

levels in eight (8) of our 85 well stations that are currently below the proposed EPA standards. Regular testing continues at these eight (8) well stations continue to look for any increasing trends. PFAS have also been detected in groundwater samples collected from various Navy monitoring wells surrounding the Red Hill Fuel Facility in quantities higher than expected.

The purpose of this bill to establish a long-term task force to increase publicly available information and proactively plan for future regulation regarding PFAS and other emerging chemical substances is appropriate. PFAS will be a long-standing issue of concern and the objectives of the working group under this measure will be important to the protection of public health and the environment.

Thank you for the opportunity to testify in support of SB 2369.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ernest Y. W. Lau".

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



Environmental Caucus of The Democratic Party of Hawai'i

Thursday, February 8, 2024

To: Senate Committee on Agriculture and the Environment
Hon. Mike Gabbard, Chair
Hon. Herbert M. "Tim" Richards, III, Vice Chair

Senate Committee on Health and Human Services
Hon. Joy A. San Buenaventura, Chair,
Hon. Henry J.C. Aquino, Vice Chair.

Re: SB 2369 RELATING TO TOXIC CHEMICALS

Hearing: Friday, February 9, 2024, 1:00 p.m., Room 224 & videoconference

Position: Strong support

Aloha, Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees on Agriculture and Environment and Health and Human Services:

The Environmental Caucus of the Democratic Party of Hawai'i, which has over 7,500 active members statewide, strongly supports SB 2369. It establishes a working group to investigate the existence and environmental dangers of per- and polyfluoroalkyl substances and related chemicals and requires a report to the Legislature.

We, in the Environmental Caucus of the Democratic Party of Hawai'i, thank you for your committees' steadfast support for Hawai'i's environmental protection. In particular, we appreciate greatly the attention to the situation at the Red Hill Bulk Underground Storage Facility where, 1,300 gallons of AFFF concentrate with Per- and polyfluoroalkyl substances (PFAS) spilled on November 29, 2022, at Adit 6.

To this day, there remains in the lower access tunnel 9,000 gallons of AFFF concentrate with PFAS in the header of the fire suppression line as well as 4,000 gallons of AFFF concentrate in Building 1613 to supply the Underground Pump House, and 50 gallons of AFFF concentrate with PFAS in Building 1554 to supply the Upper Tank Farm for a total of 13,050 gallons of toxic Forever Chemicals causing a known risk of imminent and substantial endangerment to human health and the environment under the Resource Conservation and Recovery Act and the Clean Water Act.

We are writing to express our deep concerns regarding the presence of PFAS in the state of Hawai'i and across the country. Our concern extends a ban to include any and all use of

PFAS in the state, including but not limited to, the Red Hill Underground Bulk Storage Facility, even during the total defueling and closure process as the risk of releases are ever present as long as this highly toxic Forever Chemical remains in the fire suppression lines and the two storage Buildings 1613 and 1554.

Accordingly, we urge the Committees to pass SB 2369 to establish a PFAS Working Group to ultimately phase out and ban PFAS use statewide.

PFAS, known as “forever chemicals,” pose significant risks to human health and the environment. These chemicals have been linked to a myriad of adverse health effects, including cancer, reproductive issues, and immune system dysfunction. Furthermore, PFAS are highly persistent in the environment, accumulating in soil, water, and air, posing long-term threats to ecosystems and public health.

PFAS bioaccumulates in the food chain, especially in near-shore reef fish and agricultural produce where reclaimed military-sourced wastewater and sludge are used for irrigation and fertilizer. PFAS, then bioaccumulates in the human body after consuming contaminated foods and is passed to the next generation through childbirth and breastmilk.

Of recent concerns that can be addressed by a PFAS Working Group, civilian airports are frequent users of PFAS-containing firefighting foams, which are used to extinguish fuel fires during emergencies. While these foams are critical for ensuring aviation safety, their use has resulted in widespread contamination of surrounding areas with PFAS, endangering the health and well-being of airport personnel, nearby communities, wildlife, marine life, and ecosystems, including area waterways, shorelines, and aquifers. This includes airports in Hawai‘i, with high levels of this chemical found most recently in the areas surrounding the Daniel K. Inouye Airport as well as the Kahului airport on Maui.

Given the urgency of addressing PFAS contamination and protecting public health, we urge the Committees to include provisions in this measure to facilitate the cleanup of existing PFAS contamination at airport facilities, training facilities where PFAS has been used for training purposes, and at the Red Hill Underground Bulk Fuel Storage Facility Adit 6 and promote the use of safer alternative firefighting foams and other PFAS-based consumer, commercial, and industrial products.

By taking decisive action to address PFAS contamination in adversely affected areas in the state, these Committees will demonstrate their commitment to safeguarding public health and the environment while advancing for public and environmental safety.

Thank you for your attention to this critical matter. We look forward to continued leadership on this issue and stand ready to support your efforts to protect our communities from the dangers of PFAS contamination.

Please pass SB 2369 to establish a working group to investigate the existence and environmental dangers of per- and polyfluoroalkyl substances and related chemicals.

Thank you for the opportunity to testify on this very important measure.

Melodie Aduja legislativepriorities@gmail.com

Alan B. Burdick burdick808@gmail.com

Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai'i



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII
SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT and
HEALTH AND HUMAN SERVICES

FEBRUARY 9, 2024

SB 2369, RELATING TO TOXIC CHEMICALS

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** SB 2369, relating to toxic chemicals. Pursuant to the “Environment and Energy” section of the Democratic Party of Hawai'i platform, the party believes “that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society.”

Per- and polyfluoroalkyl substances (PFAS) are a group of synthetic organofluorine chemical compounds that have multiple fluorine atoms attached to an alkyl chain that are increasingly becoming understood to pose serious toxicity to humans and other organisms in the environment. In 2021, the Organization for Economic Co-operation and Development (OECD) identified at least 4,730 distinct PFAS chemicals. The United States Environmental Protection Agency's toxicity database (DSSTox) lists 14,735 unique PFAS, while PubChem lists more than 6,000,000 that fit under the 2021 revised definition of PFAS by the OECD.

Many PFAS chemicals were used in the mid-20th century in products and on materials due to their enhanced water-resistant properties, like Teflon or aqueous film forming foam, before the environmental impact and toxicity to human and mammalian life had been studied. PFOS, PFOA, and other PFAS chemicals are commonly described as persistent organic pollutants or "forever chemicals" because they remain in the environment for long periods of time. Residues have been detected in humans and wildlife, prompting concern about impacts on health. According to the National Academies of Sciences, Engineering, and Medicine, PFAS exposure is linked to increased risk of dyslipidemia (abnormally high cholesterol), suboptimal antibody response, reduced infant and fetal growth, and higher rates of kidney cancer.

Health concerns related to PFAS have resulted in numerous lawsuits. PFAS producers such as 3M, Chemours, DuPont, and Corteva have reached billion-dollar agreements to settle claims. The use of PFAS is regulated in several parts of the world, with some plans to phase them out entirely from products. Chemical corporations that produce PFAS generate approximately \$4,000,000,000 in annual profits from the production of these chemicals in the United States, but they impose monumental costs on taxpayers and the health of the planet's human and animal populations. Of these costs, the most expensive are remediation efforts to fight PFAS soil and water contamination, followed by the healthcare costs to treat cancer, thyroid disease, kidney dysfunction, birth defects, and other major medical conditions that have been linked to even low levels of exposure to PFAS, and followed by the costs of monitoring of PFAS pollution in human and other life forms. The International Chemical Secretariat has estimated that PFAS cost approximately \$17,500,000,000,000 annually.

As of August 2023, 25 states have established enforceable drinking water standards related to PFAS. We should follow suit and establish regulations for Hawai'i that reflect our commitment to the public trust.

Mahalo nui loa,

Kris Coffield

Co-Chair, Legislative Committee
(808) 679-7454
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Abby Simmons

Co-Chair, Legislative Committee
(808) 352-6818
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To: The Honorable Senators Mike Gabbard and Joy San Buenaventura, Chairs, the Honorable Tim Richards, III, and Henry Aquino, Vice Chairs, and Members of the Committees on Agriculture and Environment and Health and Human Services.

From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing SB2369 RELATING TO TOXIC CHEMICALS**

Hearing: Friday February 9, 2024 1:00 p.m.

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees on Agriculture and Environment and Health and Human Services:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about PFAS "forever chemicals" in the marine environment.

The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back

to a safe and stable climate. Climate Protectors Hawai'i is deeply concerned about PFAS "forever chemicals" in the environment.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT SB2369!

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are persistent, toxic substances. PFAS are often called "**forever chemicals**" because they do not naturally break down in the environment and **can continue to pollute the environment for thousands of years**. PFAS can contaminate drinking water, bioaccumulate in fish and wildlife, and have **multiple adverse health effects on animal and human populations including cancer, reproductive and developmental harm, thyroid disruption, impaired immune function, increased cholesterol levels, and vital organ damage**.

PFAS are utilized in a broad range of products, including **clothing, textiles, food packaging, and cosmetic products such as lotions, nail polish, shaving cream, and mascara**. PFAS can enter the human body when consumed, applied directly on skin, and after eating food packaged in materials that contain PFAS.

As an island state, when **these forever chemicals** are brought in the State, they **never leave**. Instead, they make their way into residents' bodies and the State's wastewater, landfills, and eventually groundwater and the drinking water supply. Hawai'i can no longer afford to import toxic substances that contaminate the State's finite resources and risk residents' health.

This Act would establish a working group to investigate the existence and environmental dangers of per- and polyfluoroalkyl substances and related chemicals.

This is an important measure to protect human health and the environment in Hawai'i.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill to study the presence of PFAS "forever chemicals" in Hawai'i.

Please pass this bill! Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

SB-2369

Submitted on: 2/8/2024 11:49:40 AM

Testimony for AEN on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Greenpeace Hawaii	Support	Written Testimony Only

Comments:

Support



Food+ Policy Internship 2024

food@purplemaia.org

February 8, 2024

To: Chairs Gabbard and San Buenaventura, Vice-Chairs Richards and Aquino, and the members of the Agriculture and Environment and Health and Human Service Committees.

Subject: **Support of SB2369**

Honorable Members of the Legislature,

On behalf of Hawaii Food+ Policy, I am writing to express our strong support for SB2369, which proposes the establishment of a working group to investigate and address per- and polyfluoroalkyl substances (PFAS) contamination in Hawaii. As an organization dedicated to forging a brighter future for our islands. We merge innovative education, technology, and cultural enrichment with policies promoting sustainable agriculture and equitable access to nutritious, locally sourced food. Together, we empower Hawaii's youth with the skills, knowledge, and values they need to shape a prosperous and resilient Hawaii for generations to come. We are committed to fostering community connections, preserving our unique heritage, and safeguarding our environment as we work towards a Hawaii where every individual thrives, every community is nourished, and our natural resources are conserved, we believe that this measure is essential for protecting the health of our communities and preserving our natural environment.

PFAS chemicals pose significant risks to human health and the environment, as they are persistent, bioaccumulative, and have been linked to a range of adverse health effects. Furthermore, PFAS contamination threatens our water sources, soil, and wildlife, posing long-term environmental risks. As an organization committed to supporting policies that serve the health and wellness of the people, the environment, social equity, and economic stability of Hawaii, we recognize the importance of addressing PFAS contamination to ensure the well-being of current and future generations.

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

SB2369 addresses these pressing concerns by establishing a dedicated working group tasked with identifying PFAS contamination hotspots, developing remediation strategies, and implementing public awareness campaigns. This proactive approach aligns with our organization's values and goals, as it emphasizes the importance of collaborative action and evidence-based decision-making to address environmental challenges.

The inclusion of representatives from various sectors in the working group, including government agencies, environmental organizations, and the business community, ensures comprehensive stakeholder engagement and fosters collaborative solutions. By bringing together diverse perspectives and expertise, the working group can develop effective and sustainable strategies to address PFAS contamination in Hawaii.

Moreover, the requirement for regular reporting to the legislature enhances transparency and accountability in the PFAS mitigation efforts. It enables policymakers and the public to stay informed about the progress of the working group and ensures that actions are taken in a timely and responsible manner.

SB2369 also acknowledges the economic costs associated with PFAS contamination, including healthcare expenses and remediation efforts. By taking proactive measures to address PFAS contamination, the policy aims to reduce these financial burdens on taxpayers and businesses, ultimately benefiting the state's economy.

In conclusion, Hawaii Food+ Policy urges you to support SB2369 and prioritize the establishment of a PFAS working group to address this urgent environmental and public health issue. By taking decisive action now, we can protect our communities, preserve our natural resources, and safeguard the well-being of future generations.

Thank you for considering our testimony in support of this important measure.

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.

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Food+ Policy Internship 2024

food@purplemaia.org

Kawika Kahiapo + Hawaii Food+ Policy Team

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.

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SB-2369

Submitted on: 2/6/2024 5:28:16 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Chair San Buenaventura, and AEN/HHS Committee Members,

Mahalo for the opportunity to testify in strong support of this bill. These "forever chemicals" pose a clear, present, and perpetual danger to environmental and public health. We cannot afford to ignore their existence in our environment.

Please support this important bill that is so critical to our Aina and current and future generations of Hawaiian residents.

With Aloha,

Lisa Bishop

Hawaii resident, homeowner, tax payer,,voter

SB-2369

Submitted on: 2/6/2024 6:44:15 PM

Testimony for AEN on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

This is a common sense bill. Please support it. Mahalo.

SB-2369

Submitted on: 2/8/2024 11:50:09 AM

Testimony for AEN on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2369 to establish a long-term task force to increase publicly available information and proactively plan for future regulation regarding PFAS and regulated chemical substances. To protect the health and safety of our communities, it is critical that we take steps toward the remediation of PFAS contamination throughout the State.

Mahalo for the opportunity to testify.