

Honolulu, Hawaii

MAR 01 , 2024

RE: H.B. No. 1896
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1896, 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 intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Your Committee received testimony in support of this measure from the Department of Health; Honolulu Board of Water Supply; Sierra Club of Hawai'i; Americans for Democratic Action Hawai'i; Hawai'i Reef & Ocean Coalition; Kaua'i Climate Action Coalition; Food+ Policy Internship 2024; and six individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii. Your Committee received comments on this measure from the Consumer Brands Association.

Your Committee finds that perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS, are called "forever chemicals" because they do not naturally break down in the environment and can contaminate drinking water, bioaccumulate in fish and wildlife, and have multiple adverse health effects on humans.



PFAS can be found in a diverse range of products, including clothing, food packaging, disposable cutlery, shaving creams, and mascara, and can enter the human body when consumed, applied directly on the skin, and after eating food that is packaged in materials containing PFAS.

Your Committee further 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 PFAS. However, in light of past incidents concerning products containing PFAS, 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) Specifying that the prohibition established by this measure begins on January 1, 2027;
- (2) Excluding from the prohibition established by this measure:
 - (A) Products approved by the United States Food and Drug Administration from the prohibition established by this measure; and
 - (B) Products that do not contain intentionally added PFAS but do contain an added chemical where PFAS are intentional breakdown products;
- (3) For purposes of determining whether PFAS were intentionally added, deleting consideration of PFAS chemicals that are intentional breakdown products of an added chemical; and
- (4) 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 H.B. No. 1896, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1896, H.D. 2.


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



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 1896 HDI	Committee Referral: EEP, CPC	Date: 02-28-24		
<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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	—			
2. SAYAMA, Jackson D. (VC)	—			
3. AMATO, Terez	—			
4. BELATTI, Della Au				—
5. HASHEM, Mark J.	—			
6. HUSSEY-BURDICK, Natalia	—			
7. GATES, Cedric Asuega	—			
8. LOWEN, Nicole E.	—			
9. ONISHI, Richard H.K.	—			
10. TAM, Adrian K.	—			
11. PIERICK, Elijah			—	
TOTAL (11)	9		1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				