

STAND. COM. REP. NO.

464

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 132
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 132 entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to add the chemicals homosalate, octocrylene, and octisalate to the sale and distribution sunscreen ban as of January 1, 2023.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i State Youth Commission, Hawaii Reef and Ocean Coalition, Kahalu'u Bay Education Center - The Kohala Center, Surfrider Foundation O'ahu Chapter, Surfrider Foundation Maui Chapter, Lani & Kai, Coral Reef Education Institute, Haereticus Environmental Laboratory, Hanauma Bay Snorkel Adventures, Waiwai Ola Waterkeepers Hawaiian Islands, Kawaihae Canoe Club, Hawaii Coral Reef Stakeholders Hui, Napili Bay and Beach Foundation, Safe Sunscreen Council, Chemists Without Borders, Shandong Agricultural University, Sorbonne Universite, and forty-five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Personal Care Products Council, Chamber of Commerce Hawaii, Public Access to SunScreens Coalition, Consumer Healthcare Products Association, American Chemistry Council, and three individuals. Your Committee received comments on this measure



from the Department of Health, American Academy of Dermatology Association, and one individual.

Your Committee finds that octocrylene is linked to significant harmful impacts on Hawaii's marine environment and ecosystems, including coral reefs that protect Hawaii's shoreline. Furthermore, as the environmental contamination of octocrylene is constantly refreshed and renewed daily by swimmers and beachgoers who apply sunscreens containing these three chemicals, the contamination persists in Hawaii's coastal waters.

Additionally, your Committee finds that since the passage of Act 14, Session Laws of Hawaii 2018, which prevented the sale and distribution of sunscreen containing oxybenzone and octinoxate in the State beginning on January 1, 2021, octocrylene and avobenzone have been shown to be harmful to marine life and human health and should also be kept out of our marine environment. Evolving science around the world clearly demonstrates that these ubiquitous and pervasive reef toxins irreversibly interfere with the life-cycles of Hawaii's foundational and endemic marine life. Furthermore, long-term exposure to avobenzone and octocrylene has been found to be lethal for some organisms living in freshwater environments.

Your Committee has amended this measure by:

- (1) Removing language that would have banned the sale of the sunscreen chemicals "octisalate" and "homesalate" beginning January 1, 2023;
- (2) Inserting language that bans the sale of the sunscreen chemical "avobenzone" beginning January 1, 2023;
- (3) Deleting the definition of "homosalate" and "octisalate";
- (4) Adding the definition of "avobenzone"; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this



report, your Committee is in accord with the intent and purpose of S.B. No. 132, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 132, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,




MIKE GABBARD, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 132	Committee Referral: AEN, CPN	Date: 02/17/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)		✓		
ACASIO, Laura	✓			
RHOADS, Karl	✓			
FEVELLA, Kurt	✓			
TOTAL	4	1		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes