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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

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OFFICE OF THE
COUNTY CLERK

October 12, 2017

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: AMENDMENT TO PROPOSED RESOLUTION TO INCORPORATE INTO THE 2018 MAUI COUNTY LEGISLATIVE PACKAGE A PROPOSED STATE BILL RELATING TO OXYBENZONE AND OCTINOXATE, ATTACHED TO THE POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE REPORT (PEA-4(1))

May I request the matter relating to the attached proposed amendment to the proposed State bill attached as Exhibit "A" to the first resolution attached to the Policy, Economic Development, and Agriculture Committee Report, relating to oxybenzone and octinoxate, be placed on the agenda for the October 20, 2017 Council meeting.

Sincerely,

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura".

YUKI LEI SUGIMURA, Chair
Policy, Economic Development, and
Agriculture Committee

pea:ltr:004(1)ach01:ske

Attachment

COUNTY COMMUNICATION NO. 17-411

**MAUI COUNTY COUNCIL
Amendment Summary Form**

Legislation: Proposed resolution to incorporate into the 2018 Maui County legislative package a proposed State bill relating to Oxybenzone and Octinoxate.

Proposer: Yuki Lei K. Sugimura, Chair
Policy, Economic Development, and Agriculture Committee



Description:Amends the proposed State bill by (1) inserting into the purpose statement in Section 1, the word “use”; and (2) inserting definitions for Oxybenzone and Octinoxate in Section 2.

Motion: Move to amend the first proposed resolution attached to the Policy, Economic Development, and Agriculture Committee Report, by amending the proposed State bill attached as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO OXYBENZONE AND OCTINOXATE,” by (1) inserting into the purpose statement in Section 1 of the bill the word “use,” followed by a comma, prior to the word “sale,” to read, “The purpose of this Act is to promote ocean health by prohibiting the use, sale, offer for sale, or distribution for sale of sunscreen or personal care products containing oxybenzone and octinoxate.”; and (2) inserting into Section 2 of the bill, following the new section heading, an “(a)” to create a subsection; a new subsection (b) to incorporate a definition for “oxybenzone”; and a new subsection (c) to incorporate a definition for “octinoxate,” as reflected in the attachment hereto.

Effect: See attached marked-up copy.

Attachment: See attached as noted.

pea:misc:004(1)asf01:ske

A BILL FOR AN ACT

RELATING TO OXYBENZONE AND OCTINOXATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Oxybenzone and octinoxate have significant
2 impacts on the environment and especially to the marine
3 environment, including, but not limited to: causing mortality in
4 coral planula and gametes; increasing the susceptibility of
5 coral to undergo coral bleaching at temperatures lower than 87.8
6 degrees Fahrenheit; and causing potential damage to coral and
7 other marine organisms' genomic integrity. These compounds have
8 also been shown to degrade coral physiology and coral reef
9 community integrity so as to reduce acclimation and resiliency
10 to climate change factors, and to degrade coral reefs by
11 inhibiting recruitment. Increased probability of endocrine
12 disruption, either causing demographic feminization in fish or
13 other types of reproductive diseases, has been observed in
14 marine invertebrate species (e.g. sea urchins), and vertebrate
15 species (e.g. fish such as wrasses, eels, and parrotfish), and
16 in marine mammals (in species similar to the Hawaiian Monk
17 Seal).

EXHIBIT "A"

____.B. NO. _____

1 Oxybenzone and octinoxate act as pseudo-persistent
2 pollutants in Hawaii coastal waters, meaning their environmental
3 contamination levels are constantly refreshed and renewed daily
4 by swimmers and beachgoers. Swimming and other water activities
5 will pollute Hawaii waters with these chemicals unless actively
6 mitigated.

7 The purpose of this Act is to promote ocean health by
8 prohibiting the use, sale, offer for sale, or distribution for
9 sale of sunscreen or personal care products containing
10 oxybenzone and octinoxate.

11 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is
12 amended by adding a new section to part I to be appropriately
13 designated and to read as follows:

14 "§187A- Oxybenzone and octinoxate; sunscreen and
15 personal care product restrictions. (a) No person shall use or
16 apply sunscreen, sunblock, or personal care products containing
17 oxybenzone or octinoxate in the State of Hawaii, unless the
18 sunscreen, sunblock, or personal care product is a prescription
19 drug as defined in section 328-112."

20 (b) For purposes of this section, "oxybenzone" means the
21 chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the
22 International Union of Pure and Applied Chemistry chemical

1 nomenclature registry, has a chemical abstract service registry
2 number 131-57-7, and whose synonyms include benzophenone-3,
3 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, 4-methoxy-2-
4 hydroxybenzophenone and Milestab 9, and is intended to be used
5 as protection against ultraviolet light radiation with a
6 spectrum wavelength from 370 nanometers to 220 nanometers in an
7 epidermal sunscreen-protection personal-care product.

8 (c) For purposes of this section, "octinoxate" means the
9 chemical ((RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-
10 enoate under the International Union of Pure and Applied
11 Chemistry chemical nomenclature registry, has a chemical
12 abstract service registry number 5466-77-3, and whose synonyms
13 include ethylhexylmethoxycinnamate, octyl methoxycinnamate,
14 Eusolex 2292, and Uvinul MC80, and is intended to be used as
15 protection against ultraviolet light radiation with a spectrum
16 wavelength from 370 nanometers to 220 nanometers in an epidermal
17 sunscreen-protection personal-care product."

18
19 SECTION 3. Chapter 328, Hawaii Revised Statutes, is amended
20 by adding a new section to part I to be appropriately designated
21 and to read as follows:

___ .B. NO. ___

1 "§328- Sale of sunscreen and personal care products
2 containing oxybenzone or octinoxate; prohibited. (a) It shall
3 be unlawful to sell, offer for sale, or distribute for sale
4 sunscreen or personal care products that contain oxybenzone or
5 octinoxate, unless the product is a prescription drug as defined
6 in section 328-112.

7 (b) For purposes of this section, "oxybenzone" means the
8 chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the
9 International Union of Pure and Applied Chemistry chemical
10 nomenclature registry, has a chemical abstract service registry
11 number 131-57-7, and whose synonyms include benzophenone-3,
12 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, 4-methoxy-2-
13 hydroxybenzophenone and Milestab 9, and is intended to be used
14 as protection against ultraviolet light radiation with a
15 spectrum wavelength from 370 nanometers to 220 nanometers in an
16 epidermal sunscreen-protection personal-care product.

17 (c) For purposes of this section, "octinoxate" means the
18 chemical ((RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-
19 enoate under the International Union of Pure and Applied
20 Chemistry chemical nomenclature registry, has a chemical
21 abstract service registry number 5466-77-3, and whose synonyms
22 include ethylhexylmethoxycinnamate, octyl methoxycinnamate,

____.B. NO. _____

1 Eusolex 2292, and Uvinul MC80, and is intended to be used as
2 protection against ultraviolet light radiation with a spectrum
3 wavelength from 370 nanometers to 220 nanometers in an epidermal
4 sunscreen-protection personal-care product."

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2019.

7

8 INTRODUCED BY: _____