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MEMO TO: PEA-4(1) File

F R O M: Elle Cochran, Councilmember



SUBJECT: **TRANSMITTAL OF REVISED LEGISLATIVE PROPOSAL
RELATING TO 2018 MAUI COUNTY LEGISLATIVE PACKAGE (PAF
17-205)**

The attached revised legislative proposal pertains to Item 4(1) on the Committee's agenda.

paf:mcc:17-205gb

Attachment

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2018 MAUI
COUNTY LEGISLATIVE PACKAGE A STATE BILL
PROHIBITING THE SALE OF SKIN CARE
PRODUCTS CONTAINING OXYBENZONE AND
OCTINOXATE

WHEREAS, Oxybenzone and Octinoxate have significant impacts on the environment and especially to the marine environment, including, causing mortality in coral planula and gametes; increasing the susceptibility of coral to undergo coral bleaching at temperatures lower than 87.8 degrees Fahrenheit; and causing potential damage to coral and other marine organisms' genomic integrity; and

WHEREAS, Oxybenzone and Octinoxate act as pseudo-persistent pollutants in Hawaii coastal waters, meaning their environmental contamination levels are constantly refreshed and renewed daily by swimmers and beachgoers; and

WHEREAS, swimming and other water activities will pollute Hawaii waters with these chemicals continuously unless actively mitigated; and

WHEREAS, to preserve the health, safety, welfare, and scenic underwater and natural beauty of Hawaii, the sale or distribution of personal care products containing Oxybenzone and Octinoxate, must be regulated; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to prohibit the sale of skin care products containing Oxybenzone and Octinoxate, is approved for inclusion in the 2018 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

____.B. NO.____

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 sale, offer for sale, or distribution for sale
9 of sunscreen or personal care products containing oxybenzone and
10 octinoxate.

11 SECTION 2. Chapter 328, Hawaii Revised Statutes, is amended
12 by adding a new section to part I to be appropriately designated
13 and to read as follows:

14 "§328- Sale of sunscreen and personal care products
15 containing oxybenzone or octinoxate; prohibited. (a) It shall
16 be unlawful to sell, offer for sale, or distribute for sale
17 sunscreen or personal care products that contain oxybenzone or
18 octinoxate, unless the product is a prescription drug as defined
19 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 SECTION 3. New statutory material is underscored.

19

20 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: _____