

Office of the County Clerk
Maui County

RECEIVED
2021 OCT 22 PM 2:48

OFFICE OF THE
COUNTY CLERK

To: The Honorable Alice Lee
Chair of Maui County Council

RE: 'Aina Kupuna CR 21-95

AKA: BFED-78 CC 21-29 County Property Tax Reform

A BILL FOR AN ORDINANCE RELATING TO 'AINA KUPUNA LANDS

To Amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels
dedicated as: 'Aina Kupuna .

From: Monica L.N. Crabbe

Cell: 808.281.7152

October 20, 2021

To: Council of the County of Maui
Budget, Finance, and Economic Development Committee

Honorable Alice Lee, Chair of Maui County Council

RE: 'Aina Kupuna, CR 21-95

**AKA: BFED-78 CC 21-29 COUNTY PROPERTY TAX
REFORM**

**A BILL FOR AN ORDINANCE RELATING TO 'ĀINA
KŪPUNA LANDS**

To amend Chapter 3.48, Maui County Code, to add a
section relating to taxes
on parcels dedicated as " 'Aina Kupuna ."

From: Monica Leihua Crabbe
Descendant of Kupuna Lands dating back before the time of
Kamehameha III and before the Great Mahele.

Thank you for allowing me to send in this letter on behalf of hoping to pass
this proposal for
'Aina Kupuna, CR 21-95.

I am a Maui descendant of Piconui,
kupuna kahiko mai ka 'aina o Kipahulu o ka makani ka'ili aloha.
I live on the island of Maui, and like my mother before me, have a fondness
for our 'aina,
Wailamoā and Kakalahale, Kipahulu.
I can relate very well the Chang 'ohana (Kukahiko family & descendants), as
my family continues to pay for land taxes since I can remember, eventually
hoping one day they/we will return to Kipahulu.
However, due to skyrocketing property values associated with property
taxes, real estate, foreign investment and global demand for land in
Hawai'i.....we are being taxed on our family land (aka: Kupuna 'Aina),
which has not had a hale (house) on it for over 100 years, no plumbing no
electricity, no road(s), no new improvements.....in other words, just land,
just 'aina, 'Aina Kupuna. The 'aina is in the same state as when it was given
to my kupuna.....great-great-great grand father, great-great-grand mother,
great-grand mother, grand mother, uncles and cousins.
Annually, we go to chop down the trees, clear the weeds, burn the rubbish,
gather 'a'ama (crab), he'e (squid) 'opihi, and leho (cowrie shells). We do this
to honor those who have walked these paths and those who have lived the
lives of a time gone by.....after all, we are stewards and care takers to our
'Aina Kupuna; they are not a commodity as real estate agents or investors
would otherwise have you believe.

The rape of our 'Aina Kupuna must stop, and you.....our Maui Council has the opportunity to turn the direction of this Westernized thinking; and therefore, to amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels dedicated as 'Aina Kūpuna. Or, have the stain of generational genocide on your conscience. Please let your conscience and heart be your guide today, to hear our 'Aina Kupuna, to hear their voices in the wind..... to right a wrong that will stand for generations in years to come.

The county government has benefited greatly from skyrocketing property values and associated property taxes, driven by real estate speculation, foreign investment, and the global demand for land in Hawai'i. Sadly, this surge in property values is now pushing Maui's long-time 'ohana to the brink of losing their ancestral lands, going into poverty to pay their property taxes or monetizing their 'āina in ways that erode their character, and the overall character of Maui's unique communities. **As its coffers continue to fill from the foreign desire for Maui's lands, the county must take steps to provide targeted tax relief for its long-time 'ohana, and the last living vestiges of Maui's social and cultural heritage that they embody.**

The dispossession of land has deep, profound, and unique impacts on Native Hawaiians, whose health and well-being are based on their feelings for and deep attachment to the 'āina. Other kama'āina who have maintained their family lands since the Great Depression are likely to have also developed a deep, familial attachment to their lands that would be devastating to lose. **This bill will provide critical protections for Native Hawaiian and other 'ohana who may be forced to choose between the devastation of selling their ancestral lands, or paying tax assessments that they are increasingly unable to afford.**

Land grabs and speculation by off-island investors should never lead to long-time kama'āina families being taxed into poverty, or off of their ancestral lands. **This bill will protect Maui's families and the legacy they represent, from property tax increases due to forces well beyond their control.**

Therefore, I strongly support this 'āina kūpuna bill : **'Aina Kupuna, CR 21-95**

(AKA: BFED-78 CC 21-29 County Property Tax Reform, to amend Chapter 3.48, Maui County Code, to add a section relating to taxes on parcels dedicated as 'Aina Kupuna. This proposal will provide tax relief for lineal descents who continue to live and care for their ancestral lands, as my 'ohana and I have also been doing for many years in Kipahulu. Please support this bill .

Me ka ha'aha'a, 'o wau iho no.....



Monica Leihua Nani Crabbe
Cell: 808.281.7152

County Clerk

From: Mikahala Helm <mikahala@hawaii.edu>
Sent: Wednesday, October 20, 2021 5:54 PM
To: County Clerk
Subject: Support for 'Āina Kūpuna Bill CR 21-95 & additional amendment

[You don't often get email from mikahala@hawaii.edu. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha kākou,

I am writing to urge your support for the 'Āina Kūpuna Bill CR 21-95 and the additional amendment that Councilmember Keani Rawlins-Fernandez will introduce at the Friday meeting. Your kōkua will make all the difference and I truly appreciate it and all that you are doing to keep Maui no ka 'oi.

Mahalo Nui.

Sincerely,

Mikahala Helm

Sent from my iPad

RECEIVED
2021 OCT 25 AM 8:01
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Michael Benitez Flores <hawaiiboimike@me.com>
Sent: Wednesday, October 27, 2021 7:16 AM
To: County Clerk
Subject: 5 year rule on AirBNB

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2021 OCT 27 AM 7:45

OFFICE OF THE
COUNTY CLERK

[You don't often get email from hawaiiboimike@me.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha,

I am in full support of homeownership after 5 years before actually Airbnb. Too many mainlanders buy homes here for the sole purpose of a flip on a Airbnb. Maui county doesn't have enough homes currently to allow a infrastructure problem. I am in full support of this as a resident in Maui County. Mahalo.

With the warmest aloha,

Mahalo,
Michael D. Benitez Flores
808-855-5111 Cell
305-768-0101 Fax



NĀ MEA 'IKE 'IA
EXECUTIVE DIRECTOR

153 E. Kamehameha Ave, STE 104 #223
Kahului, HI 96732

RECEIVED

2021 OCT 29 AM 9:27

REPLY TO THE ATTENTION OF:

NMII-ED

OFFICE OF THE
COUNTY CLERK

MEMORANDUM FOR

Attn: Maui County Council

SUBJECT: The Ho'omāhua Initiative (CR 21-97) - Identification of Hotspots & requirements for installation

Aloha,

As we work toward progressing The Ho'omāhua Initiative and await the County Council's vote on CR 21-97, we humbly and respectfully request your support of our Smart Tourism™ solution technology for the benefit of our community.

Your "yes" vote will enable us to complete and submit our federal grant application to the U.S. Economic Development Administration before the December 31, 2021 deadline. Our objective is to apply for 3-5 million dollars in federal assistance, to launch our Ho'omāhua Initiative. The funding will provide the financial resources needed, to deploy our smart tourism solution to our Maui County communities. Deployment of our technology will conduct real-time data collection and provide immediate meaningful data analysis needed, to engage effective intelligent decision making and action by visitors and members of our Maui County Communities. We look forward to working closely with Maui County officials and State officials in the various departments for assistance to ensure compliance with permitting and installation requirements required to implement our solution.

For your reference, here is a short list of hotspots identified by Maui Destination Management Plan:
Kaihalulu Bay (Access) • Helele'ike'ōhā (Access) • Haleakalā (Access, Safety, Cultural) • Bamboo forest, Kailua (Access, Safety, Cultural) • Puahokamoa Falls (Access, Safety, Cultural) • Honomanu Waterfall (Access, Safety, Cultural) • Waikani Waterfall (Access, Safety, Cultural) • Pu'u Keka'a (Safety) • Honolua Bay to Kahakuloa Bay (Safety, Cultural)

Signed:

Paulo Faleafine Jr
Co-founder, Executive Director
Nā Mea 'Ike 'Ia
paulo@hi-nmii.org
C: 808-264-9887

From: Syl Cabral <sylviacabralmaui@gmail.com>
Sent: Saturday, October 30, 2021 9:07 AM
To: gov.homelessness@hawaii.gov; County Clerk; Maui_County Council_mailbox; mayors.office@mauicounty.gov
Subject: YOU Need to find a place for the homeless elders and young with children to stay

Oahu just completed approx 5 acres with facilities for these poor sad people sitting and walking on the roads.

I'm talking HAWAIIANS. Anyone ever take anything from Hawaiians?

These are the saddest, most denigrated groups living in paradise.

Yesterday I saw a Hawaiian man sitting lost next to the public toilets on Market St.

It looked like he had just been released from somewhere. There was a packet of fresh washcloths wrapped in a ribbon on a cooler. I gave him money, water and any foods I could find in my car. What can YOU do to help this person? Yesterday I saw two young Hawaiian women walking down the street with a man, two strollers with babies, carrying all their personal belongings. What can YOU do for them?

I have repeatedly asked that YOU get Mahi Polo or the State to set aside 5-100 acres and provide facilities such as

Oahu started this week per the news. Please do it this life, or live to regret it next life. Jesus said he would return.

He's talking about YOU also.

Syl Cabral's Real Estate Store
Call Me @ 808 879 9007
For Daily Properties News

e **X** p E d I T

e:

Office- 35 Walaka St #L-306 Kihei HI 96753

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2021 NOV -1 AM 10: 58

OFFICE OF THE
COUNTY CLERK

From: Syl Cabral <sylviacabralmaui@gmail.com>
Sent: Sunday, October 31, 2021 7:30 PM
To: Maui_County Council_mailbox; County Clerk; Council - Maui County; corpcoun@mauicounty.gov
Cc: mayors.office@mauicounty.gov; Brian.Perry@co.maui.hi.us; Alan Fukuyama; Shane M. Sinenci; Gary Hooser
Subject: Truly affordable will require making affordable housing LEASEHOLD
Attachments: halllowed.jpg; kalu 1st birthday.jpg; Pierced Heart.jpg; Have you Experienced a Pierced Heart 05.jpg; birthday on a park bench.jpg

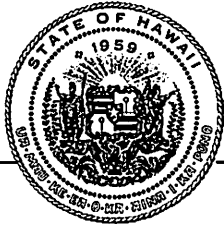
Queen knew how it worked. 150 years later and only 50 years taking away the leaseholds, the govt has made Hawaii a gamblers paradise
outlaws without any laws, a lawless town where the rich pay to play and the locals remain houseless, homeless.
my own daughter has lived houseless for 8 years and working full time. we have our celebrations at the beach,
at the picnic tables, houseless. **Brutally honest, not for the naive to see.**
Find land for the Hawaiian elders, the young with children, mahi pono could donate a hundred acres and the county
has millions to add facilities just like oahu just did this month. don't reinvent the wheel, u do not need more studies.
just do it.

Syl Cabral's Real Estate Store
Call Me @ 808 879 9007
For Daily Properties News

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2021 NOV -1 AM 10:58
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COUNTY CLERK

e X p E d I T

e:
Office- 35 Walaka St #L-306 Kihei HI 96753



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-3807
Web: energy.hawaii.gov

Testimony of SCOTT J. GLENN, Chief Energy Officer

before the
MAUI COUNTY COUNCIL

November 5, 2021
9:00 AM

Comments in support of BILL 106 RELATING TO ENERGY CODE COMPLIANCE FOR LARGE RESIDENTIAL BUILDINGS

RECEIVED
2021 NOV - 1 AM 11:05
OFFICE OF THE
COUNTY CLERK

Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council, the Hawaii State Energy Office (HSEO) supports Bill 106, which would require new one- and two-family residential buildings over 5,000 square feet to be zero net energy homes, and looks forward to further refinements of the measure.

We are all aware of reports from the United Nations, from scientific organizations and other distinguished bodies indicating that climate change is accelerating and which point to worsening droughts, forest fires, floods and rising sea levels. Scientists agree that rising temperatures caused by man-made CO₂ emissions are the prime cause of these catastrophes.

Bill 106 is part of a national shift that recognizes the importance of building codes to steer our buildings, and the energy systems that support them, to more sustainable and efficient designs. Both our buildings and our energy infrastructure generally last more than 50 years.

Measures such as this are intended to move the builders of high-end residences toward highly efficient windows, roofs, air conditioning and water heating technologies which in turn would help to bring these products to Hawaii.

Hawai'i State Energy Office Testimony
Bill 106 Relating to Energy Code Compliance for Large Residential Buildings –
Support
November 5, 2021

Perhaps just as importantly, these measures spark conversation and creative thought, as we recognize the importance and lasting impact of the facilities and systems that are built today, and hear about the potential interactions between home design, energy resources, and our natural environment.

Greater building efficiency, and the ability of homes to produce their own energy, reduce pressure on using our limited land, especially agricultural land, for renewable energy development.

The Hawaii State Energy Office looks forward to participating in discussions as Maui and the state of Hawai'i move toward energy self-sufficiency. In joining forces with similar initiatives across the country, advanced building codes and standards have the potential to move the CO₂ needle downward and contribute to Hawai'i's net carbon negative goal.

Thank you for the opportunity to testify.

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2021 NOV -2 PM 4: 21



OFFICE OF THE
COUNTY CLERK

Testimony of Carmen Hulu Lindsey
Chair, Board of Trustees

Maui County Council
Committee Report No. 21-95
COUNTY PROPERTY TAX REFORM

November 5, 2021

9:00 a.m.

Online Meeting

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the Budget, Finance, and Economic Development Committee's recommendation, per CR 21-95, to pass on first reading "A Bill for an Ordinance Relating to 'Āina Kūpuna Lands." This proposed bill would protect Native Hawaiian and other Maui county families from unprecedented tax burdens that may lead to the dispossession of their 'āina kūpuna, or ancestral lands. Allowing such families to pay the minimum tax on lands that have sustained them for at least three generations will help to ensure that the speculation-driven increase in Maui property values does not further dispossess Native Hawaiians from their ancestral lands, and erode away the living vestiges of Maui's cultural heritage.

As a preliminary matter, OHA emphasizes that the Westernization of land tenure in Hawai'i, and the distribution of land and power that occurred subsequent to the illegal overthrow of the Hawaiian Kingdom, have had profound and unique impacts on the Native Hawaiian people. Such impacts include the physical, spiritual, and socioeconomic harms arising from the dispossession of Native Hawaiians' ancestral lands, and from the myriad other circumstances that have strained or eroded away Native Hawaiians' connection to the 'āina that have sustained their 'ohana since time immemorial.¹ Sadly, much of the lands that Native Hawaiians were able to acquire during Hawai'i's transition to a Western property system have already been lost, abandoned, sold, seized, or stolen, and various factors today continue to place great strain on the ability of Native Hawaiian families to continue maintaining a connection to, and ownership of, their ancestral 'āina.

In addition, OHA notes that Native Hawaiian and kama'āina families who have been able to maintain their ancestral lands for generations represent a foundation of Maui's historical and cultural legacy. Their continued stewardship and presence on their lands helps to maintain important connections to the past and to the 'āina that can uphold the unique values and character of Maui's communities – a role that may be increasingly critical in light of a rapidly transforming socioeconomic landscape resulting, in part, from the real estate trends the county has been experiencing.

¹ See, e.g., The Apology Resolution, Pub. L. No. 103-150 ("[T]he health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land").

OHA therefore strongly supports the recommendation of CR 21-95 to pass on first reading the proposed bill to provide tax relief to parcels dedicated as ‘āina kūpuna. This proposed bill will provide critical and much-needed protection for the few remaining Native Hawaiian and other kama‘āina families who have maintained their family lands for at least three generations. Over the past several decades, the Western commodification of land has manifested in a continuous and almost exponential surge in property taxes, particularly in areas where real estate speculation and resort or luxury development have driven property values to an all-time high.² While taxes on lands that have become subject to the lucrative activities of real estate speculators and developers may be an appropriate and needed mechanism can provide the county with much-needed revenues, the increase in property values and associated property taxes has also had devastating impacts to a small number of Native Hawaiian and long-time Maui families; such families, facing an unprecedented tax burden, have been forced to sell portions of their ancestral lands, or monetize them in inappropriate and sometimes painful ways. The proposed bill would provide these families with narrow and targeted relief, by allowing them to pay the minimum tax on their ancestral lands in exchange for a commitment to not convey the lands to non-lineal descendants, and to not use these lands for commercial purposes, with limited exceptions. **This measure would therefore allow Maui’s families to maintain their ownership of and deep connection to their ancestral lands, in the face of economic and real property trends well beyond their control – preventing the further dispossession of Native Hawaiians’ ancestral lands, and protecting a historical foundation of Maui’s unique values and cultural character from further erosion.**

OHA does appreciate potential concerns regarding a possible reduction in county revenues, but notes that the narrow requirements of the proposed bill would significantly limit those who would qualify, and who would desire to apply for, the proposed tax relief. OHA further understands that property values of non-‘āina kūpuna lands have also continued and will likely further continue to increase,³ providing increased county revenues that will offset any fiscal impacts of the measure.

The proposed bill in BFED Committee Report No. 21-95 will provide a critical means to protect Native Hawaiian and long-time kama‘āina families from the impacts of Maui’s speculation-driven real estate boom; prevent the further dispossession of Native Hawaiians’ ancestral lands, which has had and will continue to have devastating impacts on Native

² See Puanani Fernandez Akamine, Taxed Out: Increasing land taxes force Hawaiians off their ancestral lands, KA WAI OLA, Feb. 28, 2020, available at <https://kawaiola.news/cover/taxed-out>.

³ See, e.g., Redfin.Com, Maui County Housing Market: Trends, <https://www.redfin.com/county/667/HI/Maui-County/housing-market> (last accessed Oct. 19, 2021) (“In September 2021, Maui County home prices were up 19.8% compared to last year, selling for a median price of \$863K. On average, homes in Maui County sell after 69 days on the market compared to 86 days last year. There were 288 homes sold in September this year, up from 187 last year.”).

Hawaiian families and the Native Hawaiian community as a whole; and help to avoid the further erosion of the social and cultural heritage of Maui county, embodied by those who have been able to maintain their 'āina kūpuna for multiple generations.

Accordingly, OHA respectfully urges the Maui County Council to adopt the recommendation of BFED Committee Report No. 21-95 and PASS the proposed bill on first reading. Mahalo nui for the opportunity to testify.

November 3, 2021

Council Member Tamara Paltin
200 S. High St.
Kalana O Maui Building
Eight Floor
Wailuku, HI 96793

RECEIVED

2021 NOV -3 PM 12: 39

OFFICE OF THE
COUNTY CLERK

RE: Letter of Support for Āina Kūpuna Bill, CR 21-95 and to include family corporations and exempt "permitted activities" as a commercial purpose enabling Kukahiko Hale to pay off its \$177,495 property tax

Aloha Council Member Paltin,

As a sixth generation descendant of John and Kamaka Kūkahiko and on behalf of my three children who are their seventh generation, I strongly voice our support for 'Āina Kūpuna Bill, CR 21-95.

We have been inherently gifted with something more valuable than money.....we've been gifted with land from our kupuna, who intended it to benefit our family for generations. We are very fortunate to be one of the few Hawaiian families in Mākena who have the luxury of still calling this 'āina our home and we are able to still directly connect with our kūpuna because of their physical presence at their gravesites at Keawala'i Church and next to our 'ohana's home at 5034 Mākena Road. In fact, when one speaks about Mākena and its history, family names such as Kūkahiko and Lu'uwai are mentioned as well because of our long-standing generational history and perseverance.

It is critical that we be able to uphold the wishes of our kūpuna and connect our upcoming generation with those who came before them. I, personally, make it a point to take my children to our kūpuna gravesites, have them mahalo their kūpuna with oli and remind my children of who our kūpuna were and how their gift of land has enabled us to still enjoy and have a special place in Mākena, despite all the changes that surround our family's home.

It saddens my family greatly to see the development quickly grow around us. This affects us not just physically but spiritually. We know that for these newcomers, they value the ocean views and their expensive homes, yet they do not have a spiritual connection that lasts for generations like ours. For us, having 'āina, our kūpuna near and knowing that we have a significant place in the history of Mākena to the point where even our 'ohana names are recognized as street names, this is our form of wealth.

As difficult of a decision that it must've been to have sold small family parcels in the past, the foresight of those kūpuna involved, combined these funds to build our 'ohana's dream home. This is a home that brings our family together and makes our children feel special, because they are. However, other homes that are valued in insurmountable amounts of millions

of dollars are located immediately on either side of our home and their home's values and those of the homes of others in Mākena have caused our property taxes to skyrocket!

A huge downfall is that our family needs to be charged to stay in our own family's home to primarily help support the costs of these taxes. However, we'd gladly pay to have our funds go more towards the maintenance of the home, which it direly needs. In addition, we have to use our home for commercial purposes to try to keep up with the annual property taxes.

We know that we will always have to pay property taxes, but the impact of overwhelmingly expensive homes that surround our family's home, has caused the taxes to become a huge burden that we struggle to pay. The pandemic has already caused a huge financial burden for our family's corporation and what will happen if we are unable to pay the taxes that currently exceed \$170,000? Will my children be denied the right to be on their land that they have an inherent right to? Will we have to lose our family's home where our kūpuna rest peacefully next to? Will money be the root of our seven generations' demise???

I'm still supportive of using our home as a means to earn income to pay our taxes. However, if the taxes were considerably lower, as a credit/respect for our generational presence and status within Mākena, this would allow us to depend less on commercial use. We'd be able to have the home available more frequently for our 'ohana. Our 'ohana could still financially contribute toward the use of the home, but the family's funds would be more of an investment in our family's future rather than the taxes caused by rich homeowners in the area. Above all else, our next generation will be able to celebrate their land from their kūpuna and alongside their kūpuna, John and Kamaka Kūkahiko.

I strongly urge you to support 'Āina Kūpuna Bill, CR 21-95, include family corporations and exempt "permitted activities" as a commercial purpose so our Kūkahiko Hale can pay off its \$177,495 property tax.

Please look at this from a Hawaiian perspective, where the waiwai of our 'ohana, is our 'āina, our kūpuna, our 'āina kūpuna.

Mahalo nui,



Joylynn Parran

6th Generation Kūkahiko Descendant
of John and Kamaka Kūkahiko

November 3, 2021

Council Member Tamara Paltin
200 S. High St.
Kalana O Maui Building
Eight Floor
Wailuku, HI 96793

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Please look at this from a Hawaiian perspective, where the waiwai of our 'ohana, is our 'āina, our kūpuna, our 'āina kūpuna.

Mahalo nui,

A handwritten signature in black ink, appearing to read "Joylynn Parran".

Joylynn Parran

6th Generation Kūkahiko Descendant
of John and Kamaka Kūkahiko

Aloha,

My name is Andrea Kealoha. I am the Director of UH Maui College's Water Quality Lab, Pūko'a hina'ole. I hold a PhD in Oceanography, and my expertise is in global and local stressor impacts to coral reef ecosystem health. I am writing in support of CR 21-113.

Coral reefs are one of the most biologically productive and diverse ecosystems on the planet, and provide a range of goods and services including food, economic revenue and coastal protection. However, coral reef health and persistence is severely threatened by global stressors (e.g., ocean acidification and warming) and local stressors (e.g., overfishing and decreased water quality). These stressors lead to decreased coral diversity, cover and abundance, and will directly jeopardize those who depend on coral reefs for survival.

We are losing coral reefs at an alarming rate, and studies estimate that coral reefs will transition to a state of net dissolution (i.e., net dissolving) before the end of the century. Carbon dioxide emissions, which are responsible for the global stressors, ocean acidification and ocean warming, must be regulated at the national and international levels. However, local stressors can be managed and mitigated at the local level. In fact, a number of studies have shown that reducing local drivers of reef decline not only improves ecosystem health but also increases coral resilience to climate change.

Sunscreen components have been detected in marine biota, including fish and corals. The study of the effects of organic (chemical) UV filters on coral health is a fairly new area of research. However, the data are clear. Organic UV filters cause coral bleaching (especially when combined with warming, which is already occurring in Hawai'i), damage and deform coral larvae, and damage reproductive processes. If we hope to reap the many benefits that coral reefs provide to our health, economy and culture, we must take every opportunity to mitigate local stressors, such as the introduction of chemical UV filters, in our coral reef ecosystems.

I thus offer my strong support in favor of CR 21-113.

Sincerely,
Andrea Kealoha

Andrea Kealoha

RECEIVED
2021 NOV -3 PM 3:39
OFFICE OF THE
COUNTY CLERK

To: The Honorable Alice Lee, Chair Maui County Council

Subject: Aina Kupuna Bill, CR 21-95

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2021 NOV -4 AM 8: 35

OFFICE OF THE
COUNTY CLERK

I am Frank T.S. Chang, son of Hattie Kukahiko, grandson of Ha'eha'e Kukahiko, great-grandson of John and Kamaka Kukahiko, original owners of land in what is now a vacationer's paradise: Makena, Maui.

My family has lived, farmed, and fished from these lands for 5 generations now. We do not wish to sell these lands or make millions from these lands. We wish to maintain the land that our kupuna left for us, that our kupuna rest in.

We are not wealthy but we are productive people. We pay taxes, we contribute to our community. We simply ask that we pay taxes on our property based on the fact that we are a family living on our aina, not a multi-million dollar, speculative, enterprise.

I strongly support the Aina Kupuna bill CR 21-95 and amendment 3.48.361. I am now 99 years old, the last of my generation in my family. I pray that you will also support this bill in order to help my family and families like ours remain on our aina!

To: The Honorable Alice Lee, Chair Maui County Council

Subject: Aina Kupuna Bill, CR 21-95

RECEIVED

2021 NOV -4 AM 8:35

OFFICE OF THE
COUNTY CLERK

I am Miriam Chang, daughter of Frank T.S. Chang, grand daughter of Hattie Kukahiko, great granddaughter of Ha'eha'e Kukahiko, great-great-granddaughter of John and Kamaka Kukahiko, original owners of land in what is now a vacationer's paradise: Makena, Maui.

My father always taught us to own our land, to take care of it. His brothers and their families remained in Makena, Maui. They lived, farmed, fished and maintained these lands. We are in our 6th generation maintaining this land. We do not wish to sell these lands or make millions from these lands. We wish to maintain the land that our kupuna left for us, that our kupuna rest in, that has sustained our family for 5 generations; land that defines us.

I strongly support the Aina Kupuna bill CR 21-95 and amendment 3.48.361. Passage of this bill will help families retain their ancestral homes and help to preserve the beauty and culture of our islands.



RECEIVED

2021 NOV -4 AM 9:10

OFFICE OF THE
COUNTY CLERK

TO:

Maui County Council, Climate Action, Resilience and Environment Committee
Councilmember Kelly Takaya King, Chair
Councilmember Shane Sinenci, Vice Chair

FROM:

Lynn Miyahira representing Public Access to SunScreens (PASS) Coalition

DATE: Friday, November 5, 2021

TIME: 9:00 AM

PLACE: Via Videoconference

Re: CR 21-113 Bill to prohibit the sale, use, or distribution of non-mineral sunscreens

Position: OPPOSED

The [Public Access to SunScreens](#) (PASS) Coalition is a multi-stakeholder coalition composed of public health groups, dermatologists, sunscreen manufacturers, and leading advocates for skin cancer patients. The PASS Coalition opposes this measure as it will create additional barriers for consumers to access their choice of safe, effective and FDA-approved sunscreens as a skin cancer prevention tool.

We ask that the Maui County Council hold off on passing CR 21-113 or any other legislation on sunscreen ingredients, until more data on environmental and public health impacts are available.

The use of sunscreen is an important evidence-based sun-safe practice. It is well known that utilizing comprehensive sun-safe practices is one of the most effective ways to reduce the risk of skin cancer, including the regular use of sunscreen, wearing sun protective clothing, hats and sunglasses, and seeking shade. Skin cancer prevention tools, such as broad-spectrum sunscreens that protect against both UVA and UVB rays, must be combined with comprehensive educational tools to ensure consumer awareness of the risks of skin cancer due to excessive sun exposure.

Hawaii Residents Are at Higher Risk for Skin Cancer

Some notable skin cancer and sun safety behavioral statistics include:

- Native Hawaiians and other Pacific Islanders suffer from double the melanoma mortality rate than the State averageⁱ

- In 2018, more than one in three Hawaii residents surveyed reported having a sunburn in the last 12 months, nearly double from the previous yearⁱⁱ – and having just five or more sunburns in your lifetime is known to double your risk for melanomaⁱⁱⁱ
- Researchers have found that just *one* blistering sunburn in childhood or adolescence more than doubles a person's chance of developing melanoma later in life^{iv}
- Hawaii has one of the highest daily UV index averages in the nation^v making protecting residents from sun exposure a crucial public health issue

Science Touted by Sunscreen Ban Advocates Is Flawed

Despite the known risk of skin cancer, Hawaii and a handful of other jurisdictions have placed restrictions on the sale of sunscreens based on limited laboratory testing that led policymakers to believe banning sunscreen would improve coral reef health. The early studies, however, did not fully consider the complexity of a coral reef system and had scientific limitations. Importantly, findings from a 2019 study by Dr. Carys Mitchelmore of the University of Maryland contradicts an earlier study by Dr. Craig Downs that has been widely promoted by advocates of the sunscreen ban. Dr. Mitchelmore's study uses rigorous methodology and shows actual levels of oxybenzone sampled from sea water in Hawaii to be 141 times lower than previously stated by Dr. Downs, and 1,020 times below levels considered toxic to coral.^{vi}

The limited studies that purported to show a link between sunscreen exposure and coral toxicity are methodologically flawed and should not be used for evidence-based policy making based on EPA data reliability standards. Subsequent follow-up studies with more rigorous analyses have not replicated the work by Dr. Downs, and do not support the conclusions.

Congress Has Directed the National Academy of Sciences to Conduct a Comprehensive Study

For that reason, banning sunscreen will have little impact on protecting coral reef. The overwhelming consensus amongst the scientific community is that coral decline is primarily caused by rising ocean temperature, ocean acidification, invasive species, land-based source pollution, water quality issues due to poor wastewater management and other causes. As a result, the United States Congress directed the National Academy of Sciences (NAS) to evaluate the latest science available on the correlation between coral reefs and sunscreens and the potential public health impact of limiting access to sunscreen.

This NAS study, titled "[Environmental Impact of Currently Marketed Sunscreens and Potential Human Impact of Changes in Sunscreen Usage](#)," will conduct an objective review of these issues by leading scientific experts. The project description is as follows:

"Concerns have been raised about the potential toxicity of sunscreens to a variety of marine and freshwater aquatic organisms, particularly corals. At the same time, there are concerns that people will use less sunscreen rather than substituting sunscreens with UV filters that are considered environmentally safe. This study will review the state of science on use of currently marketed sunscreen ingredients, their fate and effects in aquatic environments, and the potential public health implications associated with changes in sunscreen usage."^{vii}

This study, sponsored by the U.S. Environmental Protection Agency, will examine research concerning both the environmental and human health impacts of access to sunscreen. This independent study will evaluate the scientific merit of current science and identify gaps in our current understanding of coral reef environmental health and human health risks of skin cancer. All NAS studies involve multiple strategies to reduce bias and to synthesize the best available science.

NAS Study Should be Completed Before the Council Makes Further Decisions on Consumer Sunscreen Choice

The conclusion of this NAS study – expected in Spring 2022 – will inform future decisions of policymakers to ensure access to sunscreens while also protecting the coral reefs. Until this study is completed, legislation like CR 21-113 should be suspended as there are currently insufficient data to inform a risk/benefit analysis between protecting the marine environment and protecting the public's health. It is important that the Council wait for unbiased scientific analysis and consensus.

FDA Advises Continued Use of Currently Marketed Sunscreens

In addition to the lack of peer-reviewed evidence on the environmental impact of sunscreens, the impact on human health is also still being researched. On September 24, 2021, the Food and Drug Administration (FDA), which regulates sunscreens as over-the-counter (OTC) drugs for the prevention of sunburn and skin cancer, issued a [final order](#)^{viii} that concluded that, “In the short term, these new authorities essentially preserve status quo marketing conditions for these sunscreens” and that “most sunscreens on the market are in compliance with the deemed final order.” **To be clear, this final order did not recommend any changes to currently marketed sunscreens.**

Earlier this year, the FDA also posted an article titled, “[Shedding More Light on Sunscreen Absorption](#)^{ix}” that explained that while the FDA was seeking more information on the absorption levels of sunscreen ingredients, including avobenzone, oxybenzone, octocrylene, homosalate, octisalate, and octinoxate, it still advises their continued use. The FDA clearly stated, “Absorption does NOT equal risk – the FDA advises continued use of sunscreens” and noted that:

“The findings in these studies do not mean that the FDA has concluded that any of the ingredients tested are unsafe for use in sunscreens, nor does the FDA seeking further information indicate such. The agency’s proposed rule requested additional safety studies to fill in the current data gaps for these ingredients. The rule also proposed that two active ingredients (zinc oxide and titanium dioxide) are generally recognized as safe and effective for use in sunscreens, and additional data was not requested for them.

Given the recognized public health benefits of sunscreen use, the FDA strongly advises all Americans to continue to use sunscreens in conjunction with other sun protective measures (such as protective clothing) as this important rulemaking effort moves forward.”^x

The Hawaii state law signed in July 2018 already eliminated the OTC sale of the ingredients oxybenzone and octinoxate. **CR 21-113 would expand this ban to include the most utilized alternative sunscreen ingredients and could potentially remove approximately 64% of the sunscreens currently available in the United States from being sold in Hawaii.**

On average, currently marketed mineral sunscreens can cost up to 30% more than other sunscreens and this proposed bill could significantly reduce consumer choice of and access to sunscreen in Hawaii. It is important to remember that sunscreen is not only used in the ocean, but whenever people are outdoors doing activities such as hiking, golfing, walking, running, cycling or working outside. This puts Hawaii residents at greater risk for skin cancer with only limited peer-reviewed scientific evidence on sunscreen ingredients and its impact on environmental and human health.

Again, we ask that the Council hold off on passing CR 21-113, or any other bill on sunscreen ingredients, until more data on environmental and public health impacts are available.

If you have any questions about the PASS Coalition or the content of this testimony, please feel free to contact me at lmiyahira@iq360inc.com.

Mahalo you for the opportunity to testify.

Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

ⁱ <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=2389&localeId=14&localeChartIdxs=1%7C2%7C4>

ⁱⁱ <http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=3029&localeId=14>

ⁱⁱⁱ <https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/>

^{iv} <https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/>

^v <https://www.epa.gov/sunsafety/sun-safety-monthly-average-uv-index>

^{vi} <https://www.sciencedirect.com/science/article/pii/S0048969719310125?via%3Dihub>

^{vii} <https://www.nationalacademies.org/our-work/environmental-impact-of-currently-marketed-sunscreens-and-potential-human-impacts-of-changes-in-sunscreen-usage>

^{viii} <https://www.accessdata.fda.gov/scripts/cder/omuf/index.cfm?event=NewMonograph&ID=D1D673977F06B1486C355A8162942E5B9CC2734AE65E4585CB6C013EDD5B03F3&OMUFID=OTC000006>

^{ix} <https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption>

^x <https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption>



RECEIVED
2021 NOV -4 AM 9:10
OFFICE OF THE
COUNTY CLERK

TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII

November 5, 2021

Re: 21-113 - CLIMATE ACTION. RESILIENCE. AND ENVIRONMENT COMMITTEE RECOMMENDATION
TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS INCLUDING THOSE CONTAINING
OXYBENZONE, OCTINOXATE, OR BOTH.

Good morning Chairperson Lee and members of Maui County Council. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to 21-113 -Climate Action. Resilience. And Environment Committee recommendation to prohibit the sale, use, or distribution of non-mineral sunscreens including those containing oxybenzone, octinoxate, or both; that would prohibit the sale, use, or distribution of non-mineral sunscreens including those containing oxybenzone, octinoxate, or both.

This measure would go beyond the already current state law banning sunscreens with oxybenzone, octinoxate.

Hawaii is known for its many sunny days and **many residents and visitors who uses sunscreen include little leaguers, hikers, golfers, soccer and baseball players, and joggers to name a few.** With the pandemic we are seeking more people and families enjoying outdoor sports biking, playing outside, and going to the park. **Sunscreen is not just used for beach and other water activity purposes.** Sunscreen also comes in many forms that include not only lotions and sprays, but also in foundation makeup, lipsticks, lip balm and more.

Many of us do not go to the beach but wear sunscreen daily to protect ourselves from the effects of the sun like skin cancer - the most common form of cancer. Every year there are more cases of skin cancer in the United States than incidences of breast cancer, prostate cancer, lung cancer, and colon cancer combined. One out of five Americans will develop skin cancer in their lifetime, and one person dies of melanoma (the deadliest form of skin cancer) every hour. Most melanomas are caused by the sun, and **a person's risk of melanoma doubles if he or she has had more than five sunburns.**

We may also run the risk of people no longer wearing sunscreen and thus increasing their chances of skin cancer. This ban would also penalize those who do not go to the beach but use sunscreen on a regular basis like hikers, golfers, tennis players and joggers to name a few. Sunscreen products should be affordable and accessible first line of defense for individuals seeking protection from the sun's cancer-causing UV rays. Banning the sale of these products will drastically reduce the selection of sunscreen products available in Hawaii as well as compel local residents to purchase products online or not use sunscreen at all and our visitors to bring their own in their suitcases. How many will actually take time off from work, pay a co-payment to see a doctor and then wait in the pharmacy to get a prescription for suntan lotion? Not to mention having to pay for the sunscreen because insurance may not cover it.

For these reasons, we respectfully urge you to hold this bill.

Mahalo again for this opportunity to testify.

County Clerk

RECEIVED

From: HelpThanks <HelpThanks@protonmail.ch>
Sent: Thursday, November 4, 2021 10:00 AM
To: County Clerk
Subject: Council Meeting 11/5/21 Item CR 21-113

2021 NOV -4 AM 10: 01

OFFICE OF THE
COUNTY CLERK

 You don't often get email from helpthanks@protonmail.ch. [Learn why this is important](#)

Aloha Maui County Council!

My name is Jonny Orlando. I am a clinical pharmacist and would like to testify in support of item CR 21-113 for meeting schedules for 11/5/21

As I had stated in previous oral testimony. I would recommend the verbiage be changed to allowing ONLY the sale and distribution of mineral sunscreens containing zinc oxide or titanium dioxide. Instead of prohibiting only oxybenzone and octinoxate. This will help eliminate confusion over all the other chemicals that come in typical sunscreens. The other chemicals often get marketed as "reef safe" and this may not be true in reality.

Mahalo!

Jonny Orlando, Pharm.D.



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
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Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO:

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Friday, November 5, 2021
TIME: 9am
PLACE: Online

RECEIVED
2021 NOV -4 PM 2:12
OFFICE OF THE
COUNTY CLERK

RE: No 21-113 FIRST READING of bill to prohibit the sale, use, or distribution of non mineral sunscreens including those containing oxybenzone, octinoxate, or both

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

The HFIA proposes that since this bill would ban many products that are used to prevent skin cancer, that a higher standards of review should be conducted to ensure that taking this action would indeed improve outcomes for reefs. The State of Hawaii recently conducted an information review from top Hawaii scientist studying our reefs. The presenters discussed, increased water temperatures, run-off, sewage and overfishing.

A study released on March 1, 2018 on the human and natural impacts on coral reefs¹ used 10 years worth of data to learn about what is negatively affecting our reefs. This study concluded that overfishing, sedimentation, coastal development, and runoff are the biggest threats to Hawaii's corals. The study did not cite any sunscreen ingredients as posing dangers to our reefs.

This measure will hurt local retailers by encouraging consumers to buy their favorite sunscreens online, where it is unlikely this law will be enforceable. The promotion of this bill

¹ <http://www.hawaiinewsnow.com/story/37628769/researchers-map-out-the-impact-of-humans-environment-on-hawaiis-coral-reefs>

Advancing the integration of spatial data to map human and natural drivers on coral reefs
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0189792#sec012>

will adversely impact human health, serving only to deaminize wearing sunscreen, and increase peoples risk of skin cancer.

We care about offering products individuals feel comfortable with and which are affordable for use on a daily basis to prevent skin cancer. Many products that have sun protection factor, such as lotions, tinted moisturizers, and anti-aging products are intended for daily use in small amounts. These products are not used in large quantities anywhere near the ocean. However, all of these products would be unnecessarily banned under this bill, as would other federally approved and regulated healthcare products. Having access to these products is especially important here in Hawaii where the rate of skin cancers, including deadly melanoma, is significantly higher than on the mainland.²

Given that this ban would not alleviate the known primary causes of coral bleaching, and that it would deprive people of products they use to prevent possibly life threatening skin cancers, we do not think the potential benefit is worth the risk and we ask that this measure be held.

Thank you for the opportunity to testify.

² <http://www.staradvertiser.com/2018/02/28/editorial/island-voices/healthy-people-healthy-places-include-sunscreen/>