

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

December 17, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, DECEMBER 17, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of December 17, 2021 please come to order. The time is approximately 9:02 in the morning.

And before we begin with roll call, Mr. Clerk, I would just like to give the Members a heads up on the morning greeting. So, there's the letter "N", but we, instead of saying "N", we would say the sound of "N" . . . This is from Nigeria. In case our Nigerian friends are here watching our meeting today.

Mr. Clerk.

DEPUTY COUNTY CLERK JAMES KRUEGER: Chair, proceeding with roll call. In accordance with the Governor's most recent emergency proclamation related to the COVID-19 response, Members should state who, if anyone, is present with them as part of roll call.

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: . . . Chair. Aloha kakahiaka kakou my Maui hikina. I'm here at the Council office at the moment by myself. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha, . . . Madam Chair, and colleagues, and everyone else joining us for our Council meeting today. For the record, I'm transmitting out of my residence. And I'm sorry, I don't have a hat today. So, I guess my, my role will be for the holiday season, at least just for today only will be as the Grinch. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka, . . . I hope I, I wasn't considering myself a grinch, but I don't have a hat either, Member Molina. So, I think you're okay. But I am in my house in South Maui. And I'm going to try to, assuming that this meeting goes past lunch, which I don't want to jinx us, but I'm going to use that break to go over to the, the district office. Because if I try to make it there by 9, the traffic is horrendous. You can leave at 8, or you can leave at 9 and you'll get there at the same time.

But hello to, yeah, . . . to all the Nigerians watching too. And want to congratulate the folks from Africa and the projects, the Great Green Wall, which we're hoping, you know, is successful. Biggest climate change action in the world right now, I think.

CHAIR LEE: Very good. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: . . . to Chair Lee and . . . to all of my Councilmembers. I am in the County Building with my staff Kate Griffiths, and soon to be Autumn Rae Ness. Happy to be here on this beautiful Friday. And boy, did we have some thunder last night. So, hopefully, this meeting isn't, doesn't have that kind of thunder and lightning. We're ready to rock and roll. Aloha.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and . . . kakou. Broadcasting live and direct from the Lahaina District Office. We're open as a courtesy site to anyone who wants to give testimony at the Old Lahaina Center, Room 205. And I'm here with my aide Angela, who's more than six feet away.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: . . . Happy Holidays, everybody. And I'm so excited for this meeting today. I want to let our residents in Kula know that if you were without water last week and, and there's a bacteria in the water, so please do not drink it. And check with the Water Department this week, I mean, today, because I think they're testing every day. But be safe and we're thinking of you. Happy Holidays.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And . . . to all of my fellow Councilmembers. And aloha kakahiaka and Hau'oli Makahiki Hou and Mele Kalikimaka to everyone out there. I am in my work space in my home, and I am alone.

CHAIR LEE: Very good.

DEPUTY COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.

CHAIR LEE: Excused for now.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: . . . my dear colleagues, and the viewing public, and our staff, everybody out there. Wishing all of you a very happy holiday season. And in particular, this is a very special day for our family and for the family of Member Sugimura, because my grandson is coming home from college today and her son is coming home from the mainland.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: So, lots to be thankful for.

Mr. Clerk.

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, GABRIEL JOHNSON, KELLY T. KING, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, AND CHAIR ALICE L. LEE.

EXCUSED COUNCIL VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ.

(Vice-Chair Rawlins Fernandez was not present when the roll was called; however, she arrived at 1:31 p.m.)

DEPUTY COUNTY CLERK: Chair, there are eight Members present, one Member excused. A quorum is present to conduct the business of the Council.

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are County Clerk Kathy Kaohu; and Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

Joining the meeting from the Department of the Corporation Counsel is First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: I will be providing the opening remarks this morning. Please bear with me. Generally, you know that if I did this all by myself it would be half a page. But since the staff helped me, and they did a great job, it's almost two pages long.

OPENING REMARKS

The opening remarks were offered by Council Chair Alice Lee.

CHAIR LEE: Please join me now for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council rose and recited the Pledge of Allegiance.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on the ceremonial resolution. The first person, the only person we have signed up to testify is Lucienne de Naie.

CHAIR LEE: Before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it is your time to speak. Decorum shall be maintained at all times.

Good morning, Lucienne. Happy Holidays.

PRESENTATION OF ORAL TESTIMONY

MS. LUCIENNE DE NAIE:

Good morning. Very wonderful to see all you. You look great. I just wanted to say a few words about Peter Baldwin and the amazing life that he's led. I, I've known Peter from various conservation causes and community causes for many, many years, as have probably thousands of people on Maui. And not only, you know, did he do all kinds of, you know, great work in our community for the aina, for, you know, community causes, for paniolo causes, but he was just such a humble person. Just so easy to talk to. Just so easy to be with.

And it's always sad when a great presence like that leaves our community. But he has left an amazing legacy. And I, I'm just very, very happy to see the Council reach out to honor that. So, you know, thanks to you all for putting this resolution on the agenda.

CHAIR LEE: Thank you, Lucienne. Any questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on the ceremonial resolution.

CHAIR LEE: Are there any objections to closing public testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 21-200

HONORING THE EXTRAORDINARY AND
FRUITFUL LIFE
OF THE LATE PETER DAMON BALDWIN

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLING, "HONORING THE EXTRAORDINARY AND
FRUITFUL LIFE OF THE LATE PETER DAMON BALDWIN".

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER JOHNSON: Second.

COUNCILMEMBER KAMA: Second the motion.

CHAIR LEE: Okay, Member, seconded by Member Molina.

Member Sugimura, discussion?

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Member Molina. May
I please request that the Clerk read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you very much, James
Krueger, for always doing a good job reading the resolutions.

I want to ask for the Members full support of this resolution, and to honor a man that has touched our lives in many ways. When you think about what he has contributed, I think many families have benefitted from AYSO and having soccer in the, in their lives as a family and for, for, you know, for many generations.

Probably, for me, the, the reason that Peter touched my life so, so much was my work with Upcountry and doing, seeing him with the paniolo community, as well as a time when he and I wanted to open up a museum. It was really his idea for, for Upcountry in Maui, in the Upcountry Makawao area where he wanted to open up a museum. And I got to know him well through many meetings. And through that, I also met his family.

I want to say thank you very much, John Harrison, who wrote this book. I don't know if you can see it. It is "A Maui Boy – Stories of Peter Baldwin's Fruitful Life". And there's two volumes. And John Harrison is going to speak. He helped us write the resolution in behalf of the family. And Susie, his wife, is also going to speak. But I would like to extend my condolence to the family. And thank you for allowing us to recognize him for a life so rich and fruitful is a good way of describing him.

So, thank you, Members. I hope that you will also support this resolution. Thank you.

CHAIR LEE: Further discussion?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And mahalo to Member Sugimura for introducing this resolution and special, well-deserved honor for Mr. Baldwin. And, you know, I think Lucienne testified earlier and she, she said it all, especially in terms of Peter's charisma. He was very engaging. He was one of those types of individuals where he walks into the room and everybody stops and say, "eh, it's Peter". And all of a sudden, people flock to him to go talk story. And he could put you at ease. You know, you could meet him for the first time and then once you're done with your conversation, you feel like you've been talking to an old friend. He had that kind of persona.

He would've made a great politician too, by the way, on top of his great achievements as a, as a paniolo and a businessman. And for Haleakala Dairy, I'm sure he was very instrumental in helping develop the popular juice we know today as POG; passion, orange, guava.

And then, back in the day, a special moment for me when I was a much, much younger man, he was very instrumental in helping bring NFL football players to Maui to do free

football clinics and participate in the Makawao rodeo. And I had a special moment at one of the basketball games that those players would play against our Maui Police Department. I had the opportunity to meet a player by the name of Merlin Olsen. He was a NFL Hall of Fame player and he was a Emmy-award winning sports announcer, and also an actor for the old TV series Grizzly Adams. But it left such an impression on my life at the time, at being 11 years old, I've never forgotten that. But as a young person, you don't really appreciate what made that moment possible. But as the years go by, then you find out who helped make it possible. So, whenever I would see Peter, I would always tell him how much I appreciated his efforts for bringing, you know, opportunities like that for, for young people like me and many others.

So, he has certainly, certainly touched many, many lives. And I just want to, want to thank him, and for all what he did for Maui County. And he was just everywhere and always community minded. So, he wasn't just a cowboy, he was really a community-minded individual. So, just would like to thank the family for sharing Peter who certainly was a special, special, special guy. He could make you laugh and yet, he was so akamai in a lot of things. So, mahalo. And thank you again for sharing Peter with us. Mahalo, Madam Chair.

CHAIR LEE: Thank you, Member Molina. Anyone else? If not, all those in favor of the motion, please your, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, it looks like eight "ayes", zero "noes", one "excused"; motion passes.

And Member Sugimura, I believe we have some guests to say a few words. Would you like to introduce them?

COUNCILMEMBER SUGIMURA: Yes. So, thank you very much, Members, for your support of this resolution to honor this great man. And with us today, we have John Harrisson, who I mentioned earlier, who helped write his book as well as the resolution that was presented today. In behalf of the family, he would like to say a few words. And then, Susie Baldwin, his wife.

MR. JOHN HARRISSON:

Aloha, Councilmembers. This is John Harrison. And I'd like to thank you so much for the resolution and the Council's touching tribute to a renaissance man and a favorite son of Maui, and a true Maui treasure. I'd also like to acknowledge and thank Lucienne for her testimony.

I was fortunate enough to spend a good deal of quality time with Peter over the last three years, as we worked together on his life memoir. And we, we would meet for exactly one hour every week. And that was Peter's rule, just one hour; no more, no less. He would make a great psychoanalyst, I think. So, when the hour's up, that was it.

And I first worked with Peter over 15 years ago while I was writing the 125-year history of Haleakala Ranch. And so, over the years, and especially laterally spending that much time with Peter, I became very fond of this great man who knew he'd live life to the fullest. And to echo some of the previous comments, to say he was a character is an understatement.

Thank you, Councilmember Molina, for reminding us that it was Haleakala Dairy that came up with, with the passion, orange, guava juice and POGs, the milk caps that Peter and the Dairy, it was an old game played by kids in Hawaii long ago. But it became a national phenomenon in the 90s. And it was amazing to think that that began here on Maui.

Peter also was I, I think, at the forefront of watershed stewardship on Maui. And I think we should acknowledge the role that the Haleakala Ranch continues to play in protecting invaluable watershed.

As mentioned, Peter was a savvy and successful businessman and his many contributions we miss. Again, he, he founded the Maui Youth Soccer Organization, which was the first organized soccer league on the island and has resulted in a lot of athletes successfully going to college and beyond. And he also led the fundraising campaign to establish the J. Walter Cameron Center. So, that's just a couple of examples of his many contributions.

So, Maui is a much richer community because of Peter. And it was the community that Peter truly loved and truly valued. So, thank you, Councilmembers, once again.

CHAIR LEE: Thank you, Mr. Harrison.

Member Sugimura. Member Sugimura? We can't hear you.

COUNCILMEMBER SUGIMURA: Susie Baldwin. I know she had, I know she had logged on earlier when I spoke to her this morning saying that she wanted to make sure she was present. So, Clerk, can you, do you see Susie Baldwin on the call?

DEPUTY COUNTY CLERK: Chair, yes. Yes, I do see Susie Baldwin on the call. She is muted on her end. She was unmuted previously. I'm not sure if she's encountering technical difficulties.

MS. SUSIE BALDWIN:

Oh, there we go.

DEPUTY COUNTY CLERK: Oh perfect.

COUNCILMEMBER SUGIMURA: Okay, good.

MS. BALDWIN: Okay, can you hear me now?

COUNCILMEMBER SUGIMURA: Yes.

MS. BALDWIN: Oh, great. Well, hello. Aloha, everyone. And it is such an honor today to have you all here, and everyone that spoke before, because John and Mike, and I very much appreciate it because it's difficult for me to speak right now. But I did want to give my sincere gratitude on behalf of the, the Baldwin Ohana, and your recognizing Peter for his contributions to the community are, are really valuable to us.

And it was Peter's home, Maui was Peter's home for, he died just short of his 84th birthday. And I know he loved Maui and the diverse communities of our island and what makes up our island today. And that's probably one thing I fell in love with Peter about, is he loved everyone. Walking around Makawao Town, shop owners or people maybe had hard times that were living in the street, he was friends with everyone. And he was a really beautiful spirit. And luckily, I was able to spend the last eight years with him. And he really was a remarkable man.

But I want to thank you all. It's very special. And Happy Holidays to all of you.

COUNCILMEMBER SUGIMURA: Thank you, Susie.

CHAIR LEE: To you as well.

COUNCILMEMBER SUGIMURA: I see Jimmy Haynes here. Mr. Haynes? Susie had mentioned he wants to say a few words. So, Jimmy Haynes is a life-long friend of Peter.

MR. JIMMY HAYNES:

Right. We were very good friends. And it's a hard, hard thing for me to do. But the thing I just wanted to talk briefly about, I think we've all heard about his accomplishments, stature was huge in this community. But this man was lots of fun. And just say the last thing that we'd always watch the Super Bowl together. And Peter was, at the last Super Bowl, Peter was a big fan of the, of the Chiefs, Kansas City Chiefs. And so, we had a, we had a bet. I took the Tampa Bay Buccaneers for the sum of \$10. And of course, I won. And he went into, to pay me, and brought out some dollar bills. And I knew I needed to count these bills. And of course, I saw this smile on his face, and there was only \$9 there. So, Peter still owes me a dollar. It, it was so much fun. But he'll be greatly missed. And thank you for acknowledging his accomplishments. And a great guy. Thank you.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Haynes.

CHAIR LEE: Thank you, Mr. Haynes.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, thank you. Appreciate that. I know that the kids are watching. He has three boys and I know they're watching, and grandchildren. And they, when I spoke to Susie this morning, she said that they wanted to express their appreciation. So, thank you very much. Thank you, Mr. Molina, for your good stories.

COUNCILMEMBER MOLINA: Thank you, Member Sugimura. Madam Chair, can I just say one last quick thing?

CHAIR LEE: Of course.

COUNCILMEMBER MOLINA: On the topic of Peter's sense of humor. I appreciate in the resolution it mentioned that Peter brought a horse into a restaurant. My family owned a restaurant in Makawao. It was called "Club Rodeo", it's where Casanova's is today. I believe that was one of the restaurants Peter brought that horse in. And when he

brought the horse in, the story was my dad went up to Peter's horse and offered the horse a drink. And that was how times were back in old Makawao. But that's a great example of Peter's humor. So, really going to miss the guy. Thank you.

CHAIR LEE: Thank you for sharing. Thank you. Any, anyone else?

COUNCILMEMBER SUGIMURA: He was quite a man.

CHAIR LEE: Pardon me?

COUNCILMEMBER SUGIMURA: He was quite a man. We're going to, we're going to miss him. So, Susie says that whenever she sees a dragonfly, she thinks about Peter as he's come to visit her. And he has, or dragonflies has appeared in her life in special times recently as she kind of mourns the loss of this great man. So, appreciate everybody for letting us take this moment to recognize Peter. Thank you very much.

CHAIR LEE: Thank you, Members.

So, the next item will be the Consent Calendar. Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. For the record, that resolution is RESOLUTION 21-200.

SET THE CONSENT CALENDAR

DEPUTY COUNTY CLERK: The next item on the agenda is the Consent Calendar.

CHAIR LEE: Members, at this time we will set the Consent Calendar. We currently have no items on Consent Calendar. Are there any requests to add items at this time?

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: No?

COUNCILMEMBER KING: No requests.

CHAIR LEE: No requests. Okay. Alright.

Member, not Member, but Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with the presentation of testimony on agenda items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agenda.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by video conference should keep both their video and microphones off and should turn them on only when it is their time to testify.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will be connected to the meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku Maui Community Media or on mauicounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first individual we have signed up to testify is Keisa Liu. To be followed by Miranda Somers.

CHAIR LEE: Ms. Liu?

PRESENTATION OF ORAL TESTIMONY

MS. KEISA LIU (testifying on County Communication Nos. 21-556 and 21-557):

Good morning, everyone. My name is Keisa Liu and I'm here to testify on two agenda items today; CC 21-556 and CC 21-557. And I will start with the latter. I'm just going to be commenting a little bit on what I read from the Mayor about this particular sunscreen, a beautiful bill that I was really, really excited about by the way. There's two things I'm going to bring up.

One is that this response felt a little bit like a threat. I don't know who comes in and suggests that basically, hey, you got this bill passed, but I'll be back in the Spring to re-evaluate and probably change it up. It was kind of confusing. And it felt like a threat to me, of course, because I'm the community. And the Council listened to the

community about what we wanted, brought that forward, went through the whole process. And the Mayor, honestly, had plenty of time to do whatever extra research he wanted to do in order to, you know, ask questions and things like that. Because it takes a long time for the bill to get passed. And all of a sudden, he's like, well, I see that you did it, but I'll be back in the Spring. So, I'm not particularly happy about that.

And the second thing that I wanted to point out is one of my pet peeves is when somebody uses one's struggles to undermine another, especially when those struggles are interrelated. So, for instance, when at the very end, when there was a part where he applauded the Council's efforts in attempting to reduce the threats from the marine ecosystem, he pointed out several other issues that maybe the Council should pay attention to. That's actually a way to just undermine the fact that you're working on something, part of a larger issue, which I'm sure you're thinking of right now and making sure that you don't do that. Because it's just a way to kind of move from one space to another. Well, oh, you're working on this, when you should really be looking at this. And then you go over and look at that and they say, oh well, you should really be looking at this. It's a game and I'm not particularly excited about that either.

And one last thing before I move on, we are not interested in fake applause. That was a fake applaud, by the way. He is not excited about what you did. But I just want to remind you that we are. So, thank you.

And I'm going to go ahead and just move on. I apologize, this one is much longer. So, for CC 21-556, I understand that the Mayor vetoed Bill 111 as it relates to the applicant selection process and provided reasons as to why. And I'm starting to see patterns of when a politician doesn't want to support a bill, but they want to keep up appearances, so they sell it in order, and then use trigger words or convoluted phrasing that seems to shut people down really quickly. And the Mayor's reasonings are really good examples of this and I wanted to point them out.

One simple example of using a trigger word is the word, is the use of the word "liability". Liability means lawsuits. Lawsuits mean losing money, and that scares people. Another thing they'll do is structure their sentences so that they seem neutral and intelligent but are designed to create doubt and fear, so you don't really absorb the message being sent. So, here's an example of that: "Increasing the marketing duration from 90 days to 120 days for unsold units will limit our ability to quickly get qualified residents into housing that may belong to another income bracket, and increase carrying costs for developers, which will likely be passed onto homeowners." Now, I'm going to say the exact same thing, but in a different way. Increasing the time for people who are least likely to be able to afford housing will make it challenging to quickly give it to someone else, who can pay more for it. Developers will make less money with the change. We won't stop them from passing this onto the consumer.

Now, the last thing I will point out is that politicians will often cite laws to justify processes that discourage undesirables from participating in them. And I'd like to look at the Mayor's use of the Federal Fair Housing Law as an example. Now, this is not America's land, and yet America has been able to occupy position of almost absolute authority on how it is managed.

And I'd like to take a moment to recognize how unfair the American government has been to the Hawaiian Kingdom. We took their land and then brought in our own laws so we could colonize more easily so we could steal even more land. Then we created fear around those laws to make it almost impossible for the Hawaiians to get the tiniest fraction of their land back.

As an American colonizer, I am part of the problem because the occupation of America is how my family got to live here. And that feels really crappy. But because I know I'm part of problem, I know I have a kuleana to be part of the solution.

And at this point, I don't think that the veto of the bill has anything to do with the reasons stated by the Mayor at all. And it looks like the continued effort to steal land from the Hawaiians without actually going to war, because the land is what's valuable to America and America wants it. And I think the Mayor benefits from stealing land from the Hawaiians, and I think he's got a lot of friends that do too.

Now, I may not be able to remove the American government from these islands, but I could try my best to stop it from doing any more damage. And so, these are the last things I will say. To the Americans that are on the Council I'm going to ask you to do the same. And before we get on our high horses, just remember this isn't about being a savior. We don't get to have that . . . because it implies that we did nothing wrong.

And to those of you who are family to these lands and sitting on the Council right now, let me just say this to you, your ancestors did not carry you on their shoulders so that you could sit down and shut up when you got that seat to the table. And do not think for a second that they will let you fall when you speak up after they carried you this far. Protect your people. Mahalo for your time and consideration.

CHAIR LEE: Members, any questions? If not, thank you very much, Ms. Liu.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Miranda Somers. To be followed by Eli Hazlet.

CHAIR LEE: Clerk, let us know after the next testifier how many are signed up, okay? Thank you.

MS. MIRANDA SOMERS, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I'm here to testify on agenda item CC 21-557. Dear Maui Council, I strongly believe that Bill 135 should be signed into law. As a 7th grade girl who lived on Maui all her life, I have seen the effects of non-reef-safe sunscreen. For my whole life, I have been in the ocean, and I would hate to see the generations to come not being able to see the beauty that Maui really brings. I truly love the ocean and I would love for it to stay as beautiful as it is now for my kids and grandkids.

I hate seeing the effects that take place when people don't use reef-safe sunscreen. Most people don't even understand what they are doing to the environment. Most think they are actually using reef-safe sunscreen, because brands that are not reef-safe advertise their products as reef-friendly. This infuriates me because these sunscreen companies are basically lying to their customers. Well, we have the opportunity to change this. Bill 135 offers us the chance to save Maui before it's too late. Mayor Victorino, please help us sign this bill into law for your community and for . . . Maui's natural environment. Sincerely, Miranda Somers.

CHAIR LEE: Thank you. Members, do you have any questions? If not, thank you very much.

Next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Eli Hazlet. To be followed by Noa Moscovich.

MR. ELI HAZLET, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I am here to testify on agenda CC 21-557. And my name is Eli, and I'm sorry if there's a little background noise, I'm in class right now. Okay. I'm here to try to, I'm writing this letter to you to express my support for Bill 135, and why, and why I think you should make it a law. I am here to try and convince you that it's worth . . . This law will support the health of the reef and Maui in general. Think about it, if you want to live here, we have to respect and clean our own island. I emphasize that it is ours, because we live here. This is, this . . . help the reef, but it will help the land and us. The work will be

worth it, I assure you. This will help Maui last dozens of years longer. Yes, you may have to do some work, but think about it in the long term.

We have, have you ever bought reef-safe sunscreen? Well, sorry to break it to you, but it was probably a lie. There are dozens of chemicals that are harmful to the reef labeled as "reef-friendly". Bill 2571 *[sic]* was a step in the right direction, but it only banned two ingredients. We need to, to make this a law. This is in our own interest. And yes, I do see the other side. This will be very hard for hundreds of sunscreen companies that, and might put a lot of them out of business. But if we don't make it a law, it will put millions of living orgasms *[sic]* in crisis. If we don't, if we don't have a reef, tourists won't come to admire it. And that is our main source of income here on Hawaii. I hope I have made a good argument that convinces you to make Bill 135 a law. Thank you for your time. Sincerely Eli Hazlet, 7th grade Kihei Charter School. Thank you.

CHAIR LEE: Thank you. Members, any questions? I guess he's left the scene already.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Noa Moscovich. To be followed by Jessica Rosada.

MR. NOA MOSCOVICH, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I am here to, dear Maui Council, I am here to testify on agenda item CC 21-557. I think that if you ban these chemical sunscreens, it will make a great change and possibly even stop coral bleaching from taking place. Harmful chemicals from sunscreens are making coral reefs less resilient to climate change. The ocean is already being impacted and contaminated from chemical-based sunscreen. This . . . affects the ocean through . . .

Some scientists are saying that if this doesn't stop now, there will be less than 10 percent of coral reefs alive in the years ahead. Why are we allowing sunscreen companies to kill our reef? The tray, kill our reef, the trading of our ocean's ecosystems for money, for money, money is not now or ever going to be a fair trade. No price can be put on our health of our planet and bodies. Please, Mayor Victorino, sign this Bill 135 into law. Sincerely, Noa Moscovich.

CHAIR LEE: Questions, Members? If not, thank you.

Next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Jessica Rosada. To be followed by Luz Arnal-Magallon. Chair, there are 26 testifiers remaining.

CHAIR LEE: Thank you.

Hello?

MS. JESSICA ROSADA, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I am here, hello. I am here to testify on agenda item CC 21-557. Dear Maui Council, I'm, I'm writing to you today to indicate my support for Bill 135. I support Bill 135 for the reason that sunscreen have many harmful ingredients such as Octisalate and Homosalate. It's important that we keep our coral and health safe. Our community's health impacts the community's health and everyone. In order to help ban non-reef-safe sunscreen, we must spread the word. Our health, coral, and community are in danger. By banning the use of non-reef-safe sunscreen, we, we can change many things that are negatively impacting our society, coral reefs, and health. This bill would do just that.

CHAIR LEE: Thank you. Members, questions?

If not, may we have the next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Luz Arnal-Magallon. To be followed by Makani Cogliandro.

MS. LUZ ARNAL-MAGALLON, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I'm here to testify on agenda item CC 21-557. Aloha Maui County Council. I am here to you today to express my support for Bill 135. When I look at the bill and the way that the author's consider other people who . . . ecosystem, I am grateful because they are willing to help. These people are educated and know the consequences of what

will happen if . . . thousands of people every year buying sunscreen and being in the ocean.

My classmates and I have been learning about the effects and threats of this problem. I believe that we have the ability and the opportunity to conserve coral reefs, and we should. Consumers sometimes don't know the effects of non-reef sunscreen. Because of this, little attention has been given to the effects of sunscreen. And over 70 percent of the coral in the entire world has been bleached. They mostly go to places with amazing coral and beautiful . . . , but over time, the coral gets bleached and loses all of its colors and fish, losing profit from tourists and killing the ocean.

If we ban these chemicals, the ocean would be safer, and the people and the ocean ecosystems would be healthier. The amazing coral reefs should last and continue to draw the attention of people. There are numerous problems in the world. If we have the ability to help, why shouldn't we. Sincerely, Luz, 7th grade Kihei Charter School.

CHAIR LEE: Any questions, Members?

Yes, Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Ms. Arnal-Magallon. I just had a question for you. Are you currently in a science class?

MS. ARNAL-MAGALLON: Yes, I am.

COUNCILMEMBER SINENCI: Okay. Alright. Thank you, Chair.

CHAIR LEE: Okay. Any more questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Makani Cogliandro. To be followed by Ava Herren.

MR. MAKANI COGLIANDRO, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I'm here to, I'm here to testify on agenda item CC 21-557. Aloha Maui County Council. I'm here today to express my support for Bill 135. I support this bill because it will help save the coral reefs and the marine ecosystem. I want marine life to be safe and

protected from bad chemical and ingredients in sunscreen because I love the ocean and the things in the ocean.

Other people might think that I'm wrong and that the oceans don't need to be saved and that the oceans are fine . . . But I know that the ocean, the ocean animals, and organisms in it are dying because of a . . . Bill 135 presents a unique opportunity for us to do something good for the environment. It is a step in the right direction. Please consider my testimony, and please sign Bill 135 into law.

CHAIR LEE: Thank you. Members, questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Ava Herren. To be followed by Bodhi Williams.

MS. AVA HERREN, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I'm here to testify on agenda item CC 21-557. Dear Maui County Council, Bill 135 . . . for Hawaii. . . . biodiverse ecosystem in Hawaii. Our coral reefs are housing millions of species . . . many of those species. This Council based . . . coral . . . Warming oceans have . . . ocean acidification. This bill also needs to stop the false advertisement that says, chemical-based sunscreens are reef friendly. Reef-safe sunscreens are still incredibly harmful to our reef. This bill will inform people about the harmfulness of these chemicals. The more people are educated on this problem, the better.

At Kihei Charter, we are trying to make our own impact and reaching out . . . and informing the public of these harmful effects on coral reefs. Even though we are trying to help, it is only a small impact on the problem. But if you pass the bill, it will help a lot. Maui Council, Maui County Council, please listen to our, our request.

CHAIR LEE: Members, questions? If not, thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Bodhi Williams. To be followed by Wyatt van der Lee.

MR. BODHI WILLIAMS, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I am here to testify on agenda item 66, CC 21-557. Dear Maui County Council, we need this bill signed into law to save the coral, the ocean ecosystem, and even ourselves. To be frank, I am disappointed and angry that you're considering not honoring the unanimous vote by the County Council and your commitment to the environment. Although I understand your desire to have the latest research, I don't think it is a sound judgment to have second thoughts on Bill 135 after the Maui County Council has already voted. You need to keep your word and sign Bill 135 into law so we can have a brighter future for Maui.

I have already given testimony to bill, to the bill before the Council voted, and it saddens me that I have to do this again. Your lack of commitment really shows, and I'm appalled that you want to recall such an important environmental solution. If things do not change, things will only get worse. As I stated in my previous testimony, this could cost us money. And if we don't have tourists coming after the sunscreen kills our coral and drives away the fish, we won't have a good economic solution. If you really care about Maui, you will sign the bill and help the island before it's too late. Sincerely, Bodhi Williams, Kihei Charter School, 7th grade Science.

CHAIR LEE: Bodhi?

MR. WILLIAMS: Yes?

CHAIR LEE: Bodhi, what we're going to do, we're going to send all of your letters to the Mayor, because you need to address your testimony to him really. Okay? Thank you.

Next testifier.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Wyatt van der Lee. To be followed by Scott Fisher.

MR. WYATT VAN DER LEE, KIHEI CHARTER SCHOOL (testifying on County Communication No. 21-557):

I am here to testify on agenda item CC 21-57, or 557. Dear Maui County Council, I am writing this to testify on my opinion and why you should pass Bill 135 as it is very important to us. Because even though there are other problems going on with the reef like warming temperatures, banning non-safe, non-reef-safe sunscreen will make an

important difference. We can see Hawaii's reefs are slowly dying because of climate change, but also because of non-reef-safe sunscreen.

This impact makes marine animals that take shelter and feed off the reef . . . and food supply. This will affect the fishing community throughout Hawaii, and they will be able to catch fewer fish, negatively impacting the fishing economy.

Visitors who come here to see the colorful reefs of Hawaii will be disappointed by the environmental damage. This may negatively impact the tourist industry, which will certainly won't be good for Maui and Hawaii as we get most of the money via tourism. But it is not only the marine animals and non-safe sunscreen, and non-reef-safe sunscreen affects, sunscreen also causes water pollution, which again harms the reefs. Furthermore, sunscreens are not FDA approved in the U.S. Meaning they are not actually as safe and protect . . . So, please sign this bill so you can save our reefs.

CHAIR LEE: Members, questions? I have a question. Be, before I call on you, Ms., Member King. Is your last name van der Leaf *[sic]*?

MR. VAN DER LEE: van der Lee.

CHAIR LEE: Did, did you participate in the 'Imi Pono challenge a year ago?

MR. VAN DER LEE: Oh, yeah.

CHAIR LEE: You did, yeah? I remember you. I remember.

Okay, Member King.

COUNCILMEMBER KING: Thank you, Chair. I think it's van der Lee. And I'm going to assume, Wyatt, that your mom is Nicolette van der Lee from . . .

MR. VAN DER LEE: Yeah it is.

COUNCILMEMBER KING: Okay. I'm sure she's very proud of you. I'm, I'm really proud of all of you Kihei Charter School students, not just for the testimony today, but for the very professional, very well thought out report that you did that's on Granicus today because of this issue. And I want to thank you. And I think you worked with Jeff Bagshaw on that, and some other folks from around the community.

But I, I also wanted to ask you, are, I hope all you folks are getting extra credit for, all you students are getting extra credit for this testimony. Because this is really incredible, an incredible civic lesson. I'm so happy to have you all engaged in this issue. Thank

you so much for coming forward. Thank you to all of you Kihei Charter School students. Your, no wonder your school has such a great reputation.

MR. VAN DER LEE: Thank you so much.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Scott Fisher. To be followed by Stephanie Ohigashi.

Mr. Fisher, we can't hear you. We can see you, but we can't hear you. Apologies, Mr. Fisher, still can't hear anything yet.

Okay, Chair, I believe Mr. Fisher has some technical difficulties. We'll return to him later. The next person signed up to testify is Stephanie Ohigashi. To be followed Susun White.

MS. STEPHANIE OHIGASHI, SISTER CITIES INTERNATIONAL (testifying on Committee Report No. 21-134):

Hello, everybody. Can you hear me?

CHAIR LEE: Yes.

MS. OHIGASHI: Okay. Good morning. I'm beaming in from downtown Wailuku. It's a beautiful day and I'm in the office. There are people here, my husband, for one, and another client, that's why I have my mask on. So, aloha. And . . . buenos dias, as they say in Ecuador. I am Stephanie Ohigashi, Sister Cities International's Hawaii State representative.

It's such a pleasure to be here this morning with this hardworking body. And I was hoping to follow and listen to Scott Fisher, but I, I guess I have to wait now. I am impressed with the Kihei Charter High School and their testimony. And I just love having youth involved in policymaking. And I think that's the way to go for the future. I'm here to thank you in advance for passing CR 21-134, "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS ISLANDS [S/C], REPUBLIC OF ECUADOR".

Passing this resolution is, of course, is just the first step. There is going to be an agreement between our two cities, and also contact between Dr. Luis Suarez, who is the Ambiental Ambassador to the Galapagos. Ambiental, I guess is a fancy word for environmental. And with Mayor Angel Juarez and Mayor Victorino, and with the Council representative, these documents are going to be earth-changing for Maui County, because we're going to be the first relationship with the Galapagos.

It is a people-to-people relationship, not to mention all the wild inhabitants there like the turtles, and the iguanas, and the blue-footed booby bird. I've never heard of them. But anyway, it's going to be a journey that we are, are going to be having fun with and learning some very important sustainability and environmental protection processes. So, thank you so much for reviewing this resolution and Feliz Navidad.

CHAIR LEE: And same to you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Stephanie. Thank you for your testimony. And thank you for your Sister City program, really appreciate it. I just wanted to . . . that I will send you a video of the blue-footed boobies that we saw when we were actually doing . . . ten feet in front of us. So, you'll, then you'll know the biodiversity.

MS. OHIGASHI: Thank you. Mahalo. Yes. The Darwin Institute has listed all the, you know, one-of-a-kind animals that are there. And it's so important to preserve the ecosystem there and here in Maui. So, I think we've got a lot to learn from each other and we can't wait to get started. So, mahalo for all your work. Thank you so much.

COUNCILMEMBER KING: Thanks, Stephanie. Thank you, Chair.

CHAIR LEE: Any more questions, Members? If not, thank you, Stephanie.

MS. OHIGASHI: Okay.

CHAIR LEE: And Mr. Clerk, may we have the next one?

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Susun White. To be followed by Scott Crawford.

CHAIR LEE: Ms. White?

MS. SUSUN WHITE (testifying on Committee Report No. 21-140):

Aloha. I'm here. Can you guys hear me?

CHAIR LEE: Yes.

MS. WHITE: Oh, good. Okay. Alright. Well . . . to all of you. I hope I said that right. But just wanted to testify for CR 21-140, which is the Pā'ia Youth Council lease, extended lease and lease expansion. And I hope that you will all support this today. I really want to say that it's been a long, long process. It's been through two Administrations, at least four Council Committee hearings, and a ton of community review, and debate, and dialogue. And some of it wasn't very much fun. But I have to say in the long run in reflection, that it's all been extremely positive.

And I think that through that process, that we have a better, more connected community. And I'm actually looking forward to the next steps, once we get the lease, to have even more community involvement and input. Because that's what we always wanted anyway. So even though it went back and forth so many times, in the end, I think it was really great. And for me, a really great educational and humbling, I have to say, experience.

So, I really want to thank all of the County Council for being with us and helping us through this process. And I want to thank, especially, the Department of Parks and Recreation, Karla Peters, the Director, and all of her staff. They have been the primary example of what it means to be a real partner in the community, government partner with a nonprofit. They have stood by us through all of this, and I, I just can't even thank them enough. And also, I want to thank Mimi from the Corporation Counsel for enduring and being so amazing and legal and professional. I think she's had to rewrite the lease at least five times now. Now, she's just put a hold on it till the final whatever we end up doing. So, I just really wanted to say thank you. And I hope that all of you support us.

And I think that the next thing coming forward once we get the lease should be really fun. It should be an incredible, positive example for the community, how we can create a building and a structure and an environment that is an example for the kids, we hope, to be, you know, totally off the grid, even collecting our own water, everything. And be a amazing thing that all of Maui County could be proud of. But anyway, thank you very much.

And also, one last thing to add. I admire all of you. I don't know how you do it. I don't know how you work all the hours you work. And how many, like I was telling Yuki Lei the other day, how you can keep so much stuff in your head and keep it straight. So,

I hope you get a break during the holidays, and really can just be with your families. And we'll leave you there. So, mahalo.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much, Ms. White.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Scott Crawford. To be followed by Jeff Bagshaw.

MR. SCOTT CRAWFORD, KE AO HALI'I (testifying on County Communication No. 21-560):

Aloha. Good morning, Madam Chair and Members of the Committee. I thought I would join the holiday spirit that you're all showing this morning.

CHAIR LEE: Very good.

MR. CRAWFORD: So, thank you for this opportunity to testify on behalf of Ke Ao Hali'i, and the Hana community, and the families of the Mokae and Maka'ala'e area. I just wanted to thank you for your ongoing support of our efforts to protect and, and steward these precious lands along the coastline from Hamoa to Waioke and Waiohono.

We, as you know, we closed on the first parcel acquisition back in March of 2020, and just the end of November, we're happy to have completed the acquisition of four additional parcels in Maka'ala'e. And unfortunately, the, the third phase of this project, with the request that we had made to the Legacy Lands Conservation Program, they, because of their budget limitations, we ended up not getting the basically 50 percent match that we had asked for from them.

So, we're now coming back to the County to ask for some additional funds from the Open Space Fund in order to be able to complete this third phase, which is kind of right in, right above my head here, in between the two previous phases that we've completed. So, it's a really crucial piece to complete the overall protection of this approximately 1.5 miles of coastline.

And since we submitted this request, we've actually been doing some fundraising on our own. We're very thankful for, to Hawaii Land Trust that has secured a grant of \$100,000 from a foundation to go towards this purchase. We also have about \$18,000 coming back from the Legacy Land that's left over from the Maka'ala'e purchase. And we've raised about \$16,000 from private donations so far. So, that is funds that will, will be reduced from our request when we actually go to put these funds into escrow.

We are continuing our fundraising campaign and have some other possibilities out there. So, whatever we can raise between now and, and actual closing date will be reduced from what we're actually asking the County for from the Open Space Fund. We're trying to make that ask as little as possible, but we really appreciate your support to be able to close that last gap.

And then, I also just wanted to note that once this acquisition, the third phase is complete, then the sellers have committed to donating eight parcels that are already under conservation easement with Hawaii Island Land Trust to Ke Ao Hali'i to basically complete the, the contiguous conservation lands all the way along that coastline. So, if anybody has any questions, I would also be willing to stay on as a resource person when you come to discussion of this, if you would like me to do so. Thank you very much.

CHAIR LEE: Questions? Comments? Member Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair, I just wanted to thank you, Scott. You are so important to pull this whole project together. So, thank you for your good work and what a great Christmas present for your community. Thank you, Member Sinenci.

CHAIR LEE: Member Kama.

MR. CRAWFORD: Can I just say that it is really a team effort and I'm so fortunate to have so many great, you know, community members that all work as part of this. And so, I do my part, but it's really, we have so many people in the community that all, all of their efforts helped to make this happen, including yeah, many.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here this morning, Scott. I was just thinking about how, how long I've known you and how much you remind me of the Peter Baldwin ohana. But I wanted to ask you, what is your shortfall? What is your current shortfall?

MR. CRAWFORD: It is, let's see, I should have that number. Let me pull it up. Just a moment.

CHAIR LEE: Members we have, seem to have a lot of feedback. So, please turn off your mics if you're not using them. Thank you.

Scott, did you want to answer the question?

MR. CRAWFORD: Yeah. It's basically, if you add those up, shoot, pull it up in just a minute here. Basically, we're at about 535,000, is the current need. And we will continue fundraising, so hopefully that'll be reduced even further. But, I mean, you know, the request is for 669,300, which is basically the gap between what the Legacy Land request fell short. But we're trying to fill that in with private donations and other requests as much as we can.

COUNCILMEMBER KAMA: Okay. Thank you. Thank you, Chair. Thank you, Scott.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And Mr. Crawford had sent in some written testimony for Members to, to look at. And so, but if we can, I just request that he stay on as a resource, in case Members have more questions when we get to the item.

COUNCILMEMBER KAMA: No objections.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, okay. Anybody else with questions? So, Scott will you be able to stay on when we take this matter up?

MR. CRAWFORD: Yes, I will standby and be available when it come back up on the agenda.

CHAIR LEE: Okay. Alright, great. Thank you.

MR. CRAWFORD: Thank you, Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Jeff Bagshaw, to be followed by Zhanter Lindo.

CHAIR LEE: Good morning, Mr. Bagshaw.

MR. JEFF BAGSHAW, DLNR/DOFAW (testifying on County Communication No. 21-557):

Good morning. Hello again, Maui County Council, and aloha Mayor Victorino. This is in regards to No. 21-57, 557. I'm Jeff Bagshaw with Division of Forestry and Wildlife

here on Maui. I urge you to not delay, alter, or make amendments to Ordinance 5306, Bill 135.

No one argues that our reefs face numerous problems, many of which can't be solved in Hawaii alone. We know that more bleaching events like the devastating one we had in 2015 are coming because our planet is getting warmer. But delaying actions we can take here and now, today, is like telling a heart patient to do nothing to change their lifestyle, because their family's history is a bigger factor. We know from past events that reefs that are healthiest to begin with have better chances for some recovery. So, preparing for those upcoming events begins today, not months from now. This is, as I mentioned before in previous testimony, this isn't just about reefs with pretty fish for snorkelers to see. It's also about our food resources. It's a matter of environmental justice.

And in my written testimony, I have attached three international studies that show that these chemicals bioaccumulate in higher animals. We eat from the oceans here in Hawaii. Everyone knows that. But when you make, I want to highlight that we're making a choice. People who make the choice to not wear sun protective clothing, who demand to recreate between 10 a.m. and 2 p.m., who don't like mineral sunblocks and choose petrochemical sunscreens instead, they are imposing their health choices on the rest of us people who eat from the ocean in Hawaii. They are imposing their secondhand smoke on the rest of us. So, preserving their bad choices means we place a higher value on their actions and their health above the health of the people who eat from our shores.

Now, the National Academy of Science is not a regulatory agency. It will only make recommendations to the EPA. We don't need to wait because a dermatologist on Maui has a storeroom full of products being sold through their office and online. We know, we have generations of data from credible dermatologists that the most effective sun protection remains clothing or mineral sunblocks. Those just aren't as profitable, because they're minerals and they can't be patented.

Bill 135, which is a great piece of work by this Council, corrects loopholes created by the weak statewide ban on only two compounds. Petrochemical sunscreen ingredients bioaccumulate. We know the long-term health effects and medical costs for people who eat from the . . . we don't know what those costs will be. And when people highlight, oh yeah, worried about skin cancer, they're placing a higher value on that than the people who live here. Thank you.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: Thank you. Thank you. Mr. Bagshaw, we're going to be hearing from the Managing Director, Mr. Baz in a few minutes, so he can clarify why this item is on the agenda. We did not request it. It was a letter from the Mayor saying that he signed, he actually signed the bill. But I guess there's confusion because it's on the agenda, that the Council is going to reopen this item, which we have no intention of doing, okay? Thank you.

MR. CRAWFORD: Understood.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Jeff. Thank you so much for being here. I think you've been working with the students at Kihei Charter School?

MR. BAGSHAW: My colleague from the Big Island has. I, I would like to work with them.

COUNCILMEMBER KING: That, that report they did was just amazing. I couldn't believe it was a school project.

MR. BAGSHAW: It was good.

COUNCILMEMBER KING: But I, I've been, I've heard from folks on the Big Island, on the Council that they're, they're right now authoring similar legislation, so they've asked for a copy of ours. I know that Representative Lowen of the State House is also looking to strengthen the State legislation. But I also heard rumors that the industry is lobbying to try to get the State Legislature to preempt the counties from being able to take the steps that we've already taken. And I just wondered if you had any knowledge of that happening or that being in the works?

MR. BAGSHAW: I understand all of those things are happening. And that's why I think it's, it, that's why it's timely to do this now, and that we don't need to wait. It's not just for environmental reasons, but it is because it is much more profitable to sell these compounds than it is to sell mineral byproducts. But all of the major corporations already make these products. And our small businesses just need to order different things. They're not going to lose money and they can sell sun shirts that are a nice souvenir. So--

COUNCILMEMBER KING: Would you, would you agree that, because I've been looking into some research into the mineral sunscreens and there are several of them that are actually made locally on Maui, by companies on Maui. So, would you agree that that those are opportunities for local economic development, whereas I don't think there are any chemical sunscreens that are made locally?

MR. BAGSHAW: That's correct, there are no petrochemical sunscreens made in the islands. But yes, there are small businesses that do very well. For those who argue that they're more expensive, they actually go farther. So, it just means, for retailers, a shift in what they do. It doesn't mean a loss of sales. And I'm working on some outreach products to help them understand what the County ordinance would mean, and ways that they can keep their businesses, keep it flowing. Because people do need sun protection, but just not that kind.

COUNCILMEMBER KING: Okay, thank you so much. And I really, I think you're one of the heroes of this movement too. So, thank you for being here again.

MR. BAGSHAW: Thanks to you folks.

CHAIR LEE: Members, any more questions? If not, thank you, Mr. Bagshaw.

Mr. Clerk. We'll take a few more testifiers.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Zhantell Lindo. To be followed by Kelli Lungren.

MS. ZHANTELL LINDO (testifying on Committee Report No. 21-131):

Aloha, Chair and Councilmembers. Thank you for this opportunity. I would like to testify. My name is Zhantell Lindo. I am a staff member of Council Vice-Chair Rawlins-Fernandez, but I am testifying on my own time and on my own behalf. I would like to testify on CR 21-131, the acquisition of the property in 'Ualapu'e, Molokai, to be used for the relocation of the Puko'o Fire Station. I just have a few bullet points to support the acquisition.

First, this is an effort of over 25 years of community effort and consultation to get to this point. There's an immediate need for the safety and welfare of our firefighters, and the maintenance and storage of fire equipment to be moved from its current location. The property is located within the parameters set by the community, as far as location. Minimal to no adverse effect on the surrounding properties, nor the social, economical, environmental, and cultural resources of the area. This innovative effort to morph from a fire station to a firehouse provides a solution to the need for emergency services in Manae while being fiscally responsible, giving an example of working smarter, not harder, and doing more with less.

The acquisition and anticipated improvements to the property is far less than the estimated costs of the original plans for relocation of the Puko'o Station. This provides us the opportunity for our Manae community and ohana to support the enhancement of emergency services in the area, without having to compromise our natural and cultural resources, nor explore, exploit our way of life.

And finally, I personally believe it's important to support good ideas, especially when the solution involves true community participation and amazing partnership efforts from the Department, the Mayor's Administration, our Molokai Councilmember, and you the Council. This is destined to be a truly great blessing to our island as it is rooted, rooted in true aloha by so many who truly care about our island and our people. Mahalo and a Merry Christmas to you all. Thank you.

CHAIR LEE: Happy Holidays to you, too, Zhan. Any questions, Members? If not, thank you.

Mr. Clerk, let's take two more before our break.

DEPUTY COUNTY CLERK: Chair, then the last two testifiers before the break are Kelli Lungren, to be followed by Christine Sabado.

CHAIR LEE: And then how many more do we have?

DEPUTY COUNTY CLERK: Chair, after Christine Sabado, about 17.

CHAIR LEE: Okay. Ms. Lungren?

MS. KELLI LUNDGREN (testifying on County Communication No. 21-557):

Yes, hello. Can you, can you hear me, see me?

CHAIR LEE: Yes.

MS. LUNGREN: Okay. Yes, hi. My name is Kelli Lungren and I am a volunteer at 'Ahihi-Kina'u since 2014. I know I've talked to this Council before, and I want to tell you that I really appreciate you passing this bill. And I appreciate the Mayor signing this bill.

But I also want to bring up a few comments on this environmental impact study that is being discussed to potentially delay this bill. One of them was, half of this study says that there's, it's going to talk about the sunscreen effects that would, if people stopped using sunscreen, to what will happen to them? What would happen to their health? Well, we already know that minerals work, and rash guards work. It doesn't mean that

people are not going to be using sunscreens if they don't use chemical sunscreen. So, I, this, these comments are addressed to the Mayor right now, cause I know the Council understands this. So, I, I'm hoping the Mayor is listening to this.

The second thing is, on that same environmental impact study there's item number 4 on there that says that if they are inconclusive in their findings in the Spring, they can delay their findings for some time. Well, that's also dangerous for the reefs. You know, it's, it's a, it's a, times running out on our reefs. And there are graver dangers as has been commented. But there's no great, this is not any less grave than any other of the dangers, the global warming. This, if we can get rid of these chemicals in our reefs, in 30 days, they'll go away. If you could just stop 500 people from getting into the reef with these chemicals on, it goes away.

And these are comments for the Mayor. So, if we delay this bill, how many more months are we going to go out, and years are we going to go out until we get these sunscreen chemicals out of our reefs? And I just don't think we have the time. There are scientists in Kaneohe Bay that are, are eagerly and, you know, designing new corals to save our reefs. Let's give our reefs some time to preserve themselves and preserve the rest of the oceans. Minerals work, and the science is there. And thank you very much for your time for Mr. Mayor.

CHAIR LEE: Thank you. We have a question from Member King.

COUNCILMEMBER KING: Chair. Aloha, Kelli. I think you came last time and you had both of the mineral sunscreens on.

MS. LUNGRED: I do now, too, by the way.

COUNCILMEMBER KING: And you still look beautiful and don't look like Marcel Marceau. So, that . . .

MS. LUNGREN: Yes, yes. And this one is just zinc. This is just zinc. The other one is a combination of zinc and titanium. And I was just saying it works. It works.

COUNCILMEMBER KING: . . . Thank you for . . . But what I wanted to ask you was, you know the Big Island at Hapuna Beach got that, I think it was DLNR that put in that dispenser with the mineral sunscreen?

MS. LUNGREN: Yes. Yes.

COUNCILMEMBER KING: Do you know if there's anything like that coming from, to Maui, or is there a way we can ask. I mean, I'm going to probably ask Suzanne Case, but is there a way, are you guys lobbying for that also somewhere, especially 'Ahihi?

MS. LUNGREN: You know, we did before the pandemic, as a volunteer, when we were actively volunteering before the pandemic. We had a local manufacture, actually, bring, give us a big tub of it. You would not believe how people were receptive to that. And we, I would love to see it on every reef beach, every visitor beach on Maui, just like Hapuna Beach. And you know, our, our Governor is supporting this at Hapuna Beach.

Everybody that shows up and, and wants to set aside their chemical sunscreen is very happy to put on this mineral sunblock. How wonderful is that to have it there for people to use that alternative? It, it's just an amazing thing. And, and whether we can get a nonprofit organization or the DLNR to do this, it, it would be invaluable. And the people that we're putting it on are also protecting their skin.

COUNCILMEMBER KING: Okay, maybe we can work on that together. Cause I thought it was ironic it was on the Big Island the day that we, we passed our bill.

MS. LUNGREN: I know. And it's great. That is the solution, right? We're solving things. That's, that's great, yes. Okay. Thank you.

COUNCILMEMBER KING: Thank you, Chair. Oh, you're still muted.

CHAIR LEE: Sorry, we'll have one more testifier before our break.

COUNCILMEMBER KING: You need to have that little ornament I gave you?

COUNCILMEMBER KING: Which one?

COUNCILMEMBER KING: Did you get the one that says, "you're on mute"? It's in your box. It's a Christmas ornament.

CHAIR LEE: No, no, no, I didn't. I didn't see it yet. Oh, okay. Is that, is that what I need? Okay. Thank you.

COUNCILMEMBER KING: All, everybody's got one.

CHAIR LEE: Mr. Clerk, one more.

DEPUTY COUNTY CLERK: Chair, the last person we'll have before the break is Christine Sabado. Then, after the break, the next testifier will be Leslee Matthews.

MS. CHRISTINE SABADO, CHAIR, MAUI COUNTY SISTER CITIES (testifying on Committee Report 21-134):

Aloha.

CHAIR LEE: Ms. Sabado.

MS. SABADO: Yes, I'm in. Hello? Aloha. Can you see me? Yes? I am representing article CR 21-134 and it's about the Galapagos. And I am Maui County's Sister Cities Chair. Geez, some of the beauty of being on, on this BlueJeans is that I can just support and reiterate everything that's been said, because our theme this year and our banner is sustainability and water. And I concur and support everything that's been said, because I think it's really all very advantageous to our, having a 2022 theme. Thank you, Kelly, for visiting our Sister City in Scotland. It was a huge success. And we're all so excited to move forward this year.

I'm going to be brief, because I know the break is, is coming up. And as I've said in past, timing condition is about everything, I think we're all at the right moment in time to work for all our themes. Sister City is a part of it all, and we happy to join you and be a part. Any questions?

CHAIR LEE: Members?

MS. SABADO: For me?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Just really quickly, Christine. Thanks for being here. Do you have Dropbox?

MS. SABADO: I do.

COUNCILMEMBER KING: I'm going to send you that, that video of the blue-footed boobies.

MS. SABADO: Oh, thank you so much. I would, I would love that knowledge as well. I, I appreciate that.

COUNCILMEMBER KING: If we pass the resolution, we'll play that as a, as a celebration.

MS. SABADO: Absolutely. We, we could do that. I appreciate that. Yeah, so let's move forward and make 2022 a great year for Sister Cities and for Maui County. And we're all joining hands and making this work together.

CHAIR LEE: Thank you. Thank you very much.

MS. SABADO: Good. Mahalo.

CHAIR LEE: Members, we'll take a break till 10:50. 10:50. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:31 A.M., AND WAS RECONVENED AT 10:52 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the Council meeting of December 17, 2021, please reconvene.

Mr. Clerk, please resume testimony.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Leslee Matthews. To be followed by Elizabeth Oliva.

MS. LESLEE MATTHEWS (testifying on Committee Report No. 21-137):

Good morning, Council Chair Lee and Councilmembers. My name is Leslee Matthews and I'm here to testify enthusiastically in support of Committee Report 21-137 in support of my mom Rainey Dock Matthews to be a commissioner on the Mayor's, Maui County Commission on Persons with Disabilities. I have no doubt that this Commission has helped play a hand in my mother's healing after I relocated her back to Maui for her health. The vision of that Commission is to promote and enhance the quality of life of Maui County residents with disabilities through advocacy, education, and education by working with our community elected and other County officials who have the ability to make change. And I'm really excited.

And thank you to the current commissioners who have allowed my mom to attend almost every meeting. And she's shared different resources. She was super sad when she had to retire as the Fort Worth, the Chair of the Fort Worth Committee on Persons with Disabilities. But she took a chance because she knew it would be beneficial for her health. She was honored by the Fort Worth Mayor, and even the Governor flew a flag over the Texas State Capitol for, in honor of my mom.

I had no idea where life would take us November 16 of 2004 when she had a major stroke. But it's taken us to beautiful places. She was once a flight attendant and had to make the decision to retire for her health. It's taken us to places like seeking services that are available through Maui County. So, to the service providers that have helped me in my time of need transition to being a full-time caregiver, I also want to say thank you to you all.

My mom has advocated in spaces like voting, housing, access to services, and transportation. I'm really excited that she's going to be on the council, on the Commission, prayerfully with you all's vote. Because then, maybe I'll hear a little bit less often, "I need to contact Councilmember Sugimura about this transportation issue", or "what can we do about housing, so I need contact so and so?". And now, I'll just say, I'm going to contact commissioner Matthews about my issues.

People experiencing homelessness lack sustainable access to housing, and instead turn to emergency shelters, transitional housing, and places not meant for overnight residents. They, people experiencing disabilities often experience discrimination in housing, healthcare, employment, and wage, preventing and making it difficult for them to secure sustainable housing and income necessary to meet their basic needs. I have no shame anymore saying that I've had to reach out for the services of this County and other places to help in taking care of my mom. But my mom has helped take care of others.

So, to this Council, as you consider things like housing being a basic human right, I say, thank you, cause it makes a difference for me and people like my mom. For those of you that are thinking about taking care of our oceans, I want to say thank you, cause it makes a difference for people like me and my mom. For those of you thinking about ways that you can do exactly what this Committee is set out to do, then make recommendations to make systematic changes that maximize independence and county, community integration for Maui County residents with disabilities. . . . I want to say thank you.

Whether my mom has access, advocated in Rome, Italy, or she's gone to Washington, D.C. to advocate for the Americans with Disabilities Act, or right here in Maui County as she already makes announcements for the Commission meetings, I know that she'll make a difference. And to each of you, thank you for the difference that you make in all of our lives to help make this world a little bit better. Merry Christmas.

CHAIR LEE: And Merry Christmas, and Happy Holidays to you, Leslee and your mom.

Members, any questions? If not, thank you very much.

MS. MATTHEWS: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Elizabeth Oliva. To be followed by Shelby Serra.

MS. ELIZABETH OLIVA (testifying on Committee Report No. 21-137):

Can you guys hear me okay?

CHAIR LEE: Yes.

MS. OLIVA: Okay. Well, it's actually Elizabeth Oliva and I am in Fort Worth, Texas. And I am here to testify for CR 21-137, on behalf of Rainey Dock Matthews. And I know her, I've known her for several years and I know the family. And I just have some words that describe the Rainey that I know and the person that you would be privileged to work with if you so choose. She's highly regarded. Some of the words that I think of about her are love and respected by all who know her. She's kind. She's compassionate. She's a leader. And as Leslee just talked about, she's an overcomer. She has wisdom way beyond her years. She's tenacious with causes that she's passionate about. And she's a champion for those who may not be able to fight for themselves. And her legacy can be seen in her successful children, like Leslee, for sure.

Fort Worth loss for her on that, that board is your gain for her to be your, one of the commissioners on the Maui County Commission on Persons with Disabilities. And she finds a cause and she's passionate about that, and she goes for it. And she cares deeply for the people that she is fighting for, that she's advocating for. So, I know you guys would be blessed and privileged to have her work with you there in Maui. I can't say enough wonderful words about this woman that I know. She's as close to family as she can be to me. So, I hope you guys do consider and do approve that for her to be on the board.

CHAIR LEE: Well, thank you, Elizabeth. Any questions? If not, thank you very much. Happy Holidays.

MS. OLIVA: You too.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Shelby Serra.
To be followed by Lucienne de Naie.

MS. SHELBY SERRA, PACIFIC WHALE FOUNDATION (testifying on County Communication No. 21-557):

Aloha. Good morning and . . . Council. My name is Shelby Serra, conservation advocate and I'm testifying on behalf of Pacific Whale Foundation. Today, I would like to offer comments on the passing of Bill 135 and the subsequent comments provided by Mayor Victorino in CC 21-557. First, I'd like to thank the Council for voting to pass this important piece of environmental legislation and putting the health of the ocean and the planet first.

At PWF, we support an approach known as the precautionary principle, which emphasizes caution when extensive scientific knowledge on a matter is lacking. When we know that something has the potential to be harmful, we encourage the pause and review before we continue adding undue harm. The pause being a prohibition on chemical sunscreen.

We look forward to the review from the National Academics on Sciences, Engineering, and Medicine, echoing and emphasizing what has been said these last few months. We, as humans, are uniquely positioned to act on this matter before we know extensively that chemical sunscreens prove to be disastrous.

Coral reefs across the globe, including right here in Hawaii, are threatened. Coral reefs provide shelter for 25 percent of all of the world's fish. They provide protection to coastlines from severe storm events, and they provide economic value supporting fisheries and tourist activities. Coral reefs here in Hawaii alone provide over \$33 billion in economic value to the State.

As the Mayor pointed out, there are a multitude of stressors on corals, such as increasing ocean temperatures leading to acidification, and pollutants such as plastics and stormwater run-off. The scientific knowledge on these stressors is well-studied, extensive, and indeed will be an uphill battle to address. The point I would like to make today is that if we can have control over even one stressor facing coral reefs today, there is no reason not to take it. The precautionary approach implies there is a social responsibility to protect the reefs, and in turn people from exposure to harm when scientific investigation has found a plausible risk.

We cannot stop carbon emissions from being absorbed by our ocean, or realistically prevent every piece of rubbish or every pollutant from washing into the ocean during a

storm event. But we can put prohibitions on harmful chemicals and stop them from entering the ocean right here in Maui County, and hopefully, eventually, throughout all State's waters.

Mr. Mayor, please do not consider amending or reversing your decision to pass this legislation. Mahalo for your time.

CHAIR LEE: Thank you. Members, any questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Shelby. Really appreciate your input and throughout the whole process of getting this bill passed. Is there a, is there a benchmark period where we might be able to see some results from the, I mean, it's not going to go into effect till October 1, but, you know, would it be like a year after that that we should expect to see some kind of result on, that we could measure on the reef?

MS. SERRA: Oh, you know, I don't know. I heard a testifier earlier mention that it was pretty quick once chemicals stop being used. But I'm not sure about the science on, on the timeframe of seeing the impacts.

COUNCILMEMBER KING: Okay. But you, would you folks be one of the entities that might be involved in something like that, you know, in those measurements?

MS. SERRA: You know, our research is pretty specific to marine mammals. And so, until we have the capacity to expand our research to do specific coral reef studies, we would not specifically have those, that data. But I bet Maui Ocean Center Marine Institute, they have a coral lab over there and, you know, they could be good people to do that type of study.

COUNCILMEMBER KING: Okay. Great. Well, thank you so much again, again for being here. Thank you, Chair.

MS. SERRA: Oh, happy to. Mahalo all. Happy Holidays.

COUNCILMEMBER KING: Happy Holidays.

CHAIR LEE: Any more questions, Members? If not, thank you, Ms. Serra.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Lucienne de Naie. To be followed by Linda Munsell.

MS. LUCIENNE DE NAIE, [testifying on County Communication Nos. 21-556, 21-557, & 21-560; Committee Report Nos. 21-138, 21-139 & 21-140; and Bill No. 149 (2021)]:

Aloha. Good morning. Mele Kalikimaka. Nice to see all of you in your holiday finery. My name is Lucienne de Naie and I am testifying, for the first part of my testimony, on behalf of Sierra Club Maui, as the Chair of the Maui Group. Sierra Club is in very, very strong support of the bill you passed, Bill 135. And we are speaking to agenda item 21-557 and the Mayor's letter. We are also grateful that the Mayor signed the bill, but like many before us, we question the need to sort of look at this as a process that needs to be backtracked. We're sure new information will keep coming in over the years. If there's anything truly significant, we're sure that this Council will, will jump on it and fix what needs to be fixed. This is really a landmark bill, the first in, in the State. And you guys are the pioneers.

I just want to point out that, you know, for many years, I've sat on the Maui Nui Marine Resource Council, 15 years ago was formed. And again and again what we've heard from our kupuna fishermen, these folks with generational knowledge, is that they really see the effects of sunscreen on our reefs. And they for years, like they started 15 years ago asking why don't we do something about the sunscreen film, the kinds that, you know, just leave people, they wash off and settle on the reefs? They can see when they're out there fishing and diving that this is having an effect. So, I'm really proud of this Council for listening to our kupuna and moving forward.

I will go on to the next item. This is item 21-556. And this is the Mayor's intended veto of the bill that you folks passed on having an application selection process and a master list of folks that are applying for affordable housing in Maui County. Once again, Sierra Club Maui has weighed-in on affordable housing issues for many years, supporting a process that, that actually helps folks who live here already to be in the right queue for affordable housing. And of course, every project has its own list and its own claims, and some of them are quite . . . some of them are a . . . as our research has shown.

But I, I did sit in representing Sierra Club on many of the early meetings of the task force that was convened by the Maui Economic Opportunity Board. And this task force worked for about a year and came up with ten points that they thought would go a long way towards solving affordable housing in our community. These were issued, oh man, it's probably 15, 16 years ago. But one of those points was a master list, maintained either by the County or a designee.

Now, if the County Department of Housing and Human Services feels that it's just, you know, not in their scope to maintain this list, they can designate a qualified nonprofit to maintain it. There just needs to be a solution where we have an accountable process

that's transparent. And that is the intent of this. And also, to make sure that that we really know that the people who are being served are people that we want to serve, the folks who are, you know, the public servants, the firemen, the teachers, the nurses, and every, every family that strives to own a house here on Maui and continue their family traditions that have come through the generations.

So, what we don't want to do is build a lot of housing that attracts many mainland buyers who have the money to spend more than the people that live here. And they just, it's a replacement sort of equation. So, if this bill does not meet legality in the Mayor's eyes, we support fully the Council tweaking, amending it. We have some very, very intelligent people on this Council. But please go forward and support this concept.

And then, the last two items that I would like to testify on, on behalf of Sierra Club Maui are strong support for item 560. And this is acquiring, putting forth the, the additional funds needed to acquire the 30 acres in Maka'alaie along the Hana coast. You know, I also sit on the board of the Land Trust, of the Hawaii Land Trust years ago, and this was one of our dreams to see this place protected. It is visited by so many people, both local residents who are gathering and, and family, family excursions, and also by visitors who just want to see a beautiful untouched part of Maui. It's also very productive cattle grazing land, which helps maintain the land. So, it's a, it's a triple win. It's a great fit. Thank you for your support of it. And of course, Ke Ao Hali'i is a very, very hardworking organization that are good stewards, and really trying to do their part. So, thank you for your support of that.

The last item on behalf of Sierra Club Maui that I would like to testify on is Bill 149. This is the final reading of the West Maui Community Plan. It's important that we move forward and pass the plan. I know that there was some considerations brought up last time that if language was in the plan that supported the actual intention of the past plan to have some sort of park dedication come out of the land around Mala Wharf that has already been developed. Not on that land, because that land's been developed, but in consideration of that land's obligations under the community plan, which were just swept under the rug, until citizens sued.

Really, we shouldn't give the message that you can break the law, and don't worry, nothing will happen to you later. Well, if this plan contains that language, there will be a resolution to purchase additional land that can qualify for that park dedication. It's not going to be a literal sort of thing. And all we need is for the language to specify that, you know, this can be fulfilled off-site. So, thank you for your consideration of those bills on behalf of Sierra Club Maui.

As a private individual, I would like to strongly support Bill 140 *[sic]* for the Pā'ia Youth and Cultural Center. As a long-time supporter of the center and the fine work Ms. White

and others have done, it's just amazing asset for our community. And so happy that the County now owns that land and can extend a proper lease to allow the, the Youth and, and Cultural Center to continue its activities. So, please support that.

And the last two items 138 and 139, just thank you for your consideration of myself, as a member of the Paia-Haiku Advisory Board. And a mahalo to all the other folks who put their names in and are willing to serve. You, you have a really good selection. I think you should be proud of supporting them. Mahalo for all of your time this year, and we'll see you guys next year.

CHAIR LEE: Questions, Members? If not, thank you, Lucienne, and Happy Holidays to you and yours.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Linda Munsell. To be followed by Mike Moran.

MS. LINDA MUNSELL, DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS
(testifying on County Communication No. 21-556):

Good morning, Chair and Councilmembers. My name is Linda Munsell. I'm the Deputy Director for the Department of Housing and Human Concerns. I'm here to testify in support of the Mayor's veto of Bill 111. The Mayor has indicated three specific reasons for his veto. I'm not going to go over all of them, but I did want to specifically talk about his first reason, which is the liability created when the responsibility to determine eligibility is transferred from the developer to the County.

Timeliness is kind of a funny thing, but there was a Facebook post tagging at least one Councilmember this week about errors that were made in qualifying tenants at a property here in Kihei. These errors have resulted in financial liability for the property management company and the incredible pain of having to require tenants who are over-income to move out of the property. It's been suggested that this is a perfect example of why the County should take responsibility for qualifying tenants. I strongly disagree. This is the exact reason we should not be interfering in the management of a property.

At least one property manager has already testified at the previous meeting about the incredible process they go through to qualify a potential resident. Line staff first goes through the application and gathers documentation to determine eligibility. And then once they have finished qualifying an applicant, their compliance officer reviews the

files. At that point, the tenant is able to move in. At some point later, the State then sends their compliance officer to audit and verify that the tenants are indeed qualified. There's also the outside auditor for the property manager who audits annually, and then the auditor for the property owner who also reviews files. Somewhere in all of this audit process these errors were identified. Now, this is the exact same process that the County would use and the entire cost of this will transfer from the developer to the County, whether we would use a third-party designee or not. But that's not the primary objection.

The focus of the Mayor's first objection to this bill is the transfer of liability. Property management company in this case in Kihei is very experienced. They oversee multi-family projects across California and Hawaii and are known to be careful and caring landlords. But errors occur. In the case of this property, the audit process worked. Errors were identified and steps were taken to correct them. And the liability of the error is assumed by the property manager. In this case, the property management company has provided assistance to the displaced tenants and is now working with the tenants' attorneys to bring their legal and financial complaints to a close. The property management company will also be responsible for any fair housing and other legal complaints that may be brought by these tenants in the future. And the property manager will also be financially responsible, excuse me, for the loss of the tax credits to the owner for the entire time that the over-income tenants are living in those units.

I don't know what the standard error rate is for a property, but I do see the compliance reports from the State for a number of properties every year. I also know from my time working in Section 8 and from doing compliance reviews for the HOME Program that errors occur in eligibility determinations all of the time. If the responsibility is transferred to the County, our error rate will be no different, alright, just a second. Our error rate will be no better than the experts who are managing these properties now and we will be liable. This is only one property. Multiply that all by the properties in the County. Even the use of a third-party designee will not shelter the County from responsibility and liabilities if errors are made, and they will be. It's a guarantee. Please uphold the Mayor's veto of this bill and thank you for your consideration.

CHAIR LEE: Thank you. Members, do you have any questions?

Ms. Munsell, can you be available when we take up this item?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes, I can.

CHAIR LEE: Okay. Members, any objections to having her as a resource person?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, no objections. I'm not sure when it's coming up, but probably after lunch sometime.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Alright. Thank you.

CHAIR LEE: Okay, thanks.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next individual we have signed up to testify is Mike Moran. To be followed by Al Henderson.

CHAIR LEE: Good morning.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 21-557 and Committee Report No. 21-138):

Good morning, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. Merry Christmas and Happy Holidays to all of you. Our Christmas present is we're limiting our testimony to only two items this morning. It looks like you have a long day.

We're very disappointed with this 21-557. As community activists, we constantly get so much blow-back from people who don't want to get involved in the system. They say, you know, it's like there's another meeting, another meeting, another hearing, everything changes. And here we went through all the process of going through Committee, having all the hearings, to have this world-class bill seemingly first in the world to, to, to ban these harmful sunscreens, and point out all of the things that have been said by the experts and even by others who are not experts, like me, who say wear the, a rash guard. And, you know, and there are things to, to protect, if you don't use these.

So, we think it's done. It's gone through all the readings. The Mayor has signed the bill. And we tell everybody it's a done deal, see. And then, this pops up, oh, wait a minute, the Mayor may be reconsidering. Well, we know that a lot of times government entities reconsider things that were passed maybe, or revisit them two years and say, well, you know, there's more information that has come up. But this is like it seems to be the same month that the bill was signed by the Mayor and now it's like, whoa, hold on.

And at KCA, we've been involved in this for years. We first heard about it from Mr. Bagshaw, who is one of these experts and came up and presented at a State meeting. And we took it from there, gave it support. And we see that the Maui Ocean Center posted this morning, another South Maui entity posted the, a few of the letters from the kids that came on this morning. So, for South Maui we see our, all these entities from our community, from the keiki coming out to testify, to the experts, 'Ahihi-Kina'u, and to our association saying enough already. You, you've passed it. Let's go. Let's stop looking for, if we can't stop it, let's see if we can delay it. We have seen that happen so many times with these issues. So, please let, let's get by this objection to the Mayor and do what you already done. And it is providing confusion to the community. That they, at first, I didn't understand it either when I saw it on the agenda. But enough on that. Thank you for, for continuing to support that issue.

Our other item is 21-138. And that's for our South Maui Advisory Committee. And this, too, has been a long action. We commend our, our South Maui Councilmember King, who started this process, I think it's getting close to three years ago now. And for a couple of years, we had provisional meetings, unofficial meetings. And now it looks like to start the year, we will have the first meeting of our South Maui Advisory Committee. And we thank you for, for, for doing that. We thank Member King for getting it started. We thank Member Molina and his Committee for the process, and then finally for the Council for approving it.

So, again, that's our present to the Council. We're going to stop blabbering here. And we think you've done such a good job this year that you should take the rest of the year off. And we'll see you next year. Aloha.

CHAIR LEE: Thank you. Thank you. Members, do we have any questions for Mr. Moran? If not, thank you so much and Happy Holidays.

MR. MORAN: Happy Holidays to all.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next individual we have signed up to testify is Al Henderson. To be followed by Bevanne Bowers.

MR. AL HENDERSON (testifying on County Communication No. 21-137):

. . . and good morning to everyone. I am not a paid lobbyist. My name is Al Henderson and the Mayor's Committee in Fort Worth person with disability. I'm the staff liaison to

give a testimony regarding CR 21-137, Commission on Persons with Disabilities on behalf of Rainey Dock Matthews.

Back in 2015, excuse me, there was a lady who came to us, the Mayor's Committee on Persons with Disabilities, and indicated to us that she had put in an application. I said, well we don't have openings right now, but you'd be more than happy to join our meeting as a volunteer until you become a member. Well, she waited two years to become a member, and shortly after that, she became the Chair in 2017. Since then, the Mayor's Committee on Persons with Disability has been just, it was very unorganized, it was, it was lacking in leadership, and it needed someone to just point them, point them in the right direction. And she did all of that.

Rainey in the Mayor's Committee, at one point, because of the transportation issue, they tackled that. And one, and one of these City Council meetings, the City Council in Fort Worth was having a big discussion about transportation. And there was a, we had a standoff, and in fact, two of its City Council individuals walked out of the meeting to not have a quorum. Well, they didn't have Rainey Dock Matthews in the room and 27 other voices, and some of those folks with disabilities that stayed there and gave their testimony and refused to leave because they felt that the City of Fort Worth needed something better to address the people with, with disabilities for transportation. Not only for people with disabilities, but for all the folks in Fort Worth. Yes, and Rainey was a bulldog. And of course, she set her sights onto.

Rainey joined not only with that, from that effort, she was invited to join the Tarrant County, Tarrant Transient Alliance Authority and Tarrant Transit Academy. Those are two things that was birthed out of that effort. And she joined and led that and was on the board of directors for those organizations. Rainey also played a huge part in our active transportation plan. This was a citywide seamless transportation plan for folks with disabilities, and folks who readily walk, bike, and use transit.

Any plan was voting on by the City Council in the past. Rainey turned, then turned her attention to a climate reality leaders training. It was a eight-door, eight-day virtual training. And that too, was led by Vice-President Gore. And she had to educate them on how that impacted folks with disabilities.

To sum it up, Fort Worth loss was your gain. And you will be, have, we, you will be doing a disfavor if you do not elect Rainey Dock Matthews onto your commission. That's Al Henderson signing off. Thank you.

CHAIR LEE: Thank you, Mr. Henderson. Members, questions?

Member Sugimura.

CHAIR LEE: Mr. Henderson, I just want to thank you for making the time and waiting till you could testify. And we have nothing, we have heard nothing but raving reviews about her. But your statements are super strong. And we appreciate your comments and look forward to working with her. So, thank you for making the time to share. Thank you.

MR. HENDERSON: You're welcome.

CHAIR LEE: Members, any comments or questions? If not, thank you very much, Mr. Henderson. Aloha.

MR. HENDERSON: Aloha.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Bevanne Bowers. To be followed by Peter Landon.

CHAIR LEE: Good morning.

MS. BEVANNE BOWERS (testifying on Committee Report No. 21-137):

Aloha and good morning, Chair and Council. My name is Bevanne Bowers and I'm here speaking in regards to 21-137. I am here to enthusiastically voice my strong support of the appointment of Rainey Dock Matthews to the Commission on Persons with Disabilities. We've all heard the phrase it takes a village. And I know that to be true. But what we don't talk about are the people that bring to that village, strength, courage, compassion, and vision. I know Ms. Matthews to be such an individual. Her commitment to faith, family, and community are evidenced by her long list of accomplishments, as you read in her application and her resume. I am here to simply state that Maui County, our village would greatly benefit from the appointment of Rainey Dock Matthews to the Commission on Persons with Disabilities. I thank you for your time, your consideration, and wish you Happy Holidays. Mahalo.

CHAIR LEE: Thank you, Ms. Bowers. Members, questions? If not, Happy Holidays to you too.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Peter Landon. To be followed by Dick Mayer.

MR. PETER LANDON, DEPARTMENT OF LAND AND NATURAL RESOURCES (testifying on County Communication No. 21-557):

Hello. I'm trying to get my video up and running here. Hi. Thank you. I'm Peter Landon testifying on behalf of myself. I work for the Department of Land and Natural Resources and have been involved in this process for quite some time now. And I just want to applaud the Council for their action on this matter, the bill for sunscreen 135. My testimony is in regards to the Mayor's Communication 21-557. You know, and, and, and shame on the Mayor, you know? He really should know his audience.

You know, when this, when this communication came out, I was really taken aback. I'd really like to second the testimony by Mr. Moran and Keisa Liu, who came before me. They kind of hit it right on the head. I mean, what, what's going on, Mayor? You, you signed this bill and then you come back with this communication that says like oh, you, you question it, maybe down the road you want to wait for this National Academy of Science and Engineering? You know, I, I say know your audience. Because basically what you're saying to the resource managers, and the community, the, the, the kids of Kihei Charter School, the community members that volunteer their time on this issue, the scientists that work in the State, work alongside this Council to vet this issue to, to move this forward to protect the, the eco, the ocean and marine ecosystems of, of Maui. You're saying to them that you don't put your full faith and trust in us, right. I mean, we, we worked hard. We did our research. We passed the bill.

And you know, whoever you're talking to, I ask you, like, you know, ask yourself, do these guys sell sunscreen? Because whoever you're talking to probably sells sunscreen, right. Those are the only people that came out in opposition to this, right. You know, didn't matter if they were lobbyists or, or, or doctors, right. They sell sunscreen and that is why they had an opposition to this.

You know, I would be really surprised if the National Academy of Sciences and Engineering came out and said that, you know, the research that had been done on coral reefs and things like that were wrong. I mean, that, that's not how science works, right. When you publish an article in a peer-review journal, you know, it's not, it's not, it's not bunk, right. It's not something that's just, you know, that wasn't well thought out, that these, the experiments weren't well-planned, the data wasn't collected properly, right. Like, these, these are the things that, you know, are looked at before you publish an article, right.

So, I really say to the Mayor, know your audience. This was really kind of an insult in my book to all the people that worked on this. Make sure that guys, you know, are not selling sunscreen when they're talking in, in, in opposition to this bill, or want to hear more information. And just know that it's not just the coral. Every marine organism and humans themselves are affected in a negative, and, and negatively by these chemicals, right. Chemicals are not good. Minerals are from the earth. It's a pretty, pretty much a slam dunk. But I, I thank you for your time, Council. And thank you for once again hearing all this testimony. And that's all I have to say. Thanks.

CHAIR LEE: Thank you. Members, any questions? If not, thank you, Mr. Landon.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Dick Mayer. To be followed by Kalama'enu Takahashi.

CHAIR LEE: Mr. Mayer.

MR. DICK MAYER (testifying on County Communication 21-556):

Can you hear me?

CHAIR LEE: Yes.

MR. MAYER: Thank you. One second. I'm sorry. My television was on at the same time. I want to only comment on one item, that is the bill which the Mayor vetoed regarding setting up a housing list. I'm hoping that you'll, will pass that item today out. And if down the road, there seems to be legal challenges, or other problems, that you will then be able in a position to fix those problems. Then you'll know what kind of issues arise. There may be residency questions. There may be other issues, liabilities issues, etc.

But I think the concept is extremely important that we get this on the record, that we get this going. That we take this out of the hands of so many different developers who maintain their own lists with no regard to where people are on the list, where, where they may place anybody on the list. Number one, to get the housing, this would allow for a much more coordinated or, and I think fair process for our local residents to get their housing. It's much needed and I don't have to tell you all that, you know it very, very well.

But I would urge you override the Mayor's veto at this point. And then, if there are issues, or even before issues arise, if you feel the Mayor may have some points he might want to make, you have the ability to make an amendment to the ordinance and, and fix it up. But I think the time has come finally to get this on the books and to begin the process of making it easy and fair for our residents to get affordable housing, both rental and purchases. And that's all I want to say today.

And I do want to wish you all a wonderful, wonderful holiday season and a terrific new year. Not only is it going to be a . . . a year of hopefully productive activity, but also, I know many of you will be looking for re-election and I wish you well in that as well. Thank you.

COUNCILMEMBER KING: Chair you're muted.

CHAIR LEE: Whenever there's feedback, I turn off my, my mic.

MR. MAYER: Did you get--

CHAIR LEE: Thank you, Mr. Mayer. Any questions, Members? If not, mahalo and have a great holiday season as well.

MR. MAYER: Thank you very much.

DEPUTY COUNTY CLERK: Chair, the next person--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Kalama'enu Takahashi. To be followed by Robin Rayner.

MR. KALAMA'ENU TAKAHASHI (testifying on County Communication No. 21-556):

Aloha. Good morning. Thank you for the opportunity to testify. I'm testifying on item No. 21-556 against the veto of Bill 111 by the Mayor. I support, well, actually more in support of, you know, decentralizing the decision-making power and stuff like that to a third-party as opposed to the developers, who I would argue their intentions and sort of actions do not necessarily reflect those of the well-being of our actual communities.

I also believe that this could prove as a measure to house local families that truly need and deserve this opportunity, as opposed to off-islanders, who have no cultural or historical context, and even less concern about the actual well-being and sustainability

of our communities in Hawaii, and particularly Maui. Prioritizing our local communities of the utmost importance, especially of the Native Hawaiian community as the people that have faced the most impact culturally, historically, physically, mentally, and spiritually.

Any chance to get us and other families with longstanding ties should be high on the list of priorities. We, as a communities of this place should be prioritized as the people that have worked these lands, shared in times of struggle and trials with each other, made the most collective sacrifices to forge strong relationships to make a living here, and who are the most accountable to this place and to each other.

Developer's intentions and actions are not oriented for truly housing and serving our communities, in my opinion. We, as a local community should also have the autonomy to choose the means by which we seek and manage the finances of this process. The steering of homebuyers to institutions that might not have, might not otherwise consult and the gatekeeping, who they might not otherwise consult and the gatekeeping capabilities that in, these institutions hold and maintain, which has the potential for price to rise as to market above that of which we are available to afford.

As we make moves towards a sustainable future in the face of climate change, the solutions can only be found with our local communities who have the intimate knowledge and, once again, the most accountability and stakes in this place to decide its future. Personally, it does not look like high-rises, super houses, Airbnbs, or any form of extracted tourism and unsustainable reliance on foreign resources and enterprises continue to pollute our minds, bodies, and aina with the idea that the value of our places and our labor lies with foreign speculators and transient settlers.

Our people, especially the Hawaiians, need to be on this land. And any type of policy or actions that seek to further marginalize, displace, and traumatize our local communities should not even be considered. We must decentralize power again from the developers and their associates and their employers and enable our local communities to live safe, sustainable, and healthy lives in our homes and our home spaces. Thank you for your time. Kalama'enu in opposition of the Mayor's veto of Bill 111.

CHAIR LEE: Members, questions? If not, thank you very much, Mr. Takahashi.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Sandy Baz. To be followed by Junya Nakoa.

CHAIR LEE: Mr. Baz.

How many more, Mr. Clerk, after Junya?

DEPUTY COUNTY CLERK: Chair, there are currently six individuals signed up after Junya Nakoa.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: If there's anyone else in the meeting who wishes to testify and has not done so, done so yet please sign up now by letting us know in the meeting chat.

CHAIR LEE: Okay, I see Mr. Baz. Welcome, Mr. Baz.

MR. SANDY BAZ, MANAGING DIRECTOR (testifying on County Communication Nos. 21-556 and 21-557):

Yeah, aloha, Chair, Members. I'm sorry, I apologize, I'm multi-tasking as usual, getting ready for the Christmas drive-thru tomorrow night. So, I'll take the half a second of my testimony, and please, if you're in Wailuku tomorrow, 5:30 or so, we're going to have a wonderful drive thru. Council is participating in as well. So, we welcome the community to come and celebrate the season here.

So, just a couple things, and I'll make it quick and be available as a resource, as we get to the discussion, Chair, regarding to the two communications that I signed up for. 22-557, first, just real briefly, the Mayor is in support of this. He asked me to testify at Committee. If you remember, I did testify in full support of this bill at Committee. And he continues to support this action, that's why he signed the bill.

You know, and as was mentioned by some of the testifiers, you know, as more information is available and science is tested and studies are done, you know, what he really wants to do is just to make sure that we're doing the best thing, and doing the, that we're on our radar screen to do additional things regarding the sunscreen. And that's why he added those to the letter as well.

So, he's not delaying it. He's not putting it forward. He could have vetoed it if he wanted to delay it, but he did not. He signed it and wants it to move forward. And as new and additional information comes in, he wants open dialogue with the Council on that information, and how it may impact not only our environment and our reefs, but as he mentioned in his letter also, the people as well. So, that's on 21-557.

On 21-556, our Deputy Director of Department of Housing and Human Concerns Linda Munsell did reiterate the Department and the Mayor's intent, or the veto, and the reasons why he objects to the bill. And, you know, those really are the main reason why he did object to it. The intent of having a interest list is very good, and we support that whole-heartedly. It's the qualification, as you heard, that is going to be a part of the that, part of that wait-list requirement that is in the bill, that the Mayor and the Department has objected to.

The Department has testified at pretty much every step of the way in opposition to this bill, and so the Mayor wanted to make sure that he supports our Department in their operations. And that we can discuss this with Council, and hopefully, create a way to, to solve problems. We're not quite sure what the, the level of challenge there is, especially related to the number of people who are not Hawaii residents or not Maui residents who are getting affordable housing. If that would be quantified, then, you know, we can see if that is a really big issue in retrospect to the constitutional requirements that the Mayor did mention in there. And it was made aware of a couple of different instances where there, the intent of local governments to restrict affordable housing to local residents was overturned by Federal courts. And so, we want to make sure that we're doing things legally at that standpoint as well.

So, Chair, thank you for the opportunity to testify. And as the items come up, I will be available as a resource.

CHAIR LEE: Thank you, Mr. Baz. We have a question, a couple questions. Member King then Member Paltin.

COUNCILMEMBER KING: Aloha, Managing Director. Thank you for being here. And I do appreciate, I do remember that you came to the, the CARE Committee and supported the, the ban on the chemical sunscreens. So, the letter from the Mayor was troubling, but also, I want to ask you, it seems highly unusual. I haven't seen any communication like this before after somebody signs a bill, after any Mayor signed a bill and then send a letter saying they, they now maybe doubt the reason for this bill and maybe want to take another look at it. Of course, if something comes up, we would take another look at it.

But we, we've had a lack of communication from the Mayor. So, if he had these concerns, I would just want to encourage you to have him contact myself as the Chair of the Committee that first proposed the bill. This kind of letter is not only highly unusual, it's highly disturbing to tell you the truth. And that's why all these people have come out to speak out against that, that communication. So, if you have any other

example of any time he has sent a letter like this, after signing a bill, I'd be happy to hear it. But I, I just think this is really strange.

MANAGING DIRECTOR: Okay. No, and thank you, Chair. And thank you, Chair King, as well. If, if you'll allow me to respond a little bit? I don't think that was his intent, to create confusion or, or any challenge within the community or mistrust. The intent was really to share more information related to this bill with the Council. Yeah, it wasn't meant to have a discussion or, or any kind of debate about it today, or at this point even.

He did also provide a letter when he signed the 'aina kupuna bill, and that's on the agenda as well. I don't know if in the past that's been something that's been done. But his intent really is to try to communicate more with the Council, and I believe that this was a way to do that. I apologize on his behalf if there's confusion in that process. But, you know, we do want to continue to work forward and communicate well with the Council, so--

COUNCILMEMBER KING: And I appreciate that response. And I appreciate the fact that I have heard from Tamara Farnsworth . . . is, is intending to move forward with this. But if that was an, an attempt to communicate with the Council, that was a big fail. You know, I'm right here. Send me a letter. I'll sit down and talk with you. You know, just let the Mayor know that this was a huge fail in, in a, in an attempt to communicate and or collaborate. And, and you can see the, you can see the kind of confusion and angst created in the community.

So, I hope you'll share that with him and just urge him to follow through with his previous campaign promise and, and collaborate with the Council cause we're right here. We'll talk to him. I'll talk to him. But no one, he hasn't reached out to me once. So, anyway, I just wanted to share that with you. And, and I don't mean to lay it all on you because I know you, you tried. And, you know, it's, it's much easier to communicate with you, to tell you the truth. I have not heard from him.

MANAGING DIRECTOR: Well, yeah, again--

CHAIR LEE: Alright . . . question? You don't have to reply, Mr. Baz.

MANAGING DIRECTOR: Okay. Thank you, Chair.

COUNCILMEMBER KING: Yeah, I don't want to put that pressure on you. I just want to express what the community is feeling and how, you know, we have not seen that level of collaboration that was promised. And thank you, Chair.

CHAIR LEE: Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Clarifying question, couple for Mr. Baz. In terms of like, you know, the other stressors to the reef and ocean ecosystem, are we to expect from the Administration legislation like banning microplastics or like that? Or is it that you wanted us to ban microplastics and those other stressors? I just wanted to clarify.

MANAGING DIRECTOR: You know, the, right now, we have the position is vacant that Makale'a Ane our climate and sustainability person did, did, you know, she did resign. And we are recruiting, and I believe we're going to have somebody on-board. And, you know, yes, this is something that we have, you know, want to have discussions on. It's going to be a joint effort, right? You know, whether it's introduced first by the Members, or by the Administration, all of this has to be a joint effort to be able to, you know, accomplish, you know, the goal of protecting our reefs and our environment.

And the more that we can work together on that, the better. It doesn't really matter who initiates the proposals. In the end, the Administration will have to implement them and, you know, and Tamara Farnsworth, as well as, you know, other staff within DEM and within the Mayor's office will, will implement the actions and the laws passed by the Council and signed by the Mayor.

COUNCILMEMBER PALTIN: Okay, so then you're working on that, too. I had a question on the other one, the Kahoma Villages. Was it that you, or, sorry, not Kahoma Villages, but Bill 111 veto. You were asking if there's folks from the mainland coming in and buying these affordable housings in place of our local families. I just wanted to clarify that I received calls from folks that had moved here from the mainland, buying affordable housing, and complaining that they didn't get the homeowner exemption because they haven't lived here six months yet. So, if you need a place to look, it would be Kahoma Villages would be the first one. Mortgage steering, recruiting families from the mainland to buy affordable housing out from local folks. And you know, and, and they're in a lawsuit right now for taking up six acres of our parks. So, that would be a place to start if you're looking to find that.

MANAGING DIRECTOR: Yeah. Thank you. That was a concern of some of the advisors within the, within the County of the, you know, what the quantity of the issue was. And yeah, that, that's great. Appreciate that. And I'll work with Deputy Director Munsell on that as well. And, you know, I'd be happy to work with the Council in the future.

Ms. de Naie had mentioned the Maui Nui Housing Task Force, which in 2003, I was actually the Deputy Director of MEO, and was one of the leads on that whole project of development of the 10 points for action and, you know, really looking forward to what

the, how to solve our affordable housing problem, or at least take a big stab at it. And Chair Lee was the Department of Housing and Human Concerns Director at the time. And so, you know, we have good minds, I think. We want to definitely work on this. It's not a silver bullet. Nothing is going to just like snap our fingers and solve our affordable housing problem. But I think with the correct collaboration, we can move forward and work together to make it happen. So, appreciate the input. Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Good morning, Mr. Baz. I appreciate you coming out and speaking with us. And okay, so of course, this question is going to be about the veto. I'm just telling you straight, you know, that's how I speak. I'm disappointed in it, but I, I wanted to ask you this question. Did you read Appendix G in the Comprehensive Affordable Housing Plan that addresses the legalities of, of your concerns and the Mayor's concerns?

MANAGING DIRECTOR: I did, I read through it. I don't recall exactly what that was. And those were items that were brought to the Mayor, you know, from Corporation Counsel and the Department itself. So, you know, yeah, we'd be happy to discuss the details of that.

I, I did look at a case and I don't have it in front of me, I apologize, that where it was clear. And I did read that case, that it did get overturned. That the local governments intent to, you know, again, affordable housing is limited. We want to make sure that we, you know, provide it for our local residents first and foremost. But they, they didn't see that that was such a critical need that it overrode the constitutionality of, you know, the items that were mentioned in here. I forget the exact terms that they used. But really, you know, that was the discussion.

COUNCILMEMBER JOHNSON: Okay. Well, you know, it's, I'm just clarifying, this is the same Corporation Counsel that signed off on the bill is what you are saying. I'm, that's what's confusing is they signed off on the bill. That's a very important key to this process. So, that's why it's, this veto comes as a big surprise to me. So, alright, I, just before you come on, I know you mentioned you, you, you were going to look at it, or you looked at Appendix G in the past. Maybe when we get to that item, you can refresh and we can speak on it then. So, thank you so much, Mr. Baz.

MANAGING DIRECTOR: Sure.

COUNCILMEMBER JOHNSON: Aloha.

MANAGING DIRECTOR: Okay. Alright. Thank you.

CHAIR LEE: So, Member, I mean not Member, but you feel like a Member Baz. Managing Director Baz, are you going to be a resource for us? Can you be a resource for us when you come back, and come back?

MANAGING DIRECTOR: Correct. Yeah, I'm, like I said I'm moving boxes around, things like that right now. But I am listening to the meeting and will be available as you come up to these two items.

CHAIR LEE: Alright. Any objections, Members, to having Member Baz as a resource person?

MEMBERS VOICE NO OBJECTION.

CHAIR LEE: Okay. I'm not sure what time that's going to be. It'll be after lunch.

MANAGING DIRECTOR: Okay. Alright. Thank you.

CHAIR LEE: Alright.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KING: That was just for CC 21-556, right? I don't think we need any resources for 557.

CHAIR LEE: For the Bill 111. Yeah, 556.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay. Now, thank you, Mr. Baz.

Mr. Clerk, how many more do we have?

DEPUTY COUNTY CLERK: Chair, including our next testifier, we have seven testifiers remaining. The next testifier is--

CHAIR LEE: Wait, wait, wait. Members, do you want to take a couple and then take a lunch break? Or do you want to go through all seven, plus?

COUNCILMEMBER SUGIMURA: All seven.

COUNCILMEMBER KAMA: Plow through. Let's plow through.

CHAIR LEE: Okay. Everybody wants to go through. Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Then the next testifier is Junya Nakoa. To be followed by Cora Schnackenberg.

CHAIR LEE: Hi, Junya.

MR. JUNYA NAKOA (testifying on County Communication Nos. 21-556 and 21-557; and Bill No. 149 (2021)):

What's up? How you guys doing? Yessah, Happy Holiday first. Okay, going talk about 557, yeah, the sunscreen one. I told you guys through plenty times already testify, yeah, get rid of that junk kine sunscreen. Use the good ones and all that stuff. You know, brah, was awesome, the kids when talk this morning, you know, on this thing. Was whoa, chicken-skin cause I think when had the injection wells, we had plenty people from Lahaina, kids when come and testify too. So, you know what? And you get all the, you get all the marine guys, you get all the kine reef guys that already when dakine.

But like Sandy Baz said and you guys said, they when, they when sign um, he when sign up. But again, like Kelly King said, buggah is confusing. Yeah, yeah, yeah, oh no, and then what? We screwed, we don't know what's going on. Yeah, and I agree with Kelly, the buggah hard for communicate with. I call that buggah's office how many times, I no get one call back. But yeah, the sunscreen one, I don't know what you guys gotta do with um, but just, you guys already when passed um, good job. He when signed um, good job. I don't know why the heck he when go bring um back again, but no, not good job. So, yeah, that, that sunscreen stuff, just pass em. Just pass em.

And then, talk about da kine Bill 149, that in support of the West Maui Community Plan. Like I said, the buggah is good. Good job. Hard work by the community. They put their time and effort into this thing. You know, they going, you know, you had couple developers came out the last time, in the first reading, saying that they don't support um. Of course, cause they like, you know, they like, they, they crooked, brah. You know, we just had a big, big issue so we get settled, thank you to the Public Works and the Planning for shutting down one developer. And that's the same thing what I like do

with these other developers. Hold em accountable. Make em build affordable home and all that kine stuff. So, yeah, I was listening to the hardworking people that was on that CPAC, cause if you guys no listen to them, ho brah, nobody going like be on the CPAC cause poho. All that hard work and then you guys don't listen to them, you know what I mean? So, yeah, so I, I support the West Maui Community Plan thing, the Bill 149.

And then, yessah, going talk about the 556 video, uh video, veto. Brah, you know what, we dealing with this trying to get affordable housing for over 20 years this buggah, Junya Nakoa, you know, in Lahaina especially. Ka'anapali 2020, all kine, this developers had all control, they had control of the list and what not. But nothing was built, zero was built. I mean, you are putting too much powers into these developers where they, they screw us guys up, us locals up.

I know the thing, yeah, the Stanford Carr one, same thing. The buggahs when screw plenty locals. My niece when apply. She got, she got kicked out of the, the affordable . . . market, and what all, million-dollar guys. I met couple of em, you know, the millionaire guys that came in. And I told um, brah, I hate you guys, but eh, you like one beer. But I hate you guys for kicking out the locals out, you know what I mean? Given the, you know, what I mean, the locals get the shafted again, you know.

And then, like Dick Mayer was saying, eh, pass this buggah. Oh, you know, well, you gotta . . . Okay, good job. Vote against this veto, whatever, yeah. Vote against this veto. The Mayor is confused. Like the Deputy Director was saying, you know, all this kind of stuff. But all she's saying is again the developer, developer, developer. Guys, we gotta take the power away from the developers and put em back into the people.

You know, like the Stanford Carr one, plenty people like go get their own loan officers, you know, the guys that going, you know, that we get mortgage from. But no, we gotta go through their bank. And then, we, like, you know, they get denied and next thing all screw up. Us guys, we get, you know, we get a, the trusted bankers over here on Maui that we deal with for how many years that we trust. That they going come over there and they trust us. And then, so we like use them, brah, not what the developer tell us for use. Take the power away from developers, cause they the one who screwing us up, gang, they the one.

Everybody, all you, all, you know what I mean, all, all the people who run for office say they want affordable housing for the local people. Mahalo Gabe Johnson and your team for putting this together, cause this is something that needed to be done 30 years ago. And you know what? This is where the, us the people, get control. We get real power. This going put us guys back in one house, okay? This going put the local people in the house. And like Dick Mayer said, we getting, if challenges come, we take

um. We smash Um. You guys smart buggahs, I tell you guys plenty times. You guys can be able to amend the thing, make um da kine, make um more cherry. But this is the first step to make um cherry. Okay, you guys, that's my ring. Good night. Good afternoon. Happy Holidays. You guys have a good one. And ah nice hats, except for you, Molina and Kelly King. But, yessah.

CHAIR LEE: Okay, Junya, you take care.

MR. NAKOA: I will.

CHAIR LEE: Any questions? If not, thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Cora Schnackenberg. To be followed by Christopher Delaunay.

MS. CORA SCHNACKENBERG (testifying on County Communications No. 21-557 and 21-558; and Committee Report Nos. 21-131 and 21-137):

Aloha, Chair and Councilmembers. My name is Cora Schnackenberg. I'm residing on the island of Molokai. I also the president of Ahonui Homestead Association, wait-listers on the Department of Hawaiian Home Lands. I wanted to testify, and I know you hungry, so I'll go right through it real quickly. I have four items.

The first item is CC 21-557, Bill 135. I heard all these testimony. I just want to say that Mr. Mayor, Mayor Victorino, make your noes, noes, and your yes, yes. No need be so confusing for the people of, of Maui County. First and foremost, our culture resource management, if it's not good for our reef, then say no and move on and look at other alternative that would best help our reef. That's our food source. Mahalo for item number 1.

Number, item number 2, CC 21-558, Bill 118. This is in regards to our 'aina kupuna. I totally support our kupuna's tax relief program. Our kupuna needs help. If they need help for, you know, save their home, then let's do it, you know? I think that's very important to, for our kupunas to move them forward in their life wherever the ending up their life may be in years.

Also, my third item, CC 1-267 *[sic]*. This is in regards of the acquisition of the relocation of our Molokai Fire Department from Puko'o to Ualapue. I totally support. During the community beneficiary meetings there were some disagreement. But I have to say,

for the most part, it was a full-on agreement to have our, our fire department in the rural area of Ualapue. We totally support. It has helped our families of Molokai as first responders in emergency help. So, that \$300,000 totally for expenses, I totally support.

My last item is your nominee of Ms. Matthews. I had the opportunity to read up on her experiences. I think she'd be a great access *[sic]* in this, in making decision-making for adults with disability. I do want to share the Arc of Maui had their Molokai only first facility on Molokai to provide this type of services. And I totally support the nominee of Ms. Matthew *[sic]*.

In closing, when we talk about Maui County, Lanai and Molokai is not exempt to all these concerns, excuse me, I'm on the phone. Sorry, my apology. So, I just wanted to end, I totally appreciate all your hard work, Councilmembers. Mahalo, a hui hou. And Merry Christmas.

CHAIR LEE: Merry Christmas, Cora. Are there any questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Christopher Delaunay. To be followed by the individual calling in from the phone number ending with these last four digits, 9964.

MR. CHRISTOPHER DELAUNAY, PACIFIC RESOURCE PARTNERSHIP (testifying on County Communication No. 21-556):

Aloha Councilmembers. Chris Delaunay, Pacific Resource Partnership. I'm a registered lobbyist. So we are in strong opposition of Bill 111, Draft 1. And we respectfully request this Council to uphold the Mayor's veto of this bill. This bill, Bill 111, does nothing to incentivize the construction of more affordable housing. If anything, the bill would just complicate things, putting more liability on the County, as we've heard and also more responsibility where I think the County isn't in the best position to handle that responsibility in terms of getting people into affordable housing, qualified people into affordable housing quickly.

Third, the changing the sales period from 90 days to 100 days will create additional carrying costs for projects, making them more expensive. And it's limiting our County's ability to quickly get qualified residents into housing.

So, you have our testimony, written testimony. And you've heard me speak on this many times. And, you know, there's just many concerns were raised by a lot of the

stakeholders, you know. A lot of them affordable housing developers, a lot is HHFDC, and a number of other entities in opposition of this bill and raising concerns.

So, anyway, I hope you will uphold the Mayor's veto on this bill. And appreciate this opportunity to testify. Thank you.

CHAIR LEE: Members, any questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is the person calling in from the phone number ending with these last four digits, 9964. To be followed by Brandon Mauna.

MS. ADELE RUGG (testifying on Committee Report No. 21-134):

Good morning and aloha, Chair Lee and Councilmembers. This is Adele Rugg. I'm 9964. And I'm calling to ask for your support of CR 21-134, recommending the adoption of resolution "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS, REPUBLIC OF ECUADOR". I so very much appreciate all of your efforts in bringing this resolution forward. I've been watching all of you this morning, and I agree with all those who have shared their comments about the beautiful Galapagos Islands. And if you could see me, I would share you a picture of a blue-footed booby. Again, thank you all so very much. I know that the Galapagos Islands are excited to become a sister-city with the County of Maui.

And as they say in the Galapagos at this time of year, Feliz Navidad. And to all the Councilmember, gracias. And from me, aloha and Mele Kalikimaka.

CHAIR LEE: Well, thank you, Adele. We always appreciate hearing from you. Happy Holidays.

MS. ADELE: Thank you.

CHAIR LEE: Members, do we have any questions? If not, thank you, Adele.

Mr. Clerk.

MS. RUGG: You're welcome. Aloha.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Brandon Mauna. To be followed by Walter Ritte.

CHAIR LEE: Mr. Mauna.

MR. BRANDON MAUNA [testifying on Committee Report No. 21-134]:

Yes. Aloha. . . . Mele Kalikimaka. Mahalo to the Maui County Council for making the time available before taking your lunch. I'm here to testify in support of CR 21-134, the adoption of the resolution to establish a sister-city relationship with San Cristobal Island of the Galapagos Islands in the Republic of Ecuador. I am Brandon Mauna. I am testifying on behalf of myself as a long-time resident of Maui.

The similarities between these islands is obvious to me, and I do believe that this relationship will proportionately benefit those small island communities. I will be visiting the Galapagos Island chain at the end of January and I'm excited to share the good news of this resolution to the community members of San Cristobal Island. Mahalo nui for the time to speak today on your diligent consideration. Have a very blessed holiday season. Aloha.

CHAIR LEE: Thank you. Members, questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Mauna. I just wanted to ask if you were going to meet with the sister-city folk, with Stephanie and Christine before you go over to the Galapagos?

MR. MAUNA: I think the, the potential is there. I mean, I'm, I'm, I guess we're kind of waiting on the resolution to finalize there, and then I'm open to any meetings that would be, be appropriate or, or possible to, to, you know, present ho'okupu or anything along those lines if necessary.

COUNCILMEMBER KING: Okay. If you, if you want to send your, your contact information to my office, I can try to connect you guys.

MR. MAUNA: Absolutely. That would be great. Thank you so much, Ms. King.

COUNCILMEMBER KING: Thank you for being here.

MR. MAUNA: Aloha.

CHAIR LEE: Any more questions, Members? If not, thank you, Mr. Mauna. Have a good trip.

MR. MAUNA: Mahalo. Thank you. Mahalo.

CHAIR LEE: Okay, we have another testifier.

DEPUTY COUNTY CLERK: Yes, Chair. The next testifier is Walter Ritte. To be followed by Todd Apo.

CHAIR LEE: Aloha, Walter.

MR. WALTER RITTE (testifying on County Communication Nos. 21-557 and 21-560; and Committee Report No. 21-131):

Aloha Members. . . . nui i ka makahiki. I want to testify in support of our long-time effort in trying to get a fire station on East Molokai. It's been one of Molokai's typical kinds of issues, lots of arguments going back and forth, which allows everybody to participate. So, now we're kind of like, okay, not every single person likes that exact spot, but we all like the idea of having a fire station up at Manae. We really need one.

I also want to testify in support of the scenic views. I didn't know about that until listening to everything that's going on now. On Molokai, we go from Kawela to Kamalo, is like about seven miles that you drive along the ocean. And there's many places where we can improve the scenic view on Molokai. So, I really support that idea.

The sunscreens one. There's many negative impacts on our ocean. And we all know that we live in an ocean continent, so we need to always protect the ocean. So, I'm really in strong support of trying to control the sunscreens that we, that we using on our bodies.

So, I'd like to say something, like, I've been involved statewide, and I want to really congratulate you guys, because you guys have, you know, when I talk about issues statewide, you guys, the Councilmembers from Maui always comes up. And it doesn't come up with a negative way. It comes up that you guys are really statewide leaders and really being progressive about how we're trying to help the people and how you trying to help the environment. And you being really good examples for everybody on how to try and work together. Of course, the hardest thing is working with the Mayor. But I think you guys are really giving a really good effort in trying to do that. If that can

happen, I think Maui County is going to be a top example of how to get elected officials working together. So, keep up the good work. And lono i ka makahiki.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: I'm sorry. Thank you, Walter. Happy Holidays. Any questions, Members?

If not, let's hear from the next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Todd Apo. To be followed by Mahina Poepoe. Mahina Poepoe is the last individual we have signed up to testify. If there's anybody else wishing to testify, please let us know in the meeting chat now.

CHAIR LEE: Mr. Apo.

MR. TODD APO, HAWAII COMMUNITY FOUNDATION [testifying on County Communication No. 21-556 and Bill No. 149 (2021)]:

Aloha, Chair and Council. Happy Holidays, I'll start off with, and thank you for the opportunity. I know that I'm second to last to getting you guys to lunch after a long morning of testimony, so I'll try to keep this brief. But testifying in regards to Communication 556 and Bill 149, as they both, I think, impact housing and affordable housing, specifically. You know, as, as we continue to think through this, sorry, with Hawaii Community Foundation and talking on behalf of our House Maui initiative.

But there's, I've sort of looked at these two pieces and thought through things over time. The word that comes to mind is really fragility. There's fragility in getting housing built for Maui residents. And there's also, we recognize great fragility in the community, and those, especially those that need housing. And it's complex. And the upside I hear, as we go through this, is that everyone, those that testify from the public, the Council, the Mayor's Office, are all in alignment in that priority of trying to find housing for, for Maui residents. And believe me, from Hawaii Community Foundation, we are in alignment with that as well.

But we also recognize that, and has really come from some thinking, especially in regards to Bill 111. The conversation the Council had with Deputy Director Munsell back at the hearing on second reading, and some of the complexities that exist. The fragility means that these policy decisions need to come out right from the start. You know, to take a little different position than the previous testifier. It's not something that you can grab onto and do something, and then correct later. Because what that does

from long-term, getting things developed, becomes impactful. And so, risks get, get put on the process means homes will not be built. And so, just, I think what we ask is that that be kept in mind as you go through this. This is that fragile that things need to be done correctly in every step.

And so, I'll finish by saying, and you've heard me say this before, Hawaii Community Foundation, we will continue to work and work hard in being a part of helping the entire County find some of these solutions. We've now hired a full-time director for our House Maui initiative, who will work alongside with the consultants we've been working with on Maui to bring these.

I, I also finish by saying really appreciate the conversations I've been able to have with Councilmember Johnson and his staff. Know the passion and see the desire to get the answers. And we really want to help because of that fragility, know that we'll stand by side. So, again, I believe both Bill 149 with some of its restrictions, as well as Bill 11 *[sic]* with some of its provisions that the Mayor has raised in his veto message create risks. And I hope the, you know, ask the Council just take that in consideration as you address these issues. So, thank you very much, Chair.

CHAIR LEE: Thank you. Members, any questions? If not, thank you, Mr. Apo.

MR. APO: Happy Holidays, all. Aloha.

CHAIR LEE: And to you as well.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify is Mahina Poepoe.

MS. MAHINA POEPOE (testifying on County Communication No. 21-557 and Committee Report No. 21-131):

Good morning or good afternoon. This is Mahina Poepoe. I will say that I'm testifying on my own behalf and time, as I am not a lobbyist. I will start with CC 21-557. I support the prohibition of non-mineral sunscreens. Our reefs around the world are under threat from numerous angles and sources. Our reef produces a lot of oxygen for us. And with climate change, our ocean is just being overloaded with Co2 absorption, and that impacts the coral as well. And you know, the, the Co2 . . . in the ocean is like a global-scale effort to fix. But with the sunscreen, it's a really, like, it's a local effort, but it's really tangible and it's doable. And it's something that we can do and affect change on

the local level. So, yeah, we can still be safe from the sun with mineral sunscreens and protective clothing. So, I fully support prohibiting the non-mineral sunscreens.

Onto the next, CR 21-131, related to the acquisition of real property for Puko'o Fire Station relocation. I have to just support everything Zhantell Lindo said. She hit all of the main points. So, I'll just take this opportunity to express my gratitude and appreciation to everyone involved. This is a long time coming. It's been worked on for decades, and to see it starting to come to fruition is really gratifying. It's a community plan action item, so I'm excited to check that off our list.

And, you know, when this property came up, there aren't many properties that can fit the community and the Department. And so, when this one came up, we knew we had to get moving. And within days, Chief Ventura visited the site, and the Department has been very diligent in taking care of their kuleana for this project.

Councilmember Rawlins-Fernandez, she made magic happen getting this into the budget. And the rest of you Councilmembers, you know, I appreciate that you really understood the urgency, and the need for this and responded with your vote of support. Scott at the Finance Department was like on it on, on their end, and they're always on it. And even DHHL, you know, they've played a big role in this, and they moved through their process very expeditiously and was really responsive. And, and it just, I'm so appreciative of everyone.

And, and the Mayor, you know, his support really brought it all together. And, and I, especially appreciated the Mayor coming to Keani's town hall and, you know, celebrating this moment with us. Yeah, you know, I've never personally experienced the government layers working so cohesively before. I usually, you know, get routed around a lot. And, and yeah, in this, there were no flat tires. And it's just been a really refreshing and positive experience. And I am, I'm also relieved, you know, to be taking this out of limbo and to be securing a permanent site for this critical resource for our community. So, just a lot of things. Thank you all. Happy Holidays.

CHAIR LEE: Thank you. Thank you. Members, do we have any questions for Ms. Poepoe? No? So, Happy Holidays. Thank you for coming.

Now Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified, but would like to do so, please identify yourself now. This is our last call for testifiers. Please indicate if you would like to testify. Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, any objects to receiving written testimony into the record and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART OF
THE RECORD OF THIS MEETING:

1. Jessica Rosado;
2. Scott Crawford;
3. Jeff Bagshaw, Department of Land and Natural Resources;
4. Christopher Delaunay, Pacific Resource Partnership;
5. Rachel Albright, The Tarrant Transit Alliance;
6. Marty Baker;
7. Lisa Bishop, Friends of Hanauma Bay;
8. Patricia Cadiz;
9. Vince Carr;
10. Kathleen Clark;
11. John Cranshaw;
12. R.A. Culbertson;
13. Keiki-Pua S. Dancil, Pūlama Lāna'i;
14. Stan Franco;
15. Wendy Galasso;
16. Patti Henry;
17. Shae Kamakaala, Hawai'i Land Trust;
18. Cynthia Punihaole Kennedy;
20. Ron Lucey;
21. Michael and Deborah McGuire;
22. Ellen McKinley;
23. Susan Menton;
24. John Palmer;
25. Robin Rayner, Ke Ao Hāli'i;
26. Lynn Ryan;
27. Ann and John Seed;
28. Pamela Tumpap, Maui Chamber of Commerce;
29. Cyndy Urry; and
30. Ann Zadeh.

CHAIR LEE: No objections? Okay, so ordered.

Members, it's lunchtime. So, do you want to come back at 1:00 or 1:30?

COUNCILMEMBER KING: 1:30.

COUNCILMEMBER MOLINA: 1:30.

COUNCILMEMBER KAMA: 30.

CHAIR LEE: 1:30? Alright, we will be in recess till 1:30 and we'll see you then.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:17 P.M., AND WAS RECONVENED AT 1:31 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR VICE-CHAIR RAWLINS, EXCUSED.)

(Vice-Chair Rawlins-Fernandez arrived at the meeting at 1:31 p.m.)

CHAIR LEE: Will the Maui County Council meeting of December 17, 2021, please come to order, reconvene.

Mr. Clerk, please proceed with our agenda.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of October 1, 2021 was presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha 'auinala, Chair and my colleagues on the Council. Let's see, I'll, I'll do the proclamation stuff first, really quickly. I am in Ann Arbor at my hanai sister's house. And with me, I have my son, A'ia Rawlins-Fernandez, my daughter Ka'ikena Rawlins-Fernandez, my hanai sister . . . and others may be walking around, my husband Makena Fernandez, and my hanai sister's husband . . . Okay, and so . . . from the land of Potawatomi, Ojibwa, and Odawa. Okay, I'm--

CHAIR LEE: Okay, so you can share with them today's greeting, just in case they bump into people from Nigeria. It's "n", it's like . . . like the letter "n" . . .

VICE-CHAIR RAWLINS-FERNANDEZ: . . . kakou.

CHAIR LEE: Yeah, right. Very good.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ACCEPT THE AGENDA [S/C] AS READ BY THE
CLERK, OR APPROVE, SORRY.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second?

COUNCILMEMBER KING: You said agenda, but you meant minutes.

CHAIR LEE: Yeah.

COUNCILMEMBER KING: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I sure did. Approve the minutes as read by the Clerk.

CHAIR LEE: Jet lag. Okay, so do we have a second?

COUNCILMEMBER SUGIMURA: Second.

COUNCILMEMBER KING: Second.

CHAIR LEE: Seconded by Member Sugimura. Moved by Vice-Chair Rawlins-Fernandez,
seconded by Member Sugimura, to approve the minutes of October 1, 2021.

Any discussion? If not, all those in favor of the motion please raise your hand and say
"aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: So, now we have nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

COUNTY CLERK: Chair proceeding with the county communications.

COUNTY COMMUNICATIONS

NO. 21-556 - MICHAEL P. VICTORINO, MAYOR,
(dated December 7, 2021)

Notifying of his veto of Bill No. 111 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY".

CHAIR LEE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair.

I MOVE TO OVERRIDE THE VETO AS IT PERTAINS TO BILL 111 (2021), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY", AND FILE COUNTY COMMUNICATION 21-556.

CHAIR LEE: Mr. Clerk? Mr. Clerk? Was that verbiage okay, or should he have said, "I move to override and veto"? And, over, I move to, excuse me. "I move to reconsider and override", or doesn't it matter?

DEPUTY COUNTY CLERK: Chair, I believe for, Mr. Johnson's motion would be sufficient for the body to--

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: --consider--

CHAIR LEE: Alright.

DEPUTY COUNTY CLERK: --overriding the veto.

CHAIR LEE: Just want to make sure. Okay, so do we have a second?

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member Molina, to override the Mayor's veto.

Discussion, Mr. Johnson.

COUNCILMEMBER JOHNSON: Okay. Thank you. Members, this bill has been thoughtfully designed and deliberated at length to ensure that it will serve its purpose of expanding the housing options and opportunities for our residents. The Council has fully taken into consideration the issues raised by some testifiers and the Administration, including those listed in County Communication 21-556.

Some of the objections are unsubstantiated at best. For example, the bill does not have "durational residential requirement". That is simply not accurate. Bill 111 contains a formula that gives a preference for long-term Maui residents. And we have heard over and over again at how municipalities have implement, implemented a similar formula without legal challenge, which is why our Corporation Counsel has signed off on the bill.

As for concerns that these new requirements may affect or stall projects with Federal or State funding, such as LIHTC projects, I'd like to draw to your attention 2.96.100.B, as in bravo, applicant section process, rental units. The Section 1, Eligibility criteria. "If the project is receiving Federal or State assistance, the applicable Federal or State eligibility criteria must apply." This clearly states that LIHTC projects, fundings, and criteria are safe. And arguments saying otherwise are red herrings drummed up by the elements and development, development community meant to scare us away from making these very important changes, or they just don't understand the bill. Frankly, many of the for-profit developers challenging these changes have been benefiting from the current system, including mortgage steering. So, of course they want the status quo.

Next, let's talk about liability. Using the Kenolio Apartment situation happening as we speak, the management company erroneously calculated folks' income brackets, signed one-year leases for units, and then three to four months in a lease, realized the mistakes, is now issuing 45-day eviction notices to multiple families. These errors were made by the company, not the residents, and the residents are left suffering. This is

not the, this is not a reason the County should shy away from liability for the matter. This is another reason we should accept the responsibility. Do what's rights for the people. The folks affected by these errors literally have nowhere to go and no one to help them. At the very least, if the County made similar errors, the County has the kuleana and the resources to help these folks instead of just kicking them out on the street.

This housing crisis is the reason the County should be taking on more responsibility, being more involved in all specks of solutions, and moving further outside our comfort zone. Many, many Maui residents have been pushed far outside of anything like a comfort zone because of the chronic stress that comes with housing insecurity. We owe it to them to roll up our sleeves, stand next to them, and pull them out of this. The perceived liability that comes with, with solutions pales in comparison to the real liability that we have for inaction that further endangers our people. This bill is central to our strategy for comprehensive affordable housing plan, and I ask for the Members full support of my motion. Mahalo.

CHAIR LEE: Thank you. And we do have two members of the Administration available, if you have questions; Ms. Munsell and Mr. Baz. If none of you have a question, I do. Anybody have a question of these two resource people? No?

Okay, Ms. Munsell, are you on the call? Mr. Baz, are you on the call? Okay, I'm sorry, we didn't--

MANAGING DIRECTOR: Sorry. Hi, Chair, I'm here.

CHAIR LEE: Oh, good, good, good. Mr. Baz, as County director years ago, when the Waikapu Gardens project first came up, there were over 4,000 applicants for 400 units. Now I, I know for a fact that our Department, the Housing Department, would not have been able to manage that kind of volume. I mean, we only had like two people in the office who could possibly be assigned to something like that. Has, has anything changed in 15 years so that the Department would now have the resources and the personnel to handle that type of task?

MANAGING DIRECTOR: Not really. We do have some additional staff within Department of Housing and Human Concerns, Housing Division. But none, nobody currently assigned to anything related to what this bill would require us to do. So, it would require additional resources, staff, personnel. Or if we contracted out with a third-party person, we would require funding to do that. So, and we don't have that right now.

CHAIR LEE: Well, you may recall that I, I suggested that we create a new Housing Department. Of course, nobody agreed with me, but that's okay. Do you have anything

else to say on that matter? Any other questions for Mr. Baz? If not, thank you. . . .
No?

Member Sugimura?

COUNCILMEMBER SUGIMURA: Did Linda Munsell come, appear? I don't see her. I wanted to know about the statements regarding the fair housing. I don't know if Sandy Baz would have that expertise, but the fair housing law, ability to comply with the fair housing law. Cause we heard it during Committee, and we heard it during first and, and it's part of the Mayor's rationale.

CHAIR LEE: Okay, Mr. Baz--

COUNCILMEMBER SUGIMURA: Oh, here's Richelle. Richelle. Sorry.

CHAIR LEE: Who did you want to ask?

COUNCILMEMBER SUGIMURA: Oh, whoever. I see Richelle just walked up.

MANAGING DIRECTOR: I'll definitely defer to Corporation Counsel from a legal standpoint. But from an operational standpoint, even though the bill says whatever applicable laws, if the funding sources require, you know, different criteria things like that, for us to be able to manage all of those funding criteria and the different requirements of that, and then apply separate criteria and laws to each one of these projects and applications, you know, that, that's where we see a challenge.

Because if we're taking in an application from somebody who would like to purchase an affordable house, generally we have, you know, one application process. And if there's changes to that, you know, then I don't know how that we would consider, you know, every time a specific project comes up, we would have to go and re-qualify everyone based on those new criteria, new laws. So, you know, that, that's one issue with the, that piece of it. With the durational residency, if that's not a requirement, I don't know. What I saw was a, it was a, it was objected to and overridden because it was a, it was a requirement.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any more questions, Members? Okay. So, any more comments or discussion?

Are you, Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam, Madam Chair. So, for the record, we're speaking on the motion to override. I will support the, the motion to override as proposed by Affordable Housing Chair Mr. Johnson. Thank you for this initiative, Member Johnson, for all of your hard work and your staff.

And Madam Chair, you brought up something really interesting with regards to your question to Managing Director Baz. Like you, I proposed a separate Department of Housing. As Members recall earlier in the term, I proposed bifurcating the Department of Housing and Human Concerns just for the very reasons you stated, exactly. We need a separate division of housing. And it ties in really nicely with Member Johnson's bill. But we fell, as we know, one Councilmember vote short of putting this on the ballot earlier in the term.

But no worries, the Charter Commission has, from what I've been told, and I believe they're going to put this on a ballot for 2022 for the public to consider separating the Department of Housing and Human Concerns from, well, creating a whole separate Department of Housing. So, certainly, it'll play in nicely with this proposal from Member Johnson. And I, as Mr. Mayer had stated, Dick Mayer had mentioned in testimony, we find some bumps along the road, I'm sure we can take a look at it and fix what needs to be fixed. So, with that said, Madam Chair, I will support the override. Thank you.

CHAIR LEE: Alright. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And if I may, I just wanted to add some quick historical contexts. During Maui's plantation time, the plantation companies built housing for our workers. Those housing projects were either the old plantation camps, Dream City, the 6th increment all the way up to the 12th increment projects. But, when we moved to tourism-driven economy, that industry did not continue this tradition. Whether they failed or they just didn't follow the conditions for more worker housing in Maui.

I applaud past Councils. They established an impeccable credit rating for the County. From the same token, we did manage to dig ourselves in an affordable housing crisis that we find ourselves in today. And so, I think we need to adapt to the changes so that we can address this. We know that the luxury home construction industry is not going to help us build more affordable homes for residents. So, that's why, with this bill, I think, you know, we need to collectively shepherd the process, appropriate more funding for the Affordable Housing Fund, subsidize the development of vital infrastructure. So, like Member Johnson said, this is, it's not going to solve the problem, it's adding a tool in our toolkit to help us address the problem. And hey, maybe help some families along the way to stay in their hometowns. So, speak in support.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Mr. Baz, are you still there? Are you still here? I had a question.

CHAIR LEE: Mr. Baz, are you on the call?

MANAGING DIRECTOR: Yes, Chair. I'm still here. Different location, but I'm still here.

COUNCILMEMBER KING: Yeah, I know, . . . Yeah, thank you, Chair. So, yeah, I was reading, I, and I was trying to pull it up, but I couldn't, I guess I got cut off, the Maui News cut me off. I had a link to the article in the Maui News and the Mayor made a comment about how he didn't, he didn't like this bill, this ordinance we were passing. And he thought we should instead strengthen oversight. Do you know what he meant by that? Cause doesn't that take money too, if you're going to, if we're going to have oversight, we need more bodies to do enforcement and oversight? So, I'm not, what did he mean by that?

MANAGING DIRECTOR: Right. Right. Yeah, no, that would probably take an additional body as well. Not quite as much as maintaining the waitlist as what's in this bill here. But yeah, what the intent of that would be, would, you know, is, is really an enforcement arm within the Department of Housing and Human Concerns that would more closely watch what the developers are doing as they are implementing these affordable housing project qualifications and, and screening and things like that.

Right now, it's complaint driven. And, you know, we do address things as we get complaints. But if we had additional resources and that, then the, the, the actual function of it would still maintain with the developers. The cost of it would maintain with the developers. And we would just make sure they're doing the correct thing. We already have language in Code that is supposed to be preventing mortgage steering. You know, anybody can get their own mortgage company, they can get their own mortgage when they're purchasing affordable housing. I understand that, you know, there's pre-qualification requirements and, you know, developers in the past have tried to get around that. You know, we do work with them more so now to make it so that it's more flexible. But really, that's what that was meant for.

COUNCILMEMBER KING: Okay. Cause I, you know, I appreciate the idea of more oversight. But that really needs, should be coming from the Administration. That's something totally within the Mayor's purview. And I think when we, when we pass these types of legislation that we just passed in Bill 111, because that's not happening. So, I just find

it ironic for him to say well there should be more oversight when, when, you know, it's the Administration that's supposed to be doing the oversight.

And if we had had that oversight, maybe we wouldn't have gotten to this point where we've seen these deficiencies in the allocations of affordable housing. But because we still don't have that oversight, that's why we're trying to strengthen the laws, and that's our purview. We don't, we're not in a position to actually enforce or implement. That's the Administration's purview. So, you know, that's why I was just kind of confusing, he's inviting us to tell you guys to have more oversight. But you know you needed more oversight. So, it just, it just didn't make sense to me.

MANAGING DIRECTOR: There are some things that we could look at in the Code itself to, to make it, you know, actually a requirement, you know, more stringent requirements within the Code. And I think that's where it would be something to address. There's, you know, like I mentioned, there's specific items already. But, you know, some of the things that were discussed in the development of this bill aren't in Code right now to enforce. So, you know, we don't necessarily have the best enforcement arm capabilities.

COUNCILMEMBER KING: Right. So anyway, that's, that's something I think should come up as we were talking about this bill, you know, that suggestion from the Administration. Not after we already passed it. So, you know, I would invite you to, you know, and the Mayor to, to look through the Code and, and these kind of issues. Because most of what we're passing on the Council is a reaction to something that's not happening in enforcement and implementation.

And you know, that, that's, it's not for us to try to figure out what the Mayor's job is and then try to implement what his job is. That's for him do. Our job is to see when something's not working and try to put tools in there, like has been talked about, to try to, you know, give us some more tools to see if we can help make it work this way.

So, that, that's just what I wanted to ask. I was confused by that statement, I don't understand, I hope he continues to look for, and not just in affordable housing, but all the departments where they can better implement, and enforce, and be more efficient without us having to, you know, come up with legislation to, to counteract. So, you know, appreciate the position you're in, but it, it, it is, it does kind of go back to the original idea of strategic planning, which, you know, I thought was going to happen at the beginning, three years ago. So, that's kind of where we are today. Thank you. Thank you, Chair.

CHAIR LEE: Did I see your hand up, Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. It's thunder and rain here in Kula, so I love it. But just wanted to say that I am going to be voting against the motion. And I never got to speak during first reading, and my vote, because I voted, I'm sorry, it was at second reading. But anyway, I voted against this philosophy or method because I come from the world of water meter list. And I, from the day one, day one of when I got elected there's so many people waiting on the water meter list. And I look at this similarly, in that we have lack of resources in Kula and Upcountry, of people who've been waiting on the water meter list for very long.

And same situation, I feel, cause we're not ready to launch an aggressive program like this because we do not have the resources to give people. And then just the managing of the list and if you buy a car or something where you, you know, your financial situation changes, there's a lot of communication that I think is needed. And so, therefore, I cannot support this type of mechanism. It's not a tool to me. It's very discouraging for my residents Upcountry who had to wait. And some of them have died and not been able to realize their dream of getting another or wish of getting another water meter.

So, I cannot support the bill. And I cannot support the motion, because I believe that it is too soon and not thought through enough for it to be implemented successfully. And you're going to have people like the many that are on the water meter list who continually email me, or when I see them out in the community, bring it up. So, that, that is my strong feeling and my experience with lists. So, thank you.

CHAIR LEE: Any other comments, Members?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I, you know, I want to address what Sandy Baz was speaking to in regards to enforcement. I am more than happy to work with the Administration to show them the data that we have collected as, as a, as a, in our office on mortgage steering. Projects, specific projects with names tied to them that we would more than, more than happy to help the Administration put the hammer down on folks who deserve it. So, that's all I'm going to say on that, Chair. Thank you. Mahalo.

CHAIR LEE: Okay. Then I saw Member, Vice-Chair Rawlins-Fernandez and Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I will be voting to support the motion from Member Johnson. You know, I think Member Johnson, in his opening remarks on this motion, hit all the relevant points that I made. Mahalo, Member Johnson, for doing so.

You know, the discussion on liability, you know, we should be liable. Right now, no one is, and our people are suffering because of it. The Administration is fearing litigation. But who is suing the developers to hold them accountable? No one? So, you know, to continue doing the same thing and hoping for a better result is a mistake. We need to move with the times and evolve to stay ahead of the problems that the capitalistic market creates. Blackstone and BlackRock, Wall Street Corporations, are buying up thousands of houses across America, and no doubt making its way here.

If we to talk about resourcing, we can talk about resourcing. I'm happy to work with the Administration on that as the Budget Chair. And so, if they need more personnel, let's do it, because houses are so limited. It takes so long to get them up. It's, it's worth more than the value on the market, really, because of how long it takes to get each house up. And so, if we need more resourcing, I'm, I'm more than happy to work with the Administration on that.

And you know, I don't know if it's crazy to anyone else that our Housing Deputy Director, in her testimony, already conceded to failure. You know, like, we here on the Council, no one's perfect, you know? I know we all make mistakes, but we try our best. And I watch every one of us try our best and not not try because we know we're going to fail, otherwise we would do nothing as a Council if that was our mentality.

Lastly, I just wanted to address the water meter list, which is a false equivalence. It's not the same at all. This affordable housing list would be done via lottery and not first-come, first-served, which is what the water meter list is. That list can be fixed if someone would spend time working on it. Mahalo, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Chair, I wanted to thank Member Johnson and his staff for putting this bill forward. But the way that I see it, I wouldn't call it the Johnson bill. I would call it the Stanford Carr or Kahoma Villages bill because for us on the west side, that is the best example of why we need this bill. We're not trying to build affordable, affordable homes just for the sake of building affordable homes. That's not why we build affordable homes. We build affordable homes for our residents to get into them.

And we have limited amount of land by virtue of being islands. And so, we can't keep screwing up, like how we screwed up in allowing Stanford Carr to do Kahoma Villages. You know, when you, when you look at Kahoma residential, it's maybe only 48 homes. But I know almost everyone single person in that subdivision. When I look at Kahoma residential, I know maybe two people that got affordable homes. And I know a lot of people that got shafted out of the affordable homes.

And so, I think, like other Members have said, if, if the, the Department of Housing and Human Concerns has already conceded failure, I totally support an RFP to have a independent agency run this list for us. And I can vote that way when it comes time for budget. Thank you.

CHAIR LEE: Thank you. Anybody else? Okay, we're ready for the vote? You, I'm going to be voting against the motion, because as I said, there's no simple answer and, and I don't see this as another tool for the toolkit. We don't need a toolkit. We need a wheelbarrow full of tools. And, you know, the best, one of the best ways we can contribute to the promotion of affordable housing is if we the Council put up less barriers and fewer conditions on, on these projects. So, you know, we ourselves are partially to blame, not only the Administration. But the blame goes right around to everyone.

Okay. So, ready to vote? All those in favor of the motion to override, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, AND VICE-CHAIR RAWLINS-
FERNANDEZ.

CHAIR LEE: Okay, I see one, two, three, four, five, six. Wait, one, two, three, four, five, six. I'm missing one. Oh, six, okay. Six "ayes".

And those against, raise your hand.

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND
CHAIR LEE.

CHAIR LEE: Three "noes"; motion carries. Okay, so the, the motion to override passes.

Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the motion to override prevailed. The county communication is still before the body at this time. How would the body like to dispose that item?

CHAIR LEE: I thought that was in the motion, no? Okay.

DEPUTY COUNTY CLERK: Oh, was filing in the motion?

CHAIR LEE: Yes, I thought it, it was.

COUNCILMEMBER JOHNSON: Yes, it was. It was.

DEPUTY COUNTY CLERK: Apologies. Alright, thank you.

NO. 21-557 - MICHAEL P. VICTORINO, MAYOR,
(dated December 9, 2021)

Providing comments relating to Bill 135 (2021), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS".

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-557.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member, Vice-Chair Rawlins-Fernandez to file County Communication 21-557.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Ordinance 5306 is possibly the boldest protection for marine life from chemical sunscreens in the world. And I'm so pleased and proud of this Council for passing it and, and, and thankful to the Mayor for signing it into law.

However, I'm concerned that the Mayor's comments signal a desire for the bill, which is based on the most up to date scientific research and literature available, to be potentially watered down before its effective date. Healthy coral reefs are vital to marine life and serve as critical protection to our shoreline against erosion, protect

precious habitats for food and enjoyment, and are arguably the most important attraction for tourists, which is currently the basis for our economy.

I'm proud to be a member of this Council that passed this important legislation. I'm also proud to be supporting those who have made the protection of the world's coral reefs and marine environment their life's work and the next generation who benefit from them, from this most important work. And if you've looked on Granicus, you'll see the report that was done by the students of Kihei Charter School, extremely impressive. And I think it's being sent to publications around the world. So, without belaboring this, I just ask for our Members full support of my motion.

CHAIR LEE: Any further discussion? If not, all those in favor of the motion to file, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Very good.

Next, Mr. Clerk.

NO. 21-558 - MICHAEL P. VICTORINO, MAYOR,
(dated December 7, 2021)

Providing comments relating to Bill 118 (2021), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS 'AINA KUPUNA".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-558.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to file County Communication 21-558.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, you know, to the Mayor for signing our bill into law. While I agree with his concerns, I disagree with the approach that he included in his comments. And I've already committed to him and the Administration, particularly as the Budget Chair, to working with him on addressing the concerns that he shared. Mahalo, Chair.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion to file, raise your hand, say "aye".

Okay, I see eight "ayes". Member King, are you there?

COUNCILMEMBER KING: Yeah, I'm, oh, you can't see . . .

CHAIR LEE: Can't see you, but we can hear you. Are you an "aye"?

COUNCILMEMBER KING: I'm frozen. But I'm here. I'm voting "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay. Nine "ayes", zero "noes"; motion carries. Very good.

Next. County Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with communications for referral. The following county communications and general communications are recommended for referral to the following Committees as noted:

NO. 21-559 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated December 10, 2021)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, EMERGENCY FUND (DEPARTMENT OF PUBLIC WORKS, DECEMBER SEVERE WEATHER EVENT)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS (DECEMBER SEVERE WEATHER EVENT)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, EMERGENCY FUND (DEPARTMENT OF PUBLIC WORKS, DECEMBER SEVERE WEATHER EVENT)"; and
4. A copy of the Mayor's Emergency Proclamation, effective December 5, 2021.

The recommended action is that County Communication No. 21-559 be referred to the Budget, Finance, and Economic Development Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 21-559 WERE PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 150 (2021), 151 (2021), AND 152 (2021). THE SUBJECT MATTER "DECEMBER SEVERE WEATHER EVENT" WAS REFERRED TO THE INFRASTRUCTURE AND TRANSPORTATION COMMITTEE. COUNTY COMMUNICATION NO. 21-559 WAS THEN FILED. See pages 86 through 94 for discussion and action.)

NO. 21-560 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated December 10, 2021)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (KE AO HALI'I)"; and
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (KE AO HALI'I)".

The recommended action is that County Communication No. 21-560 be referred to the Budget, Finance, and Economic Development Committee.

(THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 21-560 WERE PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 153 (2021) AND 154 (2021). COUNTY COMMUNICATION NO. 21-560 WAS THEN FILED. See pages 94 through 99 for discussion and action.)

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-559

CHAIR LEE: Vice-Chair. Vice-Chair Rawlins-Fernandez, did you want to deal with these items?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. I would like to.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ:

OKAY, FOR CC 21-559, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR THE COUNTY COMMUNICATION 21-559, IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rule of the Council.

Any discussion on that, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. As we can see, these are emergency funds, and therefore there's an emergency that needs to be addressed. And so, the quicker that we can amend the budget, the quicker they can use the funds to address those problems that happened because of the storm. Mahalo, Chair.

CHAIR LEE: Okay, any more discussion? If not, all those in favor of the waiver, please raise your hand--

COUNCILMEMBER PALTIN: . . . discussion.

CHAIR LEE: --say "aye". I see nine "ayes", zero "noes".

COUNCILMEMBER PALTIN: I had discussion.

CHAIR LEE: Oh, I'm sorry. Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I, I fully support, oh, is this just for the waiver or for the--

CHAIR LEE: Yeah, just for the waiver.

COUNCILMEMBER PALTIN: Sorry. Okay, I fully support the waiver. But I'll have my discussion at the vote.

CHAIR LEE: Okay. In favor of the waiver, raise your hand, say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Now, back to Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-559.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Move by, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the bills on second, first reading and filing of the communication.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, these proposed bills would amend the Fiscal Year 2022 Budget to allow the Emergency Fund to be used by the Department of Public Works for emergency repair projects necessitated by the recent heavy rains and flooding in Maui County.

The first bill would amend the Fiscal Year 2022 Budget, Appendix A, Part II, by adding an appropriation for the Emergency Fund for costs related to the December Severe Weather Event in amount of \$3 million.

The second bill would amend the Fiscal Year 2022 Budget, Appendix C, by adding a project called "December Severe Weather Event – Road, Drainage, and Other Infrastructure Damages", in the amount of \$3 million.

The third bill would amend Appendix D, Emergency Fund, by adding conditional language for the December Severe Weather Event.

Representatives from the Administration are available to answer questions the Members might have. I also just received the list of some of the projects, in case that's what Member Paltin was going to ask about. If you'd like me to share my screen, I can share that. If not, I can send it. Okay. I see her head shaking.

So, Budget Director Michele Yoshimura is on the line, if Members have questions. And if Members would like me to take up the subject matter in Committee, I can also do that later. Mahalo, Chair.

CHAIR LEE: Everybody was nodding yes about taking it up in Committee. Yep? So, let's say, now, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, my discussion would be, I fully support the release of Emergency Fund. It definitely was an emergency. And I thank the Administration for their expedition on this, you know, declaring a emergency proclamation effective December 5, 2021.

My only comment on the discussion is that, you know, I believe the Administration knew the potential for a catastrophic flooding event. And I think that there should have been more done to alert the public to prepare, and not in a way that would cause panic. But in looking at the Maui County Emergency Management social media site, they released a statement at 4:30 on December 5, regarding the opening of the EOC and the coordinating of these things. And you don't just open the EOC at 4:30 out of the blue. So, I, I think there needs to be more done to communicate with the public. There were a lot of folks that didn't even know this was coming, that did not take steps to prepare at all.

And, and also, the terminology. I know, you know, the National Weather Service hashtags kona low. But majority of, of our residents aren't, don't even understand what kona low is. Like, you know, the terminology we always use is kona storm. And you know, if we have a kona storm coming out, the first thing we see in Lahaina is boats washed up on the shore. So, you know, the preparation in going into this kona low or the kona storm, West Maui had five boats break their mooring and a jet ski platform. Was there any, like, press release put out, like, hey, check your moorings, you know, we're expecting this kona storm coming through, which is actually like a subtropical cyclone, you know?

And so, that would just be my only discussion, is let the public know if we're expecting this catastrophic event prior, much prior to the EOC opening. You know, if, if people

know that the, the EOC is going to be opening, then it's not just oh, we're expecting flooding, wow. The EOC is opening. I, I better stock up on water. I better charge my devices. I better do these things. And that would just be my comment. You know, just trying to say it so that we can better serve our, our residents in the big scope of things.

I think that, you know, our handling, the, the Administration's handling of natural disasters is getting better. But I think more communication needs to be happening. And you know, that's a forever thing that we can always work on. So, that's my, my discussion. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Chair, I seem to have a weak connection here. So, I may have to turn off my video if it stops again. But can you, can you see me?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay, I can't, sometimes you guys stay so still I can't see if my screen is frozen or . . . But, no, I just wanted to, in my discussion, I just wanted to make a point about needing community input on the action that they're taking. You know, when they use this money to do mitigations.

There's some areas in South Maui that they, I think it was Public Works, you know, scooped up all the mud and put it right in a neighborhood and people are smelling what smells really rank, you know, possibly feces in it. So, I was getting complaints about the actual actions that were taken.

So, there needs to be some kind of a, of a forum for the public to maybe give some input as to what needs to be done when we have this, you know, we've had, I, I'm glad that the DPW was able to get in there and clean up the streets. But moving it from the street to somebody's backyard is not a good idea. So, we just need a little more public input. So, maybe we can, maybe we can have that kind of input in Committee as well. That would be helpful for the community.

CHAIR LEE: Okay. Anyone else?

Okay, we see Member Molina, then Member Sugimura.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. And I'm glad Member Paltin brought up this discussion. I'm going to just dovetail off of her concerns in terms of when the EOC gets activated and so forth. Because that weekend, you know, I've worked for the former Administration as an EA and when you'd have these

emergencies, the EAs would be asked to go and support the EOC with taking phone calls, and other related duties, both in the EOC and up in the Mayor's Office.

So, myself, when I called the Mayor's Office, there was no answer. And then, I called the EOC, there was no answer. So, it may have been before 4:30 or so. But like Member Paltin was saying, maybe we should really look ahead and maybe, you know, start earlier in terms of activating the EOC and getting the word out. So, I'm totally all in for that. So, we can have deeper discussion with that.

But, but yeah, it was for me, cause for concerns, like, where's everybody, you know? Because I, I knew how it worked up there on the 9th floor. When you have an emergency, immediately, the, the EAs are asked to staff the Mayor's Office, cause that's where a lot of people are going to call. They're going to call the Mayor's Office first. And then possibly Civil Defense, or is it Emergency Management, yeah. So, and, and people need that, that voice to voice contact rather than just talking to a machine. So, but anyway, appreciate the discussion. Thank you, Madam Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, everybody. This is a very important discussion. My community, Upcountry, Kula, we're still in the storm, as we have the trees that are uprooted. Public Works has been working really hard. I just want to, you know, give a shout-out to the departments. Your discussion is vital, also. But it's pouring here, and thunder is, is going off.

And again, our water is still not a hundred percent. I have been in touch with 270-7655, I think, which is the, which is the 24-hour Water Department line. So, I've been having success with calling the different numbers, or with Herman Andaya, whoever, you know, that needed to help the, my community that has been still in turmoil. But I look forward to the discussion when it does hit the Committee. I do want to, you know, thank the departments for their hard work as they're still working on the problem that we're experiencing Upcountry, Kula. Thank you.

CHAIR LEE: Okay. Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, as I listened to everyone's comments, I didn't hear any comments specifically about replacing the culverts and pavements, replacing, you know, water pipelines that, you know, mainlines and debris, and all of that stuff. So, it sounds more like this would go to the subject matter Committee for discussion on process and how emergency services can be improved. And that's the CARE Committee so, or Infrastructure Committee, as well, if, if, you know, Member Sugimura wants to take up Infrastructure . . .

So, and then, I don't know if, if Members actually wanted some of their concerns or questions answered by Budget Director Yoshimura. She is on the line. Oh, there I see Budget Director.

CHAIR LEE: Michele?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Did you, you have anything to add, Ms. Yoshimura?

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, thank you for taking this matter up today. Just for clarification, I did want to say that the EOC was staffed by members from the Mayor's Office on Sunday when the EOC opened, and on Monday, as well, we did staff the EOC to help and assist answering the phones. And although the Mayor did grant every, all the employees an Administrative leave day because of the weather, the staff for the Mayor's Office did report to work. Some of them did to answer or field calls, both in the EOC and in the, at the main office line at 270-7855. So, Member Molina, we're sorry if we missed your call. But that is our extra duty that we do provide services with the EOC and to assist with any type of phone bank that we need to do. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Chair *[sic]* Yoshimura and, and the other departments for, for their help during the storm. I, too, had received some calls from constituents, and mahalo to the Board of Water Supply for helping to fix some of those damaged piping Upcountry and up in Kula. However, my question was, you know, while fixing it, I think the Department fixed some of the errors that almost helped or contributed to some of the damage. So, does the, can the funding also help to maybe repurpose or rearrange the design where it's not part of the problem? Because some of these piping were right in the, in the swales and, and when the water came with, with all of the debris, it just kind of took out the piping. So, some of this money is being spent for changing some of the design.

CHAIR LEE: Member *[sic]* Yoshimura.

BUDGET DIRECTOR: Councilmember Sinenci, I can't, sorry, but I can't give you the specifics on how the project was completed, regarding the water project. But Deputy Director Jordan Molina is on the call, as well for, and he maybe can address some of the questions that you have regarding to how Public Works go about doing the repairs after a storm. Thank you.

CHAIR LEE: Well, how, can we save that discussion for Committee, Member Sinenci? Okay. Thank you.

COUNCILMEMBER SINENCI: That's fine, Chair.

CHAIR LEE: Thank you. It, it does sound, Vice-Chair, that at least 21-559 should be referred to IT, because it's all Public Works.

Okay, Member King.

COUNCILMEMBER KING: Yeah, thank you, Chair. I just wanted to just comment on the earlier comments that the CARE Committee is kind of concerned with the drainage systems in trying to do things like biological drainage. So, we are working on those issues. But I just had a meeting with DPW about biological drainage systems two days ago.

But my, my concern was more about some of the mitigation, some of the post-storm mitigations that were happening in our area. So, it's more of an administrative thing. It's, it's really a, it's an issue that I referred to, to the Administration, the administrative liaison to our area. So, I think they'll get back to us. But it's an ongoing concern, what act, when the, when actions are taken after the storm that they don't impinge upon the neighborhoods or if they are going to, that they, they contact the folks in those neighborhoods first because it was kind of a shock to hear what was happening.

CHAIR LEE: Okay. Thank you. So, back to you, Vice-Chair Rawlins-Fernandez. Any more discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No more discussion. And as I mentioned earlier in my opening comments to the motion, I do have the list of all the repairs that will be covered by the \$3 million. So, if any of the Members want that, I can have our budget analyst send that to the Members, or whatever the process is. And I just, to clarify that the subject matter would be referred to IT Committee. It, it wouldn't be referred. Okay. And then, so we're going to pass it on first reading.

CHAIR LEE: Right.

VICE-CHAIR RAWLINS-FERNANDEZ: That's all. Mahalo, Chair.

CHAIR LEE: Yeah. Are there any communications to file? No? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: All those in favor--

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. And it would be filing County Communication 21-559.

CHAIR LEE: Okay. So, the motion will cover approving, passing the three bills on first reading, the subject matter being referred to IT, and filing of the communication. All those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Okay.

Vice, not Vice-Chair, but County Clerk, next item.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 150 (2021), 151 (2021), and 152 (2021), respectively.

CHAIR LEE: Okay. You, you already read that item.

So, Vice-Chair Rawlins-Fernandez, what do you want to do?

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-560

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR COUNTY COMMUNICATION
21-560, IN ACCORDANCE WITH RULE 7.G. OF THE RULES
OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura to, on the waiver of this item.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just real quick, it kind of cut out for me. And I don't know if the Clerk would want me to repeat who, who seconded the motion?

CHAIR LEE: Seconded the motion was Member Sugimura. For, for which item? This item? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Discussion, yeah, this, this item, we, you know, we've supported before, so I'd like to--

CHAIR LEE: This is only for the waiver.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. So, this item we've supported before, we'd like to, you know, expedite the passage of this to help Ke Ao Hali'i protect the coastal lands. So, that's the urgency on this, Chair.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: It was an unexpected thing that I'll talk more about on the main motion.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor, raise your hand, say "aye", for the waiver.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Now, on the item itself. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST READING
AND TO FILE COUNTY COMMUNICATION 21-560.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura to pass County Communication 21-560 on the, the bills contained in 21-560 on first reading, and filing of the communication.

Discuss, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the funds were appropriated in Fiscal Year 2021 Budget to provide a grant to Ke Ao Hali'i to acquire lands at Mokae and Kakio. These, and these funds have been encumbered. In order to complete the acquisition of Mokae properties, Ke Ao Hali'i has requested additional funds for Fiscal Year 2022.

The first bill would amend the Fiscal Year Budget, Appendix A, Part II, conditional language for Open Space, Natural Resources, Cultural Resources, and Scenic View Preservation Fund to grant Ke Ao Hali'i up to \$669,300 for the acquisition of TMKs in the ahupua'a of Mokae, Hana, Maui, Hawaii.

The second bill would amend Appendix D – Condition (I)(5) for the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund.

We have Budget Director Michele Yoshimura, again, available to answer any of the Members questions, as well as the requested resource personnel Mr. Scott Crawford of Ke Ao Hali'i. And I'm sure Members will speak more to it, as well as Member Sinenci.

But this has been the result of the State not fulfilling its commitment to Ke Ao Hali'i, and it's so shameful. I, the State made a commitment and that's why our County gave

Ke Ao Hali'i, granted Ke Ao Hali'i, the funds that we did when we did. And then, the State turned around, and just as they did with the Makena lifeguards, they reneged on their commitment to Ke Ao Hali'i and not granted them the money that they promised them. And, I, I don't know if, you know, we should look to why these things are happening. If they know that our County will, you know, pick up the slack where the, where the State is, is, you know, creating slack.

But that's just, it's, I appreciate and commend our County and our Council for doing the right thing in supporting Ke Ao Hali'i and the Hana community and protecting the coastline. But it's, just, yeah, I just wanted to make sure that that was on the record. Mahalo, Chair.

CHAIR LEE: Thank you. I want to ask Michele how much do we have left in the Open Space Fund? I mean, do we have \$669,300?

BUDGET DIRECTOR: Chair, yes, we do have the funds available. I can get you a exact balance, I need to talk to Finance. But we're reducing the \$2.1 million appropriation that was held in the Fiscal Year '22 Budget and reducing that to \$669,300 to provide Ke Ao Hali'i with the amount of monies that they needed. We did put, we did carry forward, that's why, this appropriation from Fiscal Year '21, cause we were not sure if we would be able to encumber the grant to Ke Ao Hali'i by June 30. So, we did double appropriate the funding. So, yes, the funding is available for this. Thank you.

CHAIR LEE: Okay. Members, questions?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I, too, wanted to mahalo the Budget Director and the Administration for expediting this, including our Budget Chair. So, Ke Ao Hali'i has been working hard and able to acquire additional donations and have been able to solidify more important conservation lands by leveraging our County funds. So, this is a historic event for the Hana community, Members. That means that historical sites, burials, and important fishing grounds will remain in conservation for perpetuity for future keiki of Maui County. It is difficult for local families and public land trusts to compete with outside investors and billionaires who seek to purchase Maui real estate. So, these efforts, Members, ensures that important lands remain in local hands. Thank you.

CHAIR LEE: Members any more questions?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Sinenci and Keani. So, I know that we asked Scott Crawford to stay on board. I did download his testimony. After he gets all this from us, are they still short? I think that was Tasha's question. So, are they still short, and not enough to complete the transaction? Do you know, Mr. Sinenci, or Mr. Crawford? Cause he was saying he's still fundraising, so.

COUNCILMEMBER SINENCI: Yeah, I, the, thank you, Member Sugimura. I believe he meant additional acquisitions in the future. But if Mr. Crawford is on the line, he can, he can verify that.

CHAIR LEE: Scott, are you on the call?

COUNCILMEMBER SUGIMURA: So, maybe, maybe Mr. Sinenci, then, you can clarify. So, by doing this with the \$669,300, then it'll solidify the purchase that they're trying to do, and they're fundraising for future parcels? Oh, okay.

COUNCILMEMBER SINENCI: Yeah.

COUNCILMEMBER SUGIMURA: Thank you. So . . . This will make them whole. Thank you.

CHAIR LEE: Any more question or discussion, Members? All those in favor of the motion, please--

MR. CRAWFORD: This is Scott. If, if I, if I can clarify that point a little bit? Would you mind if I made a quick comment on this, just to clarify a couple points?

CHAIR LEE: A quick, a quick comment. We're in the middle of the vote. So, Scott, do you want to just say quickly, clarification . . .

MR. CRAWFORD: Okay. I, I just want to clarify that the fundraising we're doing is to reduce the amount of the \$669,300 that we need, so that we can minimize the request to the County. So, that if we, basically what we don't, the \$669,000 will make us whole to be able to complete this purchase, but we won't end up using all of it. So, what we don't use will be returned to the Open Space Fund. So, the fundraising that we're doing, including \$100,000 coming from Hawaii Land Trust will go toward reducing the amount that we need from the County.

And I also wanted to clarify that, that the State did, basically our request for them was for matching funds for this. And it's just their budget limitations that they weren't able to fulfill this full request during this budget cycle. But I did want to point out that the

overall project acquisitions through the three projects, because they provided 75 percent of the first acquisition, more money will still be coming from the State overall for this project than is coming from the County. So, I just wanted to make sure you understand that. Even though we're coming back and asking more from the County, the State has still . . .

CHAIR LEE: Members, any more comments or questions? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 153 (2021) and 154 (2021), respectively.

Continuing with communications for referral.

NO. 21-561 - BRADFORD K. VENTURA, FIRE CHIEF,
(dated November 26, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".

The recommended action is that County Communication No. 21-561 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-562 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated November 24, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF BOMB SQUAD EQUIPMENT AND SAFETY GEAR FROM THE

HAWAII DEPARTMENT OF DEFENSE, OFFICE OF HOMELAND SECURITY TO
THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 21-562 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-562 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-201. COUNTY COMMUNICATION NO. 21-562 WAS THEN FILED. See pages 100 through 103 for discussion and action.)

NO. 21-563 - KELLY TAKAYA KING, COUNCILMEMBER,
(dated December 8, 2021)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES FOR THE TERM ENDING JANUARY 31, 2023".

The recommended action is that County Communication No. 21-563 be referred to the Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 21-563 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 21-202. See pages 103 through 106 for discussion and action.)

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-562

CHAIR LEE: Alright. Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 21-562.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, to discharge the Committee of CC 21-562.

Any discussion, Member Molina?

COUNCILMEMBER MOLINA: Yeah. Yes, thank you, Madam Chair. The discharge is needed to enable the Council to consider action today on the proposed resolution. Thank you.

CHAIR LEE: Anymore questions or comments? All those in favor of the motion, raise your hand and say "aye", just for the discharge. Member Paltin?

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council.

Any discussion on that, Member Molina?

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Approval of my motion by a two-thirds vote of the entire membership of the Council will, will enable the Council to act on the proposed resolution today. Thank you.

CHAIR LEE: Anymore discussion? All those in favor of the motion, raise your hand and say "aye". This is for the waiver.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine, nine "ayes", zero "noes"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION NO. 21-562.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve the recommendations in County Communication 21-562 and the filing of the communication.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Police Department wishes to accept a donation of various bomb squad related equipment and safety gear valued at \$429,287.38 from the Hawaii Department of Defense, Office of Homeland Security, as noted on "Exhibit 1" of the proposed resolution.

The donated equipment will allow the Department to safely respond to incidents involving explosives. And under Chapter 3.56 of our Maui County Code, would

authorize the Council to accept gifts and donations on behalf of the County. I ask for the Members full support of this matter. Thank you.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion, please say "aye" and raise your hand. Vice-Chair?

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

COUNCILMEMBER MOLINA: Thank you, Members.

CHAIR LEE: Mr. Clerk.

COUNCILMEMBER KING: Chair?

DEPUTY COUNTY CLERK: Chair, for the record, oh. Just real quick.

CHAIR LEE: Just do the record and we'll call on Ms., Member King.

DEPUTY COUNTY CLERK: Okay. For the record, that is RESOLUTION 21-201. Apologies.

CHAIR LEE: Member King.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-563

COUNCILMEMBER KING: Thank you, Chair. I ask for consideration of County Communication 21-563.

AND MOVE TO ADOPT THE PROPOSED RESOLUTION--

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved, moved by Member King and seconded by Member Sugimura to discharge CC 21-563.

Any discussion on that, Member King?

COUNCILMEMBER KING: Um, this, actually, I don't have the discharge in my notes. It just says, move to adopt the proposed resolution. But the, this is a resolution for the HSAC, the HSAC officers. And we need to get this passed before the end of the year so that we can start the next year with a slate.

CHAIR LEE: Okay. All those in favor of, maybe perhaps we didn't have to discharge it since it's only a reso. But anyway, all those in favor of the discharge, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member King.

COUNCILMEMBER KING: Thank you, Chair. And I'm just going by my notes and there's nothing there about a discharge.

MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION 21-563.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved, moved by Member King, seconded by Vice-Chair Rawlins-Fernandez.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Members, at its meeting of November 23, 2021, the HSAC Executive Committee approved its slate of officers and alternates in accordance with Section 5 of its Bylaws.

The HSAC Executive Committee proposed the following slate of HSAC officers and alternates for the term commencing immediately and ending no later than January 31, 2023:

President Mason K. Chock, Kauai County Council, with his Alternate being Bernard P. Carvalho, Jr. Vice-President Kelly Takaya King, Maui County Council, with my Alternate being Tamara Paltin. Secretary Heather Kimball, Hawaii County Council, with the, her Alternate being Rebecca Villegas. Treasurer Tommy Waters, Honolulu City Council, with his Alternate being Andria Tupolo *[sic]*.

And the HSAC Bylaws require all four county councils to approve the proposed slate of HSAC officers and alternates. If approved today, the HSAC Executive Committee will confirm the proposed slate during our January meeting. I ask for the Members full support of my motion.

CHAIR LEE: Anymore discussion? If--

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Just real quick. Mahalo, Chair. Mahalo, Member King. I support your motion. I just wanted to correct the record. It's Andria Tupola.

COUNCILMEMBER KING: Andria. Did I, did I pronounce it wrong?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Tupolo.

COUNCILMEMBER KING: Oh, I thought I said Tupolo, Tupola. Tu, tu, Tupola.

VICE-CHAIR RAWLINS-FERNANDEZ: Tupola. Tupola.

COUNCILMEMBER KING: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King.

COUNCILMEMBER KING: And, just, just for FYI, the Alternate for Mason Chock will be taking over . . . in, at the end of the, his term, because he will be terming out next year. So, they have a, a little bit earlier term than ours. I think theirs starts in, on, at the beginning of December. So, the alternate will fill in until the next person is chosen.

CHAIR LEE: Okay. Any more discussion? Okay, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-202.

The, that motion was only to adopt the resolution. How would the body like to dispose of the communication?

CHAIR LEE: I'm sorry, I didn't hear that part.

COUNCILMEMBER KING: I did say and file the communication.

DEPUTY COUNTY CLERK: Oh, you did? Okay. Okay. Then, proceeding or continuing with communications for, for referral.

CHAIR LEE: Wait. Mr. Clerk? Mr. Clerk?

DEPUTY COUNTY CLERK: Yes.

CHAIR LEE: I just wanted to double-check. Was CC 21-563 supposed to be discharged first or not?

DEPUTY COUNTY CLERK: Chair, my understanding is that item is not in any Committee, so I don't believe a discharge would have been necessary.

CHAIR LEE: And the other one was? CC 21-562?

DEPUTY COUNTY CLERK: I am not sure if that item was originally in a Committee or not. The communication we received was from the Department of Police. But I'm not sure if it was in a Committee.

CHAIR LEE: Okay. Alright. Cause these were originally for referrals, right? So, how could it have been in a Committee? Well, that's alright. You know what, let's not waste time on that.

COUNCILMEMBER KING: It's overkill.

CHAIR LEE: Yeah. Go ahead, Mr. Clerk.

DEPUTY COUNTY CLERK: Okay, continuing with communications for referral.

GENERAL COMMUNICATIONS

NO. 21-7 - CAROL K. REIMANN, VICE PRESIDENT, A&B PROPERTIES HAWAII, LLC, SERIES T, (dated November 24, 2021)

Submitting the 2021 Annual Report pursuant to Condition No. 2 of Ordinance No. 4385, Wai'ale Project District South change in zoning.

The recommended action is that General Communication No. 21-7 be referred to the Planning and Sustainable Land Use Committee.

NO. 21-8 - NOAH WALIN, PROJECT COORDINATOR, CMBY 2011 INVESTMENT, LLC, (dated December 2, 2021)

Submitting the 2021 Annual Report in accordance with Condition No. 22 of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, in Docket No.: A13-797.

The recommended action is that General Communication No. 21-8 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Members, any objections to, to the referrals as read by the Clerk, which would be, double-check this, Mr. Clerk, CC 21-561, GC 21-7, and GC 21-8.

COUNCILMEMBER PALTIN: I accept.

CHAIR LEE: No objections?

MEMBERS VOICED NO OBJECTION.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay. Alright.

Moving on. Mr. Clerk.

COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-131 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Resolution 21-203, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 10,878 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 5-6-002:002 SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$300,000.00", be ADOPTED; and
2. That County Communication 21-267, from Councilmember Keani Rawlins-Fernandez, be FILED.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-131.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to approve the recommendations in Committee Report 21-131.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on December 1, 2021, to discuss a proposed resolution to authorize the acquisition of real property to be used for the relocation of the Puko'o Fire Station for an amount not to exceed \$300,000 and customary expenses.

Your Committee was informed the building currently on the property would be renovated to serve as a replacement to the current Puko'o Fire Station and would not be an additional fire station that would require added resources, personnel, or equipment. Your Committee voted 9-0 to recommend passage of the proposed bill. And I am so appreciative of the Members support for this, as well as the island of Molokai.

I will add just a, yeah, just, just a few added comments that I'll, you know, I don't really need to expand too much further because our testifiers today did such a smashing job in their testimonies. I'll echo the sentiments of Zhantell Lindo, Mahina Poepoe, Cora Schnackenberg, and Walter Ritte. My thanks and gratitude again to the Administration, to my staff, to Ms. Poepoe for locating the, the parcel. And you know, this will be part of this Administration and this Council's legacy. It's been, our island has been trying to relocate the Puko'o Fire Station for the past 25 years. So, you know, this, this isn't a small thing. This is, you know, really big for our island. So, mahalo nui to all of you for the support. Mahalo, Chair.

Oh wait, one more thing. Mahalo to the Mayor for, for attending my town hall to announce the good news that the Council supported the, this resolution. And that the Administration will be moving quickly on securing the property. And Fire Chief Ventura will be moving quickly on the necessary permitting, design, and construction, so that we can get that fire station up and going as soon as possible. Mahalo, Chair.

CHAIR LEE: Any more discussion? Okay, the motion is to approve, adopt the resolution in Committee Report 21-131 and filing of the communication. All those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: You're welcome.

DEPUTY COUNTY CLERK: Chair. Chair, for the record, that is RESOLUTION 21-203.

COMMITTEE REPORT

NO. 21-132 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 155 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, BOND FUND, CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 156 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

3. That Bill 157 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – CENTRAL MAUI LANDFILL ENTRANCE FACILITY TRAFFIC IMPROVEMENTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-132.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-132.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on December 1, 2021, to discuss proposed bills to amend the Fiscal Year 2022 Budget, the Appendix C bill, and the bond authorization bill to add funding and a project description under Department of Environmental Management, Wailuku-Kahului Community Plan Area, for the Central Maui Landfill Entrance Facility Traffic Improvements in the amount of \$484,650.

Your Committee was informed that this project will add a drop-off area and another land *[sic]* at the Central Maui Landfill entrance to alleviate queuing on Pulehu Road on weekends and holidays particularly.

Finance for these projects were included in the Fiscal Year 2021 Budget, but have not yet been encumbered. Your Committee voted 9-0 to recommend passage of the proposed bill. Mahalo, Chair.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, please say "aye" and raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 155 (2021), 156 (2021),
and 157 (2021), respectively.

COMMITTEE REPORT

NO. 21-133 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 158 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, CENTRAL MAUI TRANSIT HUB; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 159 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, CENTRAL MAUI TRANSIT HUB," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That Bill 160 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF TRANSPORTATION – CENTRAL MAUI TRANSIT HUB)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-133.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-133.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on December 1, 2021, to discuss proposed bills to amend the Fiscal Year 2022 Budget bill, the Appendix C bill, and the bond authorization bill to add funding and a project description under Department of Transportation, Wailuku-Kahului Community Plan Area, for the Central Maui Transit Hub in the amount of \$248,108.

Your Committee was informed that because of delays with shipping due to the, sorry. Your Committee was informed that because of delays with shipping due to the COVID-19 pandemic, the remaining Fiscal Year 2021 Budget funds for this project was not encumbered by the end of the year. And the Department of Transportation would like to include the unencumbered Fiscal Year 2021 funds in the Fiscal Year 2022 Budget.

In addition, the Department currently estimates that the project will be completed in the Summer of 2022 and has received an extension to the existing agreement with the Queen Kaahumanu Center due to project delays.

Your Committee voted 9-0 to recommend passage of the proposed bills. Mahalo, Chair.

CHAIR LEE: Any discussion? If not, all those in favor of the motion, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: --those are BILLS 158 (2021), 159 (2021), and 160 (2021).

COMMITTEE REPORT
NO. 21-134 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending the following:

1. That Resolution 21-204, entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS, REPUBLIC OF ECUADOR," be ADOPTED; and
2. That County Communication 21-308, from Councilmember Kelly Takaya King, be FILED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-134.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to adopt the resolution in Committee Report 21-134 and filing of the communication.

Discussion, Ms., Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Your GREAT Committee met on November 16, 2021 and reconvened on November 24, 2021, to discuss a proposed resolution to authorize the Mayor to formalize a sister-city relationship between the County and San Cristobal Island, Galapagos, Republic of Ecuador.

Your Committee noted Maui County and San Cristobal Island established a Friendship City relationship in 2005, which has elevated over the years based on similarities in tourism, environmental issues, and climate change impacts.

Your Committee expressed support and voted 8-0 to recommend adoption of the resolution and filing of the communication.

And Madam Chair, if there are no objections at this time, I'd like to proceed with proposed amendments incorporating nonsubstantive revisions to the resolution.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered. Please proceed, Member Molina.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Madam Chair and Members. I guess you'll note in your Granicus there's an Amendment Summary Form with these proposals.

SO, WITH THAT SAID, I MOVE TO AMEND THE SECOND
"BE IT RESOLVED" PARAGRAPH AS FOLLOWS:

TO CORRECT THE SPELLING OF CRISTIAN ESPINOSA'S
NAME AS THE PERMANENT MISSION OF ECUADOR TO THE
UNITED NATIONS; 2. TO STRIKE "VIRILIO VIERNES" AND
INSERT "CHRISTINA SABADO" AS THE CHAIR OF THE MAUI
COUNTY SISTER CITIES FOUNDATION; 3. CORRECT THE
POSITION TITLE OF MICHAEL STUBBS TO "HEAD OF

SCHOOL"; 4. STRIKE "NAVIGATOR" FROM NAINOA THOMPSON'S TITLE; AND 5. STRIKE THE WORD "THE" FROM "THE KIMOKEO FOUNDATION".

And, Members, there are, is an attached mark-up of these nonsubstantive revisions. So, that is my motion to amend.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member King to amend this resolution five times, in five places.

Okay, any discussion? Any further discussion on this?

Member King.

COUNCILMEMBER KING: I just thank you, Chair. Just wanted to thank Member Molina, Chair of the GREAT Committee, for updating this resolution. Sounds like some of the titles were old and, and fixing of the spellings. So, thank you for your attention to that detail, Member Molina.

CHAIR LEE: Any more comments or discussion?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I'm speaking to the motion as amended. So, again, thank you to Member King for her being very proactive to moving, helping move this resolution along and for being, I believe, the only Councilmember to have experienced the Galapagos Islands.

And mahalo, also, to my Committee Vice-Chair Keani Rawlins-Fernandez, who on short notice was asked to facilitate this particular item in the GREAT Committee. She handled it flawlessly. So, thank you.

CHAIR LEE: Wow, such high praise. Okay, all those in favor of the amendments, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,

VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, all "ayes", zero "noes"; motion carries.

The motion as amended. Any more discussion?

COUNCILMEMBER KING: Just a quick comment, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, I just wanted to thank Member Molina for putting this on the schedule in a timely manner, waiting till I got back from COP26 to, to hear it. And, and I also wanted to let everyone know that our Brandon Mauna who, who testified in favor and said he's going to be going, has already emailed me with his contact information. So, we'll get him connected with the sister-cities. And I might have been the first Councilmember to go to the Galapagos, but I don't think I'm going to be the last. So, looking forward to this relationship with the Galapagos.

CHAIR LEE: Great. Member Sugimura.

COUNCILMEMBER SUGIMURA: I, I have to commend also Adele Rugg. From when this first got introduced, she's always been pushing this as a, you know, future sister-city relationship. So, what is Adele's relationship to the Galapagos? I was just curious. I mean, I commend her. She hasn't given up over all these years. But I don't know if Kelly King knows.

COUNCILMEMBER KING: Well, as far as I know, her relationship is with, there's a, there's a, I'm not sure if he's a pastor or a reverend who is, was formerly from San Cristobal. And that's where the idea, and maybe, maybe Tasha knows more information on this
...

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: No, Chair. I don't want to comment on . . . I want to see if later we can take one step back to the resolution itself.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Well, I'm sorry, Ms. Sugimura. That's going to remain a mystery for today.

COUNCILMEMBER SUGIMURA: I'll call her. I'll call her and ask.

COUNCILMEMBER KING: . . . is.

CHAIR LEE: Okay, Member Kama, you had a question?

COUNCILMEMBER KAMA: No. But I just wanted to make a comment that Christina Sabado, her name's Christine. And my staff just finished talking to her on the phone. So, I don't know if we want to just make that correction here?

CHAIR LEE: Friendly, friendly amendment.

COUNCILMEMBER KAMA: Okay, thank you, Chair.

CHAIR LEE: Is that okay with you, Mr. Molina? Just correcting the name, okay, the spelling.

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Okay, thank you, Member Kama.

Okay. Any more questions before we take the vote? If not, all those in favor of the motion as amended raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Wonderful.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-204.

COMMITTEE REPORT

NO. 21-135 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 21-205, entitled "RELATING TO THE APPOINTMENT OF EDWINA-WILSON SNYDER TO THE COUNCIL ON AGING," be ADOPTED;
and
2. That Resolution 21-206, entitled "RELATING TO THE APPOINTMENT OF JOHN TOMOSO TO THE COUNCIL ON AGING," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. If there are no objections, could I have the Clerk call up also Committee Report 21-136 and Committee Report 21-137?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 21-136 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-207, entitled "RELATING TO THE APPOINTMENT OF ALMA TASSI TO THE COMMISSION ON CHILDREN AND YOUTH," be ADOPTED.

COMMITTEE REPORT
NO. 21-137 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-208, entitled "RELATING TO THE APPOINTMENT OF RAINEY MATTHEWS TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-135, 21-136, AND 21-137.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama, to adopt the resolutions contained in Committee Reports 21-135, 136, 137.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. First for Committee Report 21-135, your Committee met on November 30, to discuss the, discuss proposed resolutions relating to the Mayor's nominations of Edwina Wilson-Snyder and John Tomoso to the Committee on, for the Council on Aging, for terms expiring on March 31, 2025 and March 31, 2022. Ms. Wilson-Snyder, a retired school administrator and a very well-known individual, as well as Mr. Tomoso, who retired from the County's Office on Aging, performed flawlessly in their interviews. And we're certainly very fortunate to have their service for this, for this Committee, Council on Aging.

And for Committee Report 21-136, your Committee also met on the same day for this. This relates to the Commission on Children and Youth, and Ms. Alma Tassi. She is a self-employed publisher of a local magazine focusing on children and parenting issues on Maui. So, she certainly will make a fine fit on this Commission.

And lastly, was Committee Report 21-137. And this was for consideration of Ms. Rainey Matthews to the Commission on Persons with Disabilities. And needless to say, she will certainly make a wonderful, great addition to this Commission, as you heard in testimony, as well as in Committee back on that day.

So, we're just certainly very blessed to have these outstanding individuals serve our County in this capacity. And I ask for the Members full support of these nominees. Thank you.

CHAIR LEE: Any further discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Sorry, Chair. Councilmember Paltin was before me.

CHAIR LEE: Okay. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Member Molina. With all due respect on, in regards to item 21-137, I think we may have gotten it wrong. I don't believe this is the best fit. In listening to all of the testimony, I think Ms. Matthews should run for Governor maybe. Because we need that kind of leadership in our State, and across the board. So, I don't know if, if, I mean, I'll vote in support, but I think she should seriously consider higher up. It's because, you know, with all of that commendation in testimony, I think we need her on a, on a bigger scale.

COUNCILMEMBER MOLINA: There's a higher calling.

CHAIR LEE: Very good.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to echo those sentiments, as well. You know, I met Ms. Matthews once, and I also met Leslee, her daughter, many times. And I just want to say the apple doesn't fall far from the tree. These are good folk doing good things in our community. So, I rise in full support. You know, the, the Commission on Persons with Disabilities is where I first cut my teeth on County matters. And I really, when someone who's that passionate about those types of things in helping folks who need it the most, oh, man, and then, coming in with that kind of, that kind of backing from the, her community. Can, can we clone her? Can we make more of her? I mean, that's really what, what I'm looking at. Is that's the kind of folk we need. So, stand in strong support. Mahalo.

CHAIR LEE: Anymore?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you. I too, wanted to welcome aboard all the new appointees. And of course, Ms. Matthews, I'd be remiss to say welcome aboard. She's definitely a firecracker personality. And right, she comes with a lot of TNT, including even from an incoming county judge. So, again, welcome aboard.

CHAIR LEE: Member Paltin?

COUNCILMEMBER PALTIN: I just wanted to speak to my point. Look, Member Johnson cut his teeth on the Disabilities Commission, and now he's Councilmember. So, sky's the limit.

CHAIR LEE: I think we're getting a little punchy now.

COUNCILMEMBER JOHNSON: We're planning her career.

CHAIR LEE: Anybody else? Okay. All those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries. Very good.

Let's see, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, the resolutions attached to Committee Report 135, those are RESOLUTIONS 21-205 and 21-206, respectively.

The resolution attached, attached to Committee Report 21-136, that is RESOLUTION 21-207.

And the resolution attached to Committee Report 21-137, that is RESOLUTION 21-208.

COMMITTEE REPORT

NO. 21-138 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-209, entitled "APPOINTMENT OF MEMBERS AND ALTERNATES TO THE SOUTH MAUI ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 21-138.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member King, to adopt the resolution in Committee Report 21-138.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on July 20, 2021, August 31, 2021, October 19, 2021, and November 30, 2021, to discuss a proposed resolution relating to the Council's appointments to the South Maui Advisory Committee.

Your Committee interviewed seven applicants. Based on their background and experience, your Committee was satisfied each would be an asset to the South Maui Advisory Committee.

Because the applicant pool did not contain an individual who could fulfill the membership requirement of having demonstrated expertise in Native Hawaiian traditional and customary practices, in accordance with Section 2.28.070 of the Maui County Code, your Committee decided to leave one seat vacant to seek additional applications with this background.

Your Committee was satisfied to have met the requirement of an individual with background in conservation, natural resources, or climate change, and that being the nominee Mr. Robert Weltman.

And your Committee discussed having the Planning Director determine board terms as selected by lot.

And with that said, your Committee voted 8-0 to recommend the appointments of Debra Hughes, Robin Knox, Mike Moran, and Robert Weltman, as Members; and Bruce Bond and Raymond Phillips as Alternates.

I'd like to thank South Maui Representative Member King for recommending these nominees to the South Maui Advisory Committee. Thank you very much, Madam Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you very much, Member Molina, for bringing this to a point where we could actually have a meeting of these advisory committees, hopefully in the new, early in the new year. And I just wanted to let everyone know that the person I was hoping would be the, the Native Hawaiian cultural expert ended up declining. He's too busy. He is one of the younger ones with kids, but that's why he's too busy because he's raising his kids. So, we are, we are looking and it's, I think Daniel Kanahele, who is in my office has applied, which meant that he had to resign from the CRC. So, hopefully we'll have that position soon for you, Mr. Molina. But I really appreciate all the work you did on it to getting it through the Committee, and the application process.

CHAIR LEE: Alright, any more discussion, Members? If not, all those in favor of the motion, please raise your hand and, and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-209.

COMMITTEE REPORT
NO. 21-139 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 21-210, entitled "APPOINTMENT OF MEMBERS AND ALTERNATES TO THE PAIA-HAIKU ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: No, I think it's Member Molina.

COUNCILMEMBER MOLINA: Me.

CHAIR LEE: Oh, I'm sorry. I'm sorry.

COUNCILMEMBER KAMA: Yeah, I'll go after him.

CHAIR LEE: Okay. You sure you don't want to take this one for him?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 21-139.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member King, to adopt the resolution in Committee Report 21-139.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I will preface my comments first by saying, yeah, I think you're right, we're getting a little excited. It's Friday and Christmas, so we all want to get out of here soon. But anyway, I'll try to keep it brief. Again, like the previous item, the GREAT Committee met on July 20, August 31, October 19, and November 30, this time to discuss a proposed resolution relating to the Council's appointments to the Paia-Haiku Advisory Committee.

We interviewed eight applicants. And based on their interviews and considering their background and experience, your Committee was satisfied each would be an asset to the Paia-Haiku Advisory Committee.

And again, in accordance with Section 2.28.070 of the Code, your Committee was satisfied to have met the requirements of an individual that demonstrated expertise in Native Hawaiian traditional and customary practices. And namely, I believe Ms. Francine Aarona, affectionately known as Aunty Mopsy, she was designated with the Hawaiian traditional and customary practices.

And Ms. Lucienne de Naie, very well-known to all of us, she was designated as someone with background in conservation natural resources.

In addition to Ms. Aarona, Mayor Victorino appointed Rod Antone from Paia to serve on this Committee.

Your Committee also discussed having the Planning Director determine board terms as selected by lot.

And with that said, your Committee voted 8-0 to recommend the appointments of Adrian Boone, Lucienne de Naie, Adrian Kealoha, excuse me, Andrea Kealoha, Rebecca O'Day, and Timothy Wolfe, as Members; along with Matthew McDonald and Nikhilananda as Alternates.

And Madam Chair, if there are no objections at this time, I would like to proceed with a proposed amendment to the resolution.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. Okay. Yes, may we have your amendment.

COUNCILMEMBER MOLINA: Alright, thank you very much, Madam Chair and Members.

I MOVE TO AMEND THE RESOLUTION TO CORRECT THE
LAST NAME OF APPOINTEE REBECCA O'DAY DUE TO
MARRIAGE.

If there would be a second for the amendment.

CHAIR LEE: Oh, you're, you're going to--

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: --her name. Is that what you said?

COUNCILMEMBER MOLINA: Yeah. Yeah.

CHAIR LEE: Oh, okay. Alright. Moved by Member Molina, seconded by Member Kama.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair.

AND THIS MOTION IS TO AMEND EXHIBIT "A" TO READ AS
FOLLOWS: TO STRIKE THE NAME "REBECCA O'DAY" AND
INSERT THE NAME "REBECCA LOPEZ".

At the time, as soon as we had pretty much completed the process of approving
Ms. O'Day in Committee, she got married. So, she's now Rebecca Lopez, and all of
our congratulations to her. Thank you, Madam Chair.

CHAIR LEE: Yeah. All those in favor of the amendment, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Okay, motion carries; nine "ayes", zero "noes".

The motion as amended. Any more discussion? The main motion as amended.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just again, thanks to Member Molina for adding, for, who worked in tandem on these two advisory committees. And it was really great to get two more going at once. But also, I was a little remiss in mine, in the previous one in not thanking the, the community members who came out. So, for both the South Maui and the Paia-Haiku, many thanks to all of you who are willing to put the hard work in because, you know, there's a lot of reading and research that goes into this Committee, you know, to make these recommendations to the Planning Commission. So, I just want to make sure that, that I gave my thanks. And Member Molina is really good about that, but sometimes I've, I'm, I might have been looking forward to Christmas too soon, too.

CHAIR LEE: Oh, I have something to discuss. I just wanted to thank you both for the good food that you had at your, it's not the, it's not the advisory committees, but I just thought of it. The food was delicious. Thank you.

Okay, all those in favor of the motion, raise your hand and say "aye". The main motion as amended.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

COUNCILMEMBER MOLINA: Thank you, Members.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-210.

COMMITTEE REPORT

NO. 21-140 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. That Resolution 21-211, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO PAIA YOUTH COUNCIL, INC.," be ADOPTED; and
2. That County Communication 20-559, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 21-140.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Member Kama, seconded by Member Sugimura, to approve the, let me see, is it a resolution? A resolution. So, adopt the resolution in Committee Report 21-140.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee, having met on March 18, 2021, August 16, 2021, and December 2, 2021, makes reference to County Communication 20-559, from the Director of Parks and Recreation, transmitting a proposed resolution entitled, "AUTHORIZING A GRANT OF LEASE OF COUNTY RECREATIONAL SPACE TO PAIA YOUTH COUNCIL, INC.", with an attached lease agreement.

The purpose of the proposed resolution is to authorize, oops, sorry, I went off my page, was to authorize the grant of a 50-year lease for 3.39 acres of County recreational space, identified as tax map keys (2) 2-5-005 - what do you call those two dots in the middle – 015 *[sic]*, portion and (2) 2-6-001 - quotation, not quotation, those little two

period guys – 001, portion, located at Paia, Maui, Hawaii, to Pā'ia Youth Council, Inc. at a rental rate of one dollar per year for the period ending April 30, 2071.

By correspondence dated 20, November 24, 2021, the Director of Parks and Recreation transmitted a revised resolution, approved as to form and legality by the Department of the Corporation Counsel, with revisions to the lease agreement as follows: to reduce the lease area to 1.46 acres; and to extend the duration of the lease to expire on January 31, 2072, unless terminated earlier; and require Pā'ia Youth Council, inc. to complete a mitigation plan no later than six months after the lease is executed.

Your Committee notes Pā'ia Youth Council, Inc. operates Pa'ia Youth and Cultural Center, PYCC, as a nonprofit organization, whose mission is to provide drop-in activities and life skills program that encompass recreational, social, educational, vocational, and cultural experiences for the youth of Paia and surrounding communities.

A representative from the PYCC said the lease area was reduced to address concerns with potential sea-level rise hazards and community concerns over beach access.

The PYCC representative said the current lease expires on April 30, 2051. The lease extension to January 31, 2072, would allow time for a successful capital campaign to construct a new facility.

Your Committee supported PYCC's involvement with the community and voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. I ask for the Members full support.

CHAIR LEE: Alright, any further discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Kama. I speak in support of the motion. I just, you know, ask that Pā'ia Youth Council continue to reach out to the community, especially the detractors, and embrace them into their vision. And, you know, I'm really excited that this can serve as a example of strategic relocation/managed retreat for the entire County. And I look forward to hearing more, and being involved in the design, and everything that follows. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I, too, want to lend my support to this resolution. And I want to commend, because I've been in all the meetings from last term to this term, I just want to commend Susun White and her board for taking the steps to bring the community together. It took a lot of work. And, and I've been in communication with her, or talking to her and they've already, you know, reached out to the Legislature in, in light of trying to find additional funding. So, I commend them. You know, they're on the move forward. And I, too, as Member Paltin is saying, that, you know, they embrace everybody. And I think they, they have, and they will along the way. I think it's important.

And the mitigation plan, it was nice to have Tara Owens there and, you know, educating us about, you know, her knowledge and expertise in this journey that we all are in with sea-level rise and buildings that get affected by it.

In this case, it's great to be able to have space to do that, you know. And that's what they are doing. They're looking at the available, availability of space and land in this area and making the motion, making the movement forward. So, I commend all of that.

But thank you very much, Member Kama, for doing this. You did a great job in all the Committee meetings. Appreciate it. And I totally support this resolution.

CHAIR LEE: Any more comments?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Yeah, I, too, want to express my mahalos to Committee Vice-Chair Kama. And, and I think at one point, Committee Vice-Chair Sugimura also help shepherd discussions on this very important matter. And mahalos to Director White, and also to her board, and the, and staff for, you know, providing a safe venue for our kids in the north shore community, a place for education, and life skill learning.

And please, like Member Paltin said, keep the lines of communication open with the greater community for future expansion. Because you know, we live in a time now where more and more people are getting involved with government and, and wanting a bigger say in what occurs in their communities, and especially in a sensitive area like the north shore. So, keep those lines of communications open. And hopefully, I'm happy, you know, whatever the outcome of this new building, everyone can be satisfied with whatever will occur down the road as it relates to construction. Thank you.

CHAIR LEE: Any other comments? If not, all those in favor of the motion, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: One, two, three, four, five, six, seven, eight. I have eight, nine, alright. Sold. Motion passes.

Alright, I guess we, we can skip Bill 149, right, Member Paltin? Just kidding. Just kidding.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-211.

Proceeding with ordinances at second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 149 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY
CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN:

CHAIR, I MOVE TO PASS BILL 149 (2021) ON SECOND AND
FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to pass Bill 149 on second and final reading.

Discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. At this time, I would like to introduce two Amendment Summary Forms that will be distributed by the Clerk. Both are fairly nonsubstantive things that we've discussed prior in Committee, on the Council floor, but it just, you know, needs to be fixed.

CHAIR LEE: Do we need to take a short recess, Member Paltin, or is it short?

COUNCILMEMBER PALTIN: It's pretty short.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: For some reason, it has your name as the proposer, but I'll be the proposer.

CHAIR LEE: They always throw my name on things that they can't find the other people.

COUNCILMEMBER PALTIN: Okay.

SO, MY FIRST MOTION WOULD BE TO AMEND EXHIBIT "1"
TO BILL 149 (2021), AT PAGE 173, BY REPLACING
APPENDIX G: COMMUNITY PLAN DESIGNATIONS AND
ZONING DISTRICTS WITH AN UPDATED TABLE PROVIDED
BY THE DEPARTMENT OF PLANNING.

And if I get a second, I'll explain more.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Explain. Okay, Member Paltin, moved by Member Paltin, seconded by Member Johnson, on this first amendment proposal.

Member Paltin.

COUNCILMEMBER PALTIN: Okay. Thank you. So, what this does is it provides a higher-resolution version of the table that includes references to "HD1", "HD2", and "NBCID", which is indicating possible community plan designation alignments for Lahaina Historic District 1 and 2 and the Napili Bay Civic Improvement District.

These are only found in West Maui, and so it's appropriate to be on this table, which is on the, the second page of the ASF. And I guess, you know, the original table was very blurry, so we're providing a clear one that has, reflects Historic District 1 and 2, which are only found in Lahaina, as well as, or only found in the West Maui Community Plan Area, as well as Napili Bay Civic Improvement District, which is only found in the West Maui community. So, just clearer, more high-resolution table with those districts that are only found in the West Maui Community Plan. And that's all.

CHAIR LEE: Any questions or further, oh, did you have a second to that amendment?

COUNCILMEMBER PALTIN: Member Johnson.

CHAIR LEE: Second by Member Johnson, that's right. Okay, anymore discussion or questions on this? If not, all those in favor of the proposed amendment, raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR LEE.

NOES: NONE.

CHAIR LEE: So, I see eight "ayes". Michigan. Alright, nine "ayes", zero "noes"; motion carries. We got you. We got you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: Member Paltin.

(Councilmember Kama was excused from the meeting at 3:25 p.m.)

COUNCILMEMBER PALTIN: Thank you.

MY SECOND MOTION WOULD BE TO, I MOVE TO AMEND
EXHIBIT "1" AT PAGE 52 BY STRIKING THE CURRENT

LANGUAGE IN SECTION 2.4.2 AND INSERTING THE FOLLOWING:

2.4.2 DEVELOPERS OF TRANSIENT ACCOMMODATION UNITS MUST COMPLY WITH THE COUNTY'S AFFORDABLE HOUSING REQUIREMENTS AND PRIORITIZE FULFILLMENT OF AFFORDABLE HOUSING OBLIGATIONS WITHIN THE BOUNDARIES OF THE WEST MAUI COMMUNITY PLAN AREA.

And if I get a second, I'll explain.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. This was one of the amendments that we had done last Council meeting. And the purpose was, you know, at the direction of Corp. Counsel, that this is better reflected in, I mean, the original wording that came out of the CPAC that we wanted in there would be better done as a amendment to the Code rather than in the Community Plan. So, once this passes, I'll propose an amendment to the Code, specifically for West Maui district, per the advice of Corp. Counsel to accomplish what the CPAC wanted, because they said that's the way to do it. And they'll sign off if I do it that way on this portion of it. I hope that's . . .

CHAIR LEE: Okay, any more, any more discussion? Okay, the second amendment, all those in favor, say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Nine "ayes" *[sic]*, zero "noes"; motion carries.

Do you have any more, Member Paltin?

COUNCILMEMBER PALTIN: Sure.

CHAIR LEE: You do?

COUNCILMEMBER PALTIN: Thank you.

I MOVE TO WAIVE THE REQUIREMENT OF A DELAY
BETWEEN AMENDMENT AND FINAL READING OF A BILL IN
ACCORDANCE WITH RULE 19.C. OF THE RULES OF THE
COUNCIL.

CHAIR LEE: Okay, I don't understand that. But moved by Member Paltin, seconded by Member Johnson, to waive the Rules of the Council for what now?

COUNCILMEMBER PALTIN: Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to take action on the proposed bill, as amended, today.

CHAIR LEE: I see. I see. So, this will, that'll be your last amendment. Okay.

COUNCILMEMBER PALTIN: I don't know if that one was an amendment. It was a motion to waive the Rules of the Council.

CHAIR LEE: Okay. Before we go there, are there any other amendments?

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes. Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies to interrupt. On the amendment that was just passed, Councilmember Paltin's second amendment, we did not see Presiding Officer Pro Tempore Kama in that vote. We're not sure if she participated.

COUNCILMEMBER KING: I don't see her now either.

CHAIR LEE: Member Kama?

COUNCILMEMBER SUGIMURA: Oh, she lost connection?

CHAIR LEE: Okay. Let's, let's vote one more time.

Okay, Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I, I can send some staff down. She's in the, she's in the office, so I can go find out . . . sorry. I can go find out . . .

CHAIR LEE: That's alright. That's alright, you know. I know she had to go to the doctor at 4:00, but I didn't realize she was leaving already. Okay, so we'll take another vote. We'll take another. So, the motion is, the motion as amended, yeah, the main motion as amended.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: That was your last one.

COUNCILMEMBER PALTIN: --the amendment. You want me to read it again?

CHAIR LEE: Oh, this is on the second amendment?

COUNCILMEMBER PALTIN: Yeah.

CHAIR LEE: Okay. No, I think we got it. Everybody got it. The second, the second amendment, raise your hand and say "aye" if you were in support.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

Okay, eight "ayes", one "excused"; motion carries.

CHAIR LEE: Now, Mr. Clerk. Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Oh, I thought you went with Member Kama. So, anyway, Mr. Clerk, I should ask for other amendments before she makes this other in, evokes, invokes certain Rules of the Council?

DEPUTY COUNTY CLERK: Chair, I believe the body has the option to waive Rule 19.C. at any time. So, the body can take up--

CHAIR LEE: But shouldn't we take all amendments first, rather than--

DEPUTY COUNTY CLERK: The body can--

CHAIR LEE: --go back and forth? Huh?

DEPUTY COUNTY CLERK: Yes, so the body can do that.

CHAIR LEE: Okay, it's cleaner to me. Let's see if there's anybody else wanting to make an amendment, okay?

Anybody else wanting to make an amendment?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Sorry, we have a motion on the floor, yeah?

CHAIR LEE: Well, we're, we're still, we voted on her amendment. So, we're not going to vote on the main motion as amended--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: --until we're finished with all the amendments.

VICE-CHAIR RAWLINS-FERNANDEZ: So, the motion to waive was not recognized, and so it's not on the floor?

CHAIR LEE: Yeah, it's not on the floor, because--

VICE-CHAIR RAWLINS-FERNANDEZ: Just double-checking.

CHAIR LEE: --I was asking for all additional amendments. Let's get all the amendments out of the way before we go to that motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. Alright. Member Sugimura, you said you had an amendment to propose?

COUNCILMEMBER SUGIMURA: Yeah. So, before I make the amendment, I just want to say, Keani, my dad graduated from University of Michigan; Ann Arbor, Michigan. So, every time I look at you, I think about my dad going to med school during the winter. I don't know how cold it is, but must be super, super cold.

VICE-CHAIR RAWLINS-FERNANDEZ: It's right down the road.

COUNCILMEMBER SUGIMURA: Yeah?

VICE-CHAIR RAWLINS-FERNANDEZ: It's right down the road from where I am.

COUNCILMEMBER SUGIMURA: Cool. Yay. Buff and blue or whatever the colors are.

COUNCILMEMBER KING: Point of personal privilege. I have to leave in a couple minutes. I've got someone coming to interview.

CHAIR LEE: Okay. Alright, I guess we, Member King doesn't want to hear the chit chat about Michigan, okay. Let's get this train on the road. Moving forward.

COUNCILMEMBER SUGIMURA: Sorry, sorry.

I MOVE TO AMEND THE PROPOSED BILL ENTITLED "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED WEST MAUI COMMUNITY PLAN" AS FOLLOWS:

1. AMEND EXHIBIT "1" PAGE 96, BY DELETING THE SECOND PARAGRAPH, WHICH READS: "FOR THE AREA BETWEEN FRONT STREET AND HONOAPIILANI HIGHWAY FROM KAHOMA STREAM TO KENUI STREET, THE FOLLOWING POLICIES AND OBJECTIVES FROM THE 1996 WEST MAUI COMMUNITY PLAN CONTINUE TO APPLY" AND SECTIONS (A) THROUGH (F) THAT FOLLOW.

ALSO, TO AMEND "SECTION 5" TO READ AS FOLLOW:

"THIS ORDINANCE TAKES EFFECT ON APPROVAL. THIS ORDINANCE DOES NOT CHANGE THE LEGAL RIGHTS AND RESPONSIBILITIES OF PARTIES IN ANY CIVIL LITIGATION FILED BEFORE THE UPDATED WEST MAUI COMMUNITY PLAN (2021) TAKES EFFECT."

And what this does is, well, that's my motion. Sorry.

CHAIR LEE: Is there a second? Is there a second? I'm afraid there's no second.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Okay, so anymore amendments proposed?

Okay. Back to you, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF A DELAY BETWEEN AMENDMENT AND FINAL READING OF A BILL IN ACCORDANCE WITH RULE 19.C. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Johnson.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to take action on the proposed bill as amended today. And the amendments are fairly nonsubstantive. It was just, you know, clerical kind of errors and making it more clear, things that we had previously discussed. Nothing new.

CHAIR LEE: Okay, any more discussion?

COUNCILMEMBER SUGIMURA: So, what is her, what does her motion do? Sorry.

CHAIR LEE: Okay, can you repeat your motion please?

COUNCILMEMBER PALTIN: Waive the Rules of the Council, that we can take action on the final reading today, instead of delay for another Council meeting, because the amendments were nonsubstantive. It was all things that we had previously discussed. It wasn't, like, life changing. It was things.

CHAIR LEE: Everybody understand the motion? Any further discussion? All those in favor, say "aye", raise your hand.

Okay. Member Sugimura, did you raise your hand? Yeah?

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Eight "ayes". Eight "ayes", one "excused"; motion carries. Okay.

Now, the motion as amended. The main motion as amended. Any more discussion?

Yes, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to add, throughout this entire process, I think the overwhelming sentiment I heard was although the plan isn't perfect, it is a great start and a great success in conducting multiple community meetings and getting consensus on community plan.

Lahaina is one of two of our County's largest tourism areas. So, we're also reminded how culturally significant West Maui is for our host culture. And I'm proud that we expanded the historical districts and perpetuated cultural preserves.

I'm particularly proud that we preserved the southern regions of the plan for areas of stability. We already live on an island with limited resources and limited aina. In fact, we're losing it at a greater pace to climate change. So Chair, I do speak in support of not building out every open space in one lifetime on this island. And to, to save some of our coastal areas, ancient reef systems for Kanaloa for future generations.

I also wanted to mahalo Member Paltin, her staff, Planning Department, the CPAC board, all the residents who participated in this process. Thank you.

CHAIR LEE: Anybody else? Discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. For me, this work on the West Maui Community Plan really began in 2006. When our community found out about the plans of development in Honolua area by Maui Land and Pineapple, it was probably, you know, one of my first times testifying. It was my first time, like, even knowing what a Councilmember was, or who they were. And, you know, before that, really, it was just about, like, surfing, paddling, living it up.

And in, in the process of looking forward to the Community Plan, getting involved with the General Plan, testifying at the Maui Island Plan, and all of that, you know, somehow, I ended up here in this seat, you know. And although it's difficult, and it's, it's a lot of work, and it's not the same as going to work at the beach every day, I'm so thankful that I got involved in the community planning process.

And I hope that through this effort, from coming through the working groups, to the Community Plan Advisory Committee, to the Maui Planning Commission, to the Council, that our West Maui Community Plan and Advisory Committee and future advisory committees see our commitment to try and keep the words that they wanted in the plan, in the plan. And so, they don't feel that all those long nights away from their families, the Planning Department's long nights away from their families, and is, is not worth it, because we heard what they said and we did our best to keep it in the plan. And, and it is a lot of work. I did see some buyers' remorse, you know, from the Advisory Committee members when they had to sit through hours and hours of testimony after a long day of work, you know.

And I just want to echo Member Sinenci's mahalo to all the people that contributed to this plan, you know. My staff Angela, who stepped in when, when somebody resigned, because she had already gone to all the meetings. You know, my, the rest of my staff that went to all the meetings, the Planning Department. I mean, I could stay long past Member King wants to, if, if I mentioned everyone by name. But, you know, this is the culmination of like a 15-year commitment for me and, and ready to do South Maui next. Thank you, guys.

CHAIR LEE: Any, anybody else, comments?

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, let me state, it is my hope that my colleague from West Maui can finally get a good night's sleep after going through this real, real difficult and challenging process. And I want to thank you for your, your efforts to spearhead this through your Committee, and also to everyone involved, the staff, the Planning Department, and the, the greater community as a whole.

What was really, I found very fascinating about this process, was to see the amount of younger generations of folks wanting to participate. Because that was so important, because the whole landscape has changed from one time, as you had mentioned Member Paltin, West Maui being viewed as a recreational area that promoted tourism. And it's now, the mindset has changed to more of let's look at the quality-of-life concerns that's really reflected in this West Maui Community Plan, as well as cultural preservation for an area that was once the seat of the royal kingdom. So, the paradigm has certainly shifted.

And, you know, no one's ever going to be completely satisfied with this Community Plan or any community plan for, for the, for matters, you know, of conversation. But it is what it is. And certainly, everybody had their say in the process. And, you know, everybody's comments were certainly well-respected. And just want to thank everybody in West Maui, and that the community can come together, and move forward. Thank you, Madam Chair.

CHAIR LEE: Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'd like to see that Member King has to leave in ten minutes, so I'm going to keep it very short. I'm going to try one minute. I just want to really thank Member Paltin. You know, from 2006 to now, full circle, your commitment has been so admirable, you and your office. My mahalo to the CPAC, CPAC Chair, the Planning Department, all of the community.

And I think what's beautiful about this is that we've learned from past community plans. And we're, this isn't going to be a plan that sits on the shelf and collects dust. This is going to be a living document. And you know, with the kind of commitment that I've witnessed, you know, firsthand, you know, that, that's what this, this community plan, the West Maui Community Plan is going to be. It's going to be a living document. And a lot of bold steps and statements were made that I whole-heartedly support. So, mahalo again, Member Paltin, and to all of the committee. Mahalo, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Oh, thank you, Chair. Yeah, I have to, I have . . . The only thing I want to say is, I mean, I think we all said stuff last time and I don't, I don't want to repeat everything. But thank you, again, Member Paltin, for going through this process. I know what it's like. And Keani kind of knows what it's like too, because she went through the process with me as a constituent last time.

But one of the things I wanted to say was I'm really glad that we have a Council who sees this document, not only as a living document, but as the law. Because that was the, the fight when I first got on the Council, was to have it recognized as this is the law, this is not a guidebook. This is the law. So, going forward and going into the next community plans, that's going to be the mantra. My mantra anyway. Thank you. And, and thank you for getting us to this point.

CHAIR LEE: Anybody else real quick?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, you know, I never got to make my motion. And my motion would have tried to correct the last-minute amendment that was made, at the first reading, which Lance Collins, I think, interjected, or that group. And my question to Corp. Counsel is are they going to sign this Community Plan?

CHAIR LEE: Corp. Counsel? Corp. Counsel? Richelle Thomson? Or Mike Hopper?

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. Mike is on.

CHAIR LEE: Okay.

DEPUTY CORPORATION COUNCIL MICHAEL HOPPER: I think I said at the last meeting, based on the same language, we will not be able to approve this to form and legality based on--

CHAIR LEE: Can you speak a little louder, please?

DEPUTY CORPORATION COUNSEL HOPPER: Okay. I'm sorry. We did say at the last meeting that based on language on page 96, we would not be able to approve the ordinance as to form and legality.

CHAIR LEE: The answer was no.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Okay, and then I just want to let you know that I have serious reservations about this certain aspects of this plan. I will vote in favor of it, cause generally, I support it. But that, that's one of them, the idea of designating a property that's already in existence as park is to me a taking. So, is everybody ready to vote?

COUNCILMEMBER SUGIMURA: So--

CHAIR LEE: Last. Last, um, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I have, I have grave reservations about that. And I also have reservations about not recognizing the Maui Island Plan and all the people who worked and put that together through testimony that we received from the community. That they're saying this is the plan, and not necessarily looking at what was said before by, and I have a grave concern about Ka'anapali 2020 and what they were trying to do in terms of affordable housing and planning for the, for the West Maui community. So, thank you.

CHAIR LEE: Okay, all those in favor of the main motion as amended raise your hand and say "aye"

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, VICE-CHAIR RAWLINS-
FERNANDEZ, AND CHAIR LEE.

CHAIR LEE: Those opposed say "no".

NOES: COUNCILMEMBER SUGIMURA.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, we have seven "ayes", one "no", and one "excused"; motion carries.

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with unfinished business.

(Councilmember King was excused from the meeting at 3:46 p.m.)

UNFINISHED BUSINESS

ORDINANCE NO. _____
BILL NO. 147 (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.06.020, MAUI COUNTY
CODE, ADOPTING DIGITAL ZONING MAP (3) AS THE OFFICIAL ZONING MAP
FOR THE ISLAND OF MAUI

CHAIR LEE: Oh, is this the Dragon Fruit one? Nah, just kidding.

Member Paltin.

COUNCILMEMBER PALTIN:

CHAIR, I BELIEVE THE UA HAS NOT BEEN CONFIRMED TO
BE RECORDED, SO I WOULD LIKE TO MOVE TO HAVE THIS
ITEM CONTINUE TO REMAIN ON THE CLERK'S TABLE UNTIL
THE NEXT MEETING, OR UNTIL THE FIRST AMENDMENT TO
UNILATERAL AGREEMENT AND DECLARATION FOR
CONDITIONAL ZONING, DATED JULY 31, 2020 IS
RECORDED AND RECEIVED.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Molina to table this item
till the next Council meeting. Any further discussion? All those in favor of the motion,
say "aye", raise your hand.

AYES: COUNCILMEMBERS JOHNSON, MOLINA,
PALTIN, SINENCI, SUGIMURA, VICE-CHAIR
RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND KING.

CHAIR LEE: So, now we have one, two, seven "ayes", zero "noes", and two "excused"; motion carries.

This brings us to the very end of the calendar. Members, do you have any parting remarks? We're not going to see each other for like two weeks.

COUNCILMEMBER PALTIN: I want to see . . .

CHAIR LEE: I'm going to start to have withdrawals.

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Yeah, just a great opportunity to wish everybody a happy and safe holiday season. And thank you to you, my colleagues. Working with you gives me purpose to move on with my life, you know, in a positive way. And also, to the Mayor and his Administration, thank you for all of your hard work. I know at times it gets a little contentious, but, you know, it's, it's just business, and I want to wish them a very happy and safe holiday season. And to, of course, all of our citizens who participate through public testimony. Thank you so much, because we, we learn from you, and hopefully you can learn from us. But certainly, your input helps us with our decision-making. So, Happy Holidays and a safe one to everyone. And also to OCS, of course, our hard-working staff as well, so.

CHAIR LEE: And OCC.

COUNCILMEMBER MOLINA: And OCC, yes, yes. County Clerk's Office, yes, of course. Thank you.

CHAIR LEE: And of course, our Auditor. Yeah, everybody.

Okay, Vice-Chair Rawlins-Fernandez, did you have your hand up?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure, Chair. I'll, I, I did have my hand up. But since you called on me, I'll just make it quick and share the same sentiments as Member Molina. Lono i ka makahiki to all my colleagues, to Administration, OCC, OCS, and everyone out there in the community. Please be safe. I understand there may be a flashflood warning, there's a flashflood warning today at 6:09. So, just be careful out there. It is the time of Lono. Mahalo, Chair.

CHAIR LEE: And you take care.

Member Sugimura, I know you're dying to go see your son.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: He just, he just arrived. So, I know, my son is home, I can hardly wait to give him a hug. But thank you everybody for your hard work. And it is a pleasure working with you. And every day on this, on this Council, it's a lot of work that each of you give to the community. And it surely shows with the outcomes that we have had as a body. So, thank you very much. Merry Christmas to all of you. Be very safe.

And I want to also give a shout-out to Emergency Management, because they have a group of 10, sorry 20 retired military who are here to help with cleaning Upcountry, the debris, and all gulches that got washed down, and the people that were having problems with their homes. They're here to volunteer and they'll be here for three weeks. So, I think it's called Team Rubicon, or whatever their name was, I'm sorry. Yeah, so sorry about that. But anyway, thank you and Merry Christmas to everybody. Happy New Year and be safe.

CHAIR LEE: And to you as well and your family.

Member Paltin. I'm just going down the line, okay. Member Paltin.

COUNCILMEMBER PALTIN: Be safe. Don't drink and drive. I'll see you tomorrow at the County's drive-thru Christmas celebration. And mahalo everyone, from West Maui.

CHAIR LEE: You too.

Member Sinenci and then Member Johnson .

COUNCILMEMBER SINENCI: Thank you, Chair. I also wanted to extend a Mele Kalikimaka, Hauoli makahiki hou, lono i ka makahiki, to everyone. Thank you, Chair, for summing up the year in your opening comments this morning. And, and also to our staff at OCS, OCC, and also to the, all the different County employees at the Departments, the Administration, and all those that are extending their humanitarian aid to those less fortunate during this Christmas. Mahalo.

CHAIR LEE: Thank you.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Of course, I'd like to wish everyone Happy Holidays, Merry Christmas, Happy New Year. This has been one heck of a year for me. It's my first year on the Council and boy have I learned a lot. It's been a pleasure to work with you folks, a pleasure to work in the County, with all the staff, all of the folks who work there doing the good work that needs to be done for the folks in our community. So, I'm getting back on the ferry tomorrow. Hopefully, it's a safe crossing and we're going to get, do a bunch of Christmas stuff and give away some things. So, looking forward to go back to country living, even though I love the city. And everybody have a good evening. Mahalo.

CHAIR LEE: Thank you, Member Johnson. Yes, we wish you safe travels.

And to you, my dear friends, as Member Molina said it so well, and he covered not only our section, the Legislative Branch, OCS, OCC, OCA, all the EA's, everybody who helps us, you know, accomplish our work. But it's also the Administration, too, that we have to, you know, say thank you, because they, they do work very hard.

And especially Public Works, Highways, this past, this past week and a half. They have been working overtime almost every day trying to clean up the streets for us. So, I want a shout-out to them, and to the Emergency Management Division agency, and everybody else who's been working really hard, trying to clean up after the storm, and probably prepare for the next one.

So, again, everybody, stay safe. And we'll hopefully see most of you tomorrow at 4:30, yeah, at the County building below where we park our cars. And our County Clerk is going to be our DJ. And he's going to bring his boombox. And we're going to have really hot music tomorrow, dancing music. So, invite the public to come and say hello to all of us, and so we can see them, and wish everybody a Merry Christmas.

So, with that, Mr. Clerk, did I miss anything?

DEPUTY COUNTY CLERK: No, Chair, there's no further business before the Council.

CHAIR LEE: Okay. This meeting of the Maui County Council of December 17, 2021 is adjourned.

ADJOURNMENT

The regular meeting of December 17, 2021 was adjourned by the Chair at 3:54 p.m.

A handwritten signature in black ink, reading "Kathy L. Kaohu". The signature is written in a cursive, flowing style.

KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII


County Clerk

RECEIVED

From: Jessica Rosado <jessicarosado@kiheicharter.org>
Sent: Wednesday, December 15, 2021 12:40 PM
To: County Clerk; Jadda Miller
Subject: Bill 135

2021 DEC 15 PM 12:44

OFFICE OF THE
COUNTY CLERK

 You don't often get email from jessicarosado@kiheicharter.org. [Learn why this is important](#)
November 17, 2021

Dear Maui County Council,

I am writing to you today to initiate my support for Bill 135. I support Bill 135, for the reason that sunscreen has many harmful ingredients such as Octisalate and Octinoxate. It's important that we keep our coral and health safe. Our community's health impacts everyone, including the government. In order to help ban non-reef-safe sunscreen, we must spread the word. Our health, coral, and community are in danger. By banning the use of non-reef-safe sunscreen, we can change many things that are negatively affecting and impacting our society, coral reefs, and health, this Bill will do just that.

Mahalo for your time,

Jessica Rosado 7A, Kihei Charter

County Clerk

From: Scott Crawford <scott@aloha.net>
Sent: Friday, December 17, 2021 8:24 AM
To: Robin Rayner
Cc: County Clerk
Subject: Re: submitted for council meeting on Friday 12.17.2021, item J.1, NO 21-560

 You don't often get email from scott@aloha.net. [Learn why this is important](#)
Aloha County Clerk's Office,

I just wanted to note that in the spreadsheet "Masterplan parcel groups Nov. 2021- county.xlsx" Sheet 1 is a very outdated version that should be ignored, only the updated sheet 2 needs to be provided to the Council members.

Mahalo,
Scott

On Dec 15, 2021, at 5:12 PM, <robin@hanahawaii.net> <robin@hanahawaii.net> wrote:

Please provide Council members with the written testimony attached here.
I also would like to testify at the meeting.

Mahalo,

Robin Rayner

808-248-4950

<Masterplan parcel groups Nov. 2021- county.xlsx><Mokae & Makaalae Aquisition-November 2021_edited-7.jpg><letter to County Council 12.17.2021.docx>

RECEIVED
2021 DEC 17 AM 8:35
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Bagshaw, Jeff W <jeff.w.bagshaw@hawaii.gov>
Sent: Wednesday, December 15, 2021 2:26 PM
To: county.clerk@mauicounty.legistar.com
Cc: County Clerk
Subject: Please find attached written testimony and supportive documents for Dec 17th 2021 Council meeting
Attachments: testimony 17 Dec 2020.docx; Science of the Total Environment 647() 1305-1313 [2019] conc tissue fish org UV filters wild fish.pdf; EST_UVF-Dolphins_es400675y 2013 - Copy.pdf; Marine Pollution Bulletin 153() 111012 [2020] Cocci sunscreen ingred in loggerhead turtles molecular markers.pdf; Avobenzone vs Oxybenzone comparison.pdf

 You don't often get email from jeff.w.bagshaw@hawaii.gov. [Learn why this is important](#)

Please submit my testimony for item 21-5567 for December 17th, 2021. Also find three supporting scientific publications and a pdf I created to provide a basic explanation of how two of the chemical compounds in question work.
Mahalo

Jeff Bagshaw
Communications and Outreach Specialist
State of Hawaii
DLNR/DOFAW Maui Nui Branch
Jeff.w.bagshaw@hawaii.gov
(808)264-7891c
(808)873-3986o

RECEIVED
2021 DEC 15 PM 2:31
OFFICE OF THE
COUNTY CLERK

No. 21-557

Aloha Mayor Victorino and Maui County Council members:

I urge you to not delay, alter or make amendments to Ordinance 5306 (Bill 135) banning the sale of petrochemical sunscreen products in Maui County. We all remember the awful bleaching event of September/October 2015 when average sea water temperatures held steady at 88 degrees F for eight weeks. We lost an average of 30% of all our reefs across the state in just two months. Two or three more such events and our reefs will be largely gone. Some areas fared better than others, some will never look the same again. No one argues that our reefs face numerous problems, many we can't solve in Hawai'i alone. But delaying actions we can take now and here is like telling a heart patient to do nothing to change their lifestyle because they have some genetic markers against them. We know future bleaching events are coming, it's a matter of when, not if. And we know from past events that reefs that are healthiest to begin with have better chances of some recovery. Preparing for the next event begins today, not months from now.

I grew up in "tornado-alley." Ask people there today if they think it was wise for their local governments to delay enacting stricter building codes because they thought they didn't have adequate data, that stronger storms were coming and they didn't want to increase short-term building costs.

This isn't just about reefs for pretty fish to see when snorkeling. Its also about our food resources, its a matter of environmental justice.

Testing chemical toxicity in a lab setting is the only way to accurately assess effects on some marine organisms. But for skeptics that doubt that time-tested method, here are three studies of data taken from wild animals that show these compounds bioaccumulate, they move up the food chain and are stored in the liver and other organs:

- A 2020 study published in the journal Elsevier showed four common sunscreen agents in blood samples from juvenile Loggerhead sea turtles caught off the coast of Italy. Loggerheads eat invertebrates. Humans in Hawai'i eat invertebrates such as crab, lobster, tako, and opihi.
- A 2018 study published in Elsevier showed several fish species form a freshwater lake in China had high concentrations of these compounds in liver and gill tissues. Fish eat algae, invertebrates and smaller fish. Humans in Hawai'i eat limu, invertebrates and fish.
- A 2013 study published in Environmental Science and Technology showed that petrochemical sunscreen compounds were present in liver samples from 70% of wild Franciscana dolphins off the coast of Brazil, showing that these compounds bioaccumulate through the food web. Dolphin species everywhere eat fish. Humans in Hawai'i eat fish.

People who make the choice to not wear sun-protective clothing, who demand to recreate between 10AM and 2PM, who don't like the mineral sun-blocks and choose petrochemical sunscreens instead are imposing their health choices on the rest of us, people who eat from the ocean in Hawai'i. Our society chose to eliminate the effects of second-hand smoke by banning smoking in shared public spaces, in many locations long before the FDA and Surgeon's General said there was data to do so.

The NAS is not a regulatory agency, it will only make recommendations to the EPA. We don't need to wait because a dermatologist on Maui has a storeroom full of products being sold through his office and on-line. Mineral sun-blocks cannot be patented, so they're not as profitable as lab-produced chemical

products. We already have generations of data from credible dermatologists that the most effective sun protection remains clothing or mineral sun-blocks. Luckily, chemistry and biology work the same whether its Brazil, Italy, China or Hawai'i. The beauty of science is that researchers elsewhere can give us information, today.

The US Virgin Islands banned these products in 2019. They didn't wait for more and more reports. Bill 135/Ordinance 5306 corrects loopholes created by the weak state-wide ban of only two compounds. Petrochemical sunscreen ingredients bioaccumulate. We don't know the long-term health impacts and medical costs for people who eat from the ocean and accumulate these compounds in their tissues, even if they never applied petrochemical sunscreens to their own skins. But just like mask-mandates, we know enough to ere on the side of caution. So the question becomes why and who are we waiting for, the people who sell these products, so they don't lose money in the short-term, or the people who get their food from our island shores every day?

Mahalo,

Jeff Bagshaw

Volunteer Coordinator, Information and Education Associate

`Ahihi-Kina`u Natural Area Reserve (DLNR/DOFAW)

(808)264-7891 work-cell

jeff.w.bagshaw@Hawai'i.gov



Concentrations and tissue-specific distributions of organic ultraviolet absorbents in wild fish from a large subtropical lake in China

Zhenwu Tang^{a,b}, Fuyong Zhong^b, Jiali Cheng^c, Zhiqiang Nie^d, Xue Han^b, Yu Han^a, Yufei Yang^{d,*}

^a College of Life and Environmental Sciences, Minzu University of China, Beijing 100081, China

^b College of Environmental Science and Engineering, North China Electric Power University, Beijing 102206, China

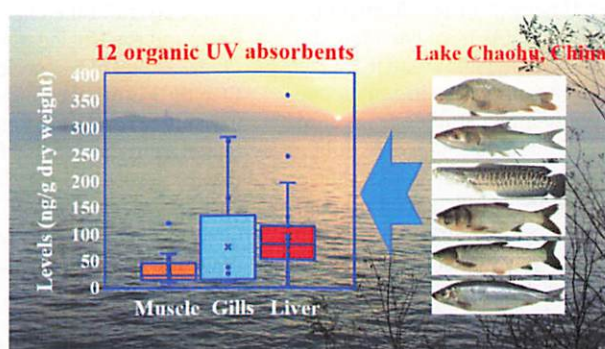
^c Key Laboratory of Trace Element Nutrition of National Health and Family Planning Commission, National Institute for Nutrition and Health, Chinese Center for Disease Control and Prevention, Beijing 100021, China

^d State Key Laboratory of Environmental Criteria and Risk Assessment, Chinese Research Academy of Environmental Sciences, Beijing 100012, China

HIGHLIGHTS

- Accumulation of 12 UVAs were investigated in freshwater fish from China.
- Tissue-specific UVA distribution was discussed in wild fish.
- Field-based log BAF_{muscle} values were lower than those predicted by modeling.
- High liver accumulation capacity of UVAs was observed in fish.

GRAPHICAL ABSTRACT



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Tissue distribution

Fish

Lake

ABSTRACT

Organic ultraviolet absorbents (UVAs) have been detected in various materials and biota, but little is known about the distributions of UVAs in the tissues of biota. In this study, tissue-specific UVA accumulation in six fish species from Lake Chaohu, China, was investigated. The sums of 12 UVA concentrations in muscles, gills, and livers were 7.65–120, 10.1–281, and 26.4–359 ng/g dry weight, respectively. Ethylhexyl methoxycinnamate, 4-methylbenzylidene-camphor, and 2-(2'-hydroxy-3',5'-di-*tert*-butylphenyl)-5-chlorobenzotriazole were the dominant UVAs. Ethylhexyl salicylate and homosalate have been found in the aquatic species firstly. UVAs were taken up to different degrees by different fish species. The UVA muscle bioconcentration factors were lower than predicted by the Estimation Programs Interface Suite model, suggesting that such models may overestimate UVA accumulation in fish. The tissue distribution patterns indicated that UVAs are easily transferred to the muscles after being absorbed through the gills. The liver was found to preferentially accumulate UVAs and have a high UVA accumulation capacity, implying liver damage may be caused by UVAs. This is the first time the partitioning of UVAs between the liver, muscle, and gills of freshwater fish has been studied. The data acquired will improve our understanding of the pharmacokinetics and toxicities of UVAs in aquatic organisms.

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1. Introduction

Organic ultraviolet absorbents (UVAs) are used in personal care products such as sunscreens and cosmetics to protect skin from the

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harmful effects of sunlight (Fent et al., 2010; Liao and Kannan, 2014; Sharifan and Ma, 2017). UVAs are also added to products such as paints, plastics, and textiles to prevent light-induced aging and degradation (Lu et al., 2016). High UVA concentrations have been found in aquatic environments (Bratkovics et al., 2015; Gago-Ferrero et al., 2015; Huang et al., 2016) because UVAs enter natural water directly when people are involved in aquatic recreation and indirectly via wastewater. Some UVAs are lipophilic, i.e., have high octanol–water partition coefficients (K_{ow} s) (Peng et al., 2017), suggesting that they may accumulate in biota.

It has recently been found that UVAs can bioaccumulate in various aquatic organisms. Benzophenone-3 (BP-3), octocrylene (OC), ethylhexylmethoxycinnamate (EHMC), and octyldimethyl *p*-aminobenzoic acid (OD-PABA) have been detected in marine organisms such as cod, mussels, and shrimp from the coasts of France, Norway, and Portugal (Bachelot et al., 2012; Groz et al., 2014; Langford et al., 2015). UVA components of sunscreen have also been detected in Franciscana dolphin tissues (Gago-Ferrero et al., 2013). EHMC, OC, BP-3, and 4-methylbenzylidene-camphor (4-MBC) have been found in aquatic organisms from lakes and rivers in Germany, Spain, and Switzerland (Balmer et al., 2005; Buser et al., 2006; Fent et al., 2010; Gago-Ferrero et al., 2015; Wick et al., 2016). UVAs have also been found in clams, mullet, and mussels from the Ebro River (Spain) and Tagus Delta (Portugal) (Cunha et al., 2015). 4-MBC has been found frequently and at a high mean concentration of 103 ng/g dry weight (dw) in seafood from the European Union (Cunha et al., 2018). However, little information is available on UVAs in biota outside Europe. UVAs have been found in urban creek from Canada (Lu et al., 2016, 2017) and Guanabara Bay, Brazil (Molins-Delgado et al., 2018). UVA accumulation in aquatic species in Asia has been investigated in only a few studies (Kim et al., 2011; Nakata et al., 2009, 2012; Peng et al., 2015, 2017). To date, studies of only a small number of UVAs in a small number of animal species have been performed, so the data available are insufficient for us to understand the global distributions of UVAs and the negative effects of UVAs on ecosystems. >20 organic UVAs may be added to cosmetics in China, and cosmetics may contain 4%–10% UVAs by weight (NHFPC, 2015). Little information on UVA accumulation in aquatic species in China is available. UVAs have been found in marine organisms from the South China Sea (Peng et al., 2015, 2017; Sang and Leung, 2016). However, to the best of our knowledge, no previous study has been focused on UVA accumulation in freshwater organisms in natural aquatic systems in China or on the potential risks posed by UVAs in natural aquatic ecosystems.

The UVAs show different bioaccumulation potency in aquatic species. Bioconcentration factors (BCFs) of 67–1500 and 700–2300 have been found for EHMC and 4-MBC, respectively (Balmer et al., 2005; Fent et al., 2010; Lu et al., 2016). Bioaccumulation factors of $10^{4.01}$ – $10^{6.72}$ have been found for 2-(2H-Benzotriazol-2-yl)-4,6-bis(1-methyl-1-phenylethyl)phenol (UV-234), and different bioaccumulation factors were found for different conditions and species (Lu et al., 2016). Various factors such as the species, body size, lipid content, and sampling location may affect UVA bioaccumulation (Gago-Ferrero et al., 2015). The trophic level of a species may affect the UVA bioaccumulation factor under field conditions because of UVA biomagnification (Fent et al., 2010; Peng et al., 2017). It has been confirmed in several studies that UVA accumulation is compound- and species-specific (Lu et al., 2016, 2017; Nakata et al., 2009; Vidal-Liñán et al., 2018). Field-based BCFs for UVAs are not available for Chinese aquatic species, especially freshwater fish.

The distributions of UVAs in different tissues in an animal can provide information about UVA metabolism and toxicity (Gago-Ferrero et al., 2012). After accumulating within the body, UVAs may enter the blood, enterohepatic, and/or lymphatic circulation systems and be distributed to various tissues (Lu et al., 2017). Endogenous partitioning and elimination processes will be affected by many factors, such as the metabolic potency of the target tissue, the exposure route, and the physicochemical properties of the target compound (Chen et al., 2017;

Tanoue et al., 2015). UVAs may be metabolized, excreted, or remain at high concentrations in tissues. Some fish organs are of particular interest. The gills are important because they are key entry points for xenobiotic compounds, the liver is of interest because of its role in xenobiotic metabolism, and muscles are of interest because humans can be negatively affected by consuming contaminated fish muscle tissues. UVA bioaccumulation has previously been found to be congener specific (Gago-Ferrero et al., 2015; Lu et al., 2017; Molins-Delgado et al., 2018). However, the selective bioaccumulation of UVAs in different organs and the tissue-specific distributions of UVAs remain poorly understood.

In this study, we investigated the distributions of 12 commonly used UVAs in six species of freshwater fish from Lake Chaohu, a large subtropical lake in China. To the best of our knowledge, UVAs in freshwater fish from natural aquatic systems in China have not previously been studied. This is the first time the partitioning of 12 UVAs between the gills, liver, and muscle of wild fish has been quantitatively investigated.

2. Materials and methods

2.1. Study area and sample collection

Lake Chaohu is the fifth largest freshwater lake in China, and has a surface area of ~760 km² and a capacity of between 1.72×10^9 and 3.23×10^9 m³. Lake Chaohu is on the flood plain between the Yangtze River and the Huaihe River in the center of Anhui Province in eastern China. A total of 54 species of fish from 16 families (significantly fewer than the historical record of 90 fish species) were found in Lake Chaohu in a survey conducted between 2002 and 2004 (Guo, 2005). It was estimated from the results of a survey performed between 2007 and 2010 that 14×10^3 – 14.5×10^3 t of fish biomass is produced in the lake each year (Zhao and Xi, 2015). More than 9.1×10^6 people live in the Lake Chaohu Basin, which is rapidly developing economically and contains many important industrial plants, including chemical, plastic, and textile plants. Lake Chaohu suffers from serious pollution (Wang et al., 2013; Yang et al., 2012). The polybrominated diphenyl ether (PBDE) concentration (mean (sum of eight PBDE) 43 ng/L and mean decabromodiphenyl ether concentration 42 ng/L) and tetrabromobisphenol A concentrations (maximum 4.87 µg/L) in water in Lake Chaohu have been found to be at the high end of concentrations found in aquatic environments around the world and are likely to pose great ecological risks to aquatic organisms in Lake Chaohu (Wang et al., 2013; Yang et al., 2012).

We collected samples of six fish species with large biomass yields from Lake Chaohu and determined the UVA concentrations in the samples. The fish species that were collected were bighead carp (*Aristichthys nobilis*), black carp (*Mylopharyngodon piceus*), common carp (*Cyprinus carpio*), grass carp (*Ctenopharyngodon idellus*), silver carp (*Hypophthalmichthys molitrix*), and snakehead (*Ophiocephalus argus* Cantor). The fish samples were collected from the center of the western half of Lake Chaohu in September 2016. The length and weight of each fish was determined, then the fish was wrapped in aluminum foil and frozen before being transported to the laboratory. In the laboratory, the fish were allowed to thaw naturally, then each fish was carefully skinned with a stainless-steel scalpel. The gills were removed, rinsed three times with Milli-Q water, then dried with filter paper. The gills, livers, and muscle tissues from 2 to 3 individuals were separately pooled to provide composite single-tissue samples for each species, to provide sufficient of each tissue for analysis. The numbers of composite samples produced are shown in Table 1. Each sample was freeze-dried, ground, homogenized, and then stored at –20 °C until further analysis was performed.

2.2. Sample preparation and instrumental analysis

A total of 12 UVAs was analyzed. The selected UVAs are permitted to be used in China by the NHFPC (2015) and have previously been found

Table 1Frequencies of detection, concentration ranges (means \pm standard deviation) of organic ultraviolet absorbents (ng/g dry weight) in muscle of wild fish from Lake Chaohu.

	Black carp n = 8	Common carp n = 5	SNAKEHEAD n = 8	Grass carp n = 6	Silver carp n = 8	Bighead carp n = 8	Detection frequency in all species
Body length (cm)	57.0–68.0	24.6–38.2	46.0–49.0	35.2–48.5	34.1–37.4	32.4–35.2	
Body weight (g)	2562–5450	321–1528	1251–1380	804–2400	875–1090	808–970	
Lipid content (%)	18.0	10.8	14.0	7.60	8.40	9.20	
BP	<1.23	<1.23	<1.23	<1.23	<1.23	<1.23	0
EHS	<0.46–2.60 (0.86 \pm 0.59)	<0.46	<0.46–2.85 (0.49 \pm 0.10)	1.14–8.87 (4.10 \pm 4.99)	<0.46–4.00 (1.97 \pm 0.01)	<0.46–1.24 (0.46 \pm 0.23)	58%
HMS	1.06–11.0 (2.55 \pm 0.31)	<0.13–1.04 (0.56 \pm 0.74)	0.84–2.68 (1.43 \pm 0.65)	0.98–2.97 (1.67 \pm 0.94)	1.46–3.70 (2.41 \pm 0.57)	1.09–2.04 (1.69 \pm 0.25)	95%
BP-3	<0.25–1.63 (0.64 \pm 0.67)	<0.25	<0.25–7.12 (2.96 \pm 5.03)	0.37–3.19 (1.94 \pm 0.15)	<0.25	<0.25–100 (19.6 \pm 11.3)	53%
4-MBC	0.54–6.83 (2.13 \pm 0.94)	<0.09–1.55 (0.70 \pm 0.76)	<0.09–4.96 (2.23 \pm 3.51)	3.04–16.2 (9.41 \pm 4.45)	1.10–10.8 (4.08 \pm 1.53)	0.95–3.77 (2.39 \pm 1.20)	91%
OD-PABA	<0.08–0.97 (0.22 \pm 0.59)	<0.08–4.12 (1.38 \pm 0.08)	<0.08–3.12 (2.01 \pm 2.05)	<0.08–0.77 (0.34 \pm 0.55)	<0.08–0.13 (<0.08)	<0.08–12.2 (2.18 \pm 2.62)	231%
EHMC	<0.14–9.94 (1.60 \pm 0.21)	<0.14–38.4 (10.2 \pm 27.2)	<0.14–41.2 (18.0 \pm 29.2)	<0.14–3.85 (0.75 \pm 0.47)	<0.14–4.14 (0.98 \pm 0.56)	<0.14–14.8 (2.54 \pm 10.4)	53%
UV-320	<0.17	<0.17	<0.17	<0.17	<0.17	<0.17	0
UV-326	<0.10–3.76 (1.48 \pm 5.51)	<0.10–2.39 (1.35 \pm 0.56)	0.69–12.1 (5.35 \pm 1.32)	1.38–13.8 (6.23 \pm 8.54)	<0.10–2.15 (0.93 \pm 0.13)	<0.10–14.6 (2.87 \pm 9.74)	79%
UV-329	0.67–0.78 (0.73 \pm 0.02)	<0.19	6–15.86 (5.38 \pm 0.76)	1.37–13.0 (3.57 \pm 0.37)	0.78–2.73 (1.49 \pm 0.56)	0.75–2.05 (1.22 \pm 0.34)	88%
OC	<0.73–2.88 (1.95 \pm 2.08)	<0.73–5.27 (2.50 \pm 2.05)	0.73–3.84 (1.04 \pm 0.83)	4.07–13.7 (8.43 \pm 3.19)	<0.73–8.95 (2.54 \pm 1.50)	<0.73–2.93 (1.25 \pm 1.51)	70%
UV-327	1.93–4.20 (3.07 \pm 0.10)	1.43–4.52 (2.82 \pm 1.38)	<0.23–10.43 (4.78 \pm 0.11)	<0.23–4.01 (1.61 \pm 2.30)	1.08–3.03 (2.16 \pm 0.31)	2.62–5.14 (3.75 \pm 1.45)	91%
Σ_{12} UVAs	7.65–24.8 (15.2 \pm 7.15)	8.66–50.7 (19.5 \pm 29.7)	13.8–59.3 (43.7 \pm 30.7)	24.3–52.0 (38.0 \pm 19.6)	11.3–26.6 (16.6 \pm 2.01)	7.78–120 (38.0 \pm 19.6)	

Concentration of individual chemical less than method detection limit was calculated using 0 when calculating the Σ_{12} UVAs, mean, standard deviation, respectively.

in environmental media in China. The selected UVAs had log K_{ow} s of 3.15–6.91 (Table S1). The selected UVAs can interact with hormone receptors and therefore have hormonal activities. Information on the 12 UVAs is presented in Table S1. The standards and other materials are described in the Supplementary Data. Each gill, liver, or muscle sample was extracted by ultrasonication with a 1:1 v/v mixture of acetone and *n*-hexane. The UVA concentrations in the extracts were determined using an Agilent 7890 gas chromatograph coupled to an Agilent 5975 mass spectrometer (Agilent Technologies, Santa Clara, CA, USA). The extraction and analysis methods are described in detail in the Supplementary data.

2.3. Quality assurance/quality control

Each target compound was identified if the ion abundance ratio of a peak at the correct retention time in a sample chromatogram matched the ion abundance ratio of the relevant peak in the standard chromatograms. The UVA concentrations were determined using an internal standard method. The linearity for each UVA over the concentration range 10–400 μ g/L was investigated by analyzing replicate standards at seven different concentrations in the concentration range tested. The reproducibility of the method and the relative recoveries of the analytes were determined by analyzing five fish muscle samples that had been spiked with the target compounds at two levels, respectively. The recoveries were 71.2%–108% and the relative standard deviations were <8.25%. The limit of detection (LOD) was defined as the concentration giving a signal-to-noise ratio of 3. The UVA LODs were 0.08–1.23 ng/g dw. The quality assurance/control parameters for each UVA are shown in Table S2 in the Supplementary Data. A procedural blank extract and an extract of a sample spiked with UVA standards were injected after every 8–10 samples to assess contamination during the sample preparation process and to monitor the instrument performance, respectively. All analyses were performed in duplicate. The analyte concentrations were not corrected for the recoveries.

2.4. Data analysis

The BCF (L/kg) for a UVA was calculated using the equation $BCF_{muscle} = C_{muscle}/C_{water}$, where C_{muscle} is the concentration (in ng/kg wet weight) in fish muscle and C_{water} (ng/L) is the mean concentration in water from Lake Chaohu. The UVA concentrations are shown in Fig. S1 in the Supplementary data. The mean concentration of each UVA in lake water was used. Each concentration in fish muscle below the LOD was replaced with $0.5 \times LOD$ when calculating the BCF, although this could have caused bias in the BCF. The log BCF values for the UVAs were predicted using the Estimation Programs Interface Suite (V4.11) (USEPA, 2017).

Preferential accumulation of UVAs in the gills was assessed by dividing the total UVA concentration in the gills by the total UVA concentration in the gills and muscle tissue. A ratio of 0.5 indicated that no preferential accumulation occurred, and a higher or lower ratio indicated preferential accumulation in the gills or muscle, respectively (Voorspoels et al., 2003). Comparable methods were used to assess preferential accumulation in the liver and muscle. Each UVA concentration below the LOD was replaced with $0.5 \times LOD$ in the preferential accumulation calculations.

The data were processed using SPSS 18.0 software (SPSS, Chicago, IL, USA). Groups were compared using a nonparametric test because the data did not consistently follow normal distributions. Correlation hypotheses were tested using two-tailed Pearson's correlation analyses. Differences were considered significant at $p < 0.05$.

3. Results and discussion

3.1. UVAs in muscle

The UVA distributions and concentrations in the wild fish samples are shown in Table 1 and Fig. S2. Benzophenone (BP) was not detected out in any of the fish muscle samples even though BP has previously been found at high concentrations in water and sediment from Lake

Chaohu (Han, 2018). BP has a relatively low log K_{ow} of 3.15, and may be metabolized easily (Jeon et al., 2008). The 2-(2'-hydroxy-3',5'-di-tert-butylphenyl)benzotriazole (UV-320) concentrations in the muscle tissues were <LOD. UV-320 was also not detected in mussel samples from the Chinese coast (Nakata et al., 2012). In previous studies, UV-320 was not detected in many Chinese industrial products such as plastics and textiles (Wang et al., 2015, 2016), suggesting that UV-320 is not widely used in China. The most frequently detected UVAs were homosalate (HMS), 4-MBC, and 2-(2'-hydroxy-3',5'-di-tert-butylphenyl)-5-chlorobenzotriazole (UV-327), and the next most frequently detected UVAs were octrizole (UV-329), bumetrizole (UV-326), and OC, indicating that these UVAs are found widely in wild fish in Lake Chaohu. The most frequently detected UVAs in freshwater and marine organisms in previous studies were BP-3, 4-MBC, EHMC, and benzotriazole UV stabilizers (BZT-UVAs) (Alonso et al., 2015; Bachelot et al., 2012; Balmer et al., 2005; Buser et al., 2006; Langford et al., 2015; Nakata et al., 2009).

The total concentrations of 10 UVAs (Σ_{10} UVAs) in the six fish species samples were 7.65–120 ng/g dw. As shown in Fig. 1, the EHMC, 4-MBC, and OC concentrations were relatively high and contributed, on average, 19.8%, 13.1%, and 11.5%, respectively, of the Σ_{10} UVA concentration. The BP-3, 4-MBC, EHMC, and OC concentrations were comparable to concentrations previously found in freshwater fish from the Llobregat, Ebro, and Júcar rivers in Spain but lower than found in fish from the Guadalquivir River Basin, also in Spain (Gago-Ferrero et al., 2015). Langford et al. (2015) found BP-3, EHMC, and OC at concentrations of 6.5, 36, and 2.1 ng/g wet weight, respectively, in perch from Lake Mjøsa, Norway. The EHMC and OC concentrations in fish from Lake Chaohu were 3–13 times higher than concentrations found in fish from Swiss lakes but lower than concentrations found in fish from Swiss rivers (Balmer et al., 2005; Buser et al., 2006). The BP-3, 4-MBC,

EHMC, and OC concentrations in fish from Lake Chaohu were comparable to concentrations found in *Mugil liza* from Guanabara Bay, Brazil, but higher than concentrations found in wild biota from the Pearl River Estuary and from the Hong Kong coast (Molins-Delgado et al., 2018; Peng et al., 2017; Sang and Leung, 2016). OD-PABA has been detected in many organisms from the Brazilian coast but not in wild mussels from the Pearl River Estuary, the French coast, or Guanabara Bay (Bachelot et al., 2012; Molins-Delgado et al., 2018; Peng et al., 2017). The OD-PABA concentrations in many of our samples were <LOD. Little information is available on ethylhexyl salicylate (EHS) and HMS concentrations in wild organisms. We detected EHS and HMS in 58% and 95%, respectively, of the total fish samples but at concentrations in the low nanograms per gram dw.

The dominant BZT-UVA was UV-327, which contributed 4.24%–20.1% of the Σ_{10} UVA concentrations in the six fish species. BZT-UVAs have previously been detected in many aquatic species from other parts of the world. The UV-326, UV-327, and UV-329 concentrations were all <LOD in fish from Lake Mjøsa, Norway, and from an urban creek in Canada (Langford et al., 2015; Lu et al., 2016). Consistent with our results, UV-326, UV-327, and UV-329 concentrations of <LOD–71, <LOS–221, and <LOD–97 ng/g lipid weight, respectively, were found in wild fish from Manila Bay (Kim et al., 2011). UV-326 and UV-327 concentrations of <LOD–5.6 and <LOD–9.6 ng/g wet weight, respectively, have been found in various species from the Ariake Sea, Japan, and comparable concentrations have been found in biota from the Pearl River Estuary, and these concentrations were generally lower than the concentrations in the fish samples we analyzed (Nakata et al., 2009; Peng et al., 2017). UVA concentrations may be different in different aquatic organisms because of different UVA use patterns and background BZT-UVA contamination levels being different in different environments but may also be related to compound- and species-specific differences in UVA bioaccumulation (Lu et al., 2016, 2017; Kim et al., 2011; Nakata et al., 2009).

Independent-sample statistical tests (Kruskal–Wallis H tests) indicated that the Σ_{10} UVA concentrations in the six fish species were significantly different ($p < 0.01$), suggesting that the different fish species accumulate UVAs to different degrees. Snakehead and black carp had the highest and lowest Σ_{10} UVA concentrations, respectively. This may be because different species have different habitats and feeding habits. Peng et al. (2017) found significantly higher BP-3 and 2-(2H-benzotriazol-2-yl)-4,6-bis(1-methyl-1-phenylethyl)phenol concentrations in detritus-feeding fish than in carnivorous and planktivorous fish from the South China Sea. Gago-Ferrero et al. (2015) also found different UVA concentrations in fish species with different dietary and stratum preferences. Fent et al. (2010) found a trend in EHMC biomagnification for selected predator–prey relationships. In another study, UV-329 and octocrylene were found to biomagnify through the marine food web (Peng et al., 2017). The highest EHMC concentration in our samples was in snakehead, which is carnivorous. However, only the BP-3 concentrations in our samples significantly correlated ($p = 0.014$) with the $\delta^{15}\text{N}$ ‰ values (indicating the trophic level) found in a previous study (Zhong, 2018). It is therefore unclear whether biomagnification contributed to the differences in the UVA concentrations in the muscle samples.

No significant correlations were found between the UVA concentrations in the fish samples and the lipid contents of the fish samples. The fish size (body weight and length) was not related to the UVA concentration. Similar results have been found for other fish species from the Pearl River Estuary and Iberian River Basins (Gago-Ferrero et al., 2015; Peng et al., 2017). The 4-MBC, OC, and EHS concentrations positively correlated with each other ($p < 0.05$), indicating these UVAs had similar accumulation patterns or similar sources (commercial and/or industrial products). No significant relationships were found between the other BZT-UVA concentrations except for the UV-326 and UV-329 concentrations in the fish samples. In contrast, the concentrations of several BZT-UVAs in organisms from the Ariake Sea and Manila Bay significantly

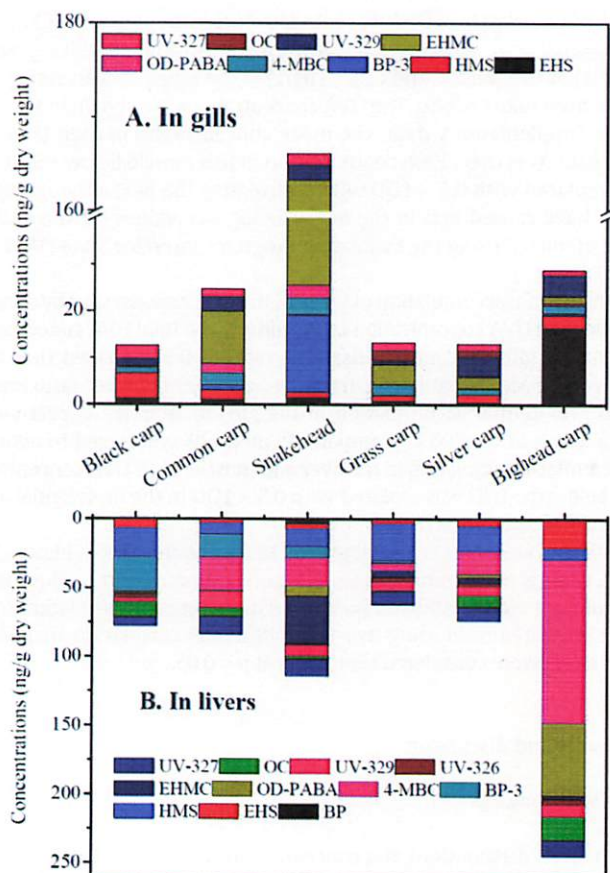


Fig. 1. Total concentrations of UVAs in gills (A) and livers (B) of the investigated fish from Lake Chaohu.

correlated (Kim et al., 2011; Nakata et al., 2009). UVAs may have different excretion rates, uptake rates, and metabolism in different fish species, and these may all contribute to there being different UVA distributions in different fish species. No correlations were found between the UVA concentrations and the log K_{ow} values for the UVAs. These results suggest that UVA bioaccumulation and elimination may be both compound- and species-specific.

3.2. BCFs

Muscle BCFs (BCF_{muscle}) were calculated to allow the abilities of the fish to take up UVAs to be assessed, and the results are shown in Table 2. There were significant interspecies differences ($p < 0.05$) in the log BCF_{muscle} values for the target UVAs except for OD-PABA, EHMC, and UV327. However, no relationships were found between the UVA log BCF_{muscle} values and the body weights and lengths. UV-327 had the highest mean log BCF_{muscle} value, UV-326 the next highest, and 4-MBC the next. UVA BCF_{muscle} values have been determined under field conditions in few studies. 4-MBC was found to have log BCFs of 3.99–4.36 in fish from Swiss lakes (Balmer et al., 2005). UV-327 and UV-320 were found to have log BCFs of ~3.78 and ~4.52, respectively, in finless porpoises from the Ariake Sea (Nakata et al., 2010). Fent et al. (2010) found log BCF_{muscle} values of 2.12–3.18 (mean 2.88) for EHMC in freshwater fish. The different log BCF_{muscle} values we found may have been caused by interspecies differences in UVA uptake, elimination, and metabolism. Temporal variations in UVA concentrations and variations in UVA bioavailability in water also probably contributed to the different log BCF_{muscle} values.

No significant relationships were found between the UVA log BCF_{muscle} values and log K_{ow} values. Significant parabolic relationships were found in some previous studies between log BCF and log K_{ow} values for chemicals with high log K_{ow} values, such as polychlorinated biphenyls (PCBs) (log K_{ow} 4.7–8.5), short-chain chlorinated paraffins (log K_{ow} 5.1–6.6), and BZT-UVAs (log K_{ow} 5.3–12.2) (Zhu et al., 2015; Lu et al., 2016; Sun et al., 2017). This was attributed to the poor bioavailabilities of such hydrophobic chemicals (Buckman et al., 2006; Kelly et al., 2011; Lu et al., 2016). The lack of a relationship between log BCF_{muscle} and log K_{ow} for the UVAs in our study indicated that UVA uptake and elimination in fish are affected by many factors in addition to the log K_{ow} values. These results indicate that selective bioaccumulation of UVAs cannot be predicted from the UVA log K_{ow} values.

We compared the measured log BCF_{muscle} values with log BCF_{muscle} values calculated using the Estimation Programs Interface Suite (V4.11). As shown in Table 2, the measured log BCF_{muscle} values were generally lower than the predicted values except for UV-326. Lower measured BCFs than calculated BCFs have previously been found for OD-PABA, BP-3, and OC (Blüthgen et al., 2012, 2014; Ma et al., 2017). This may be because these chemicals can be metabolized by fish. For example, BP-3 can be transformed into benzophenone-1 by adult zebrafish (Blüthgen et al., 2012). Vidal-Liñán et al. (2018) found very

low BP-3 and OD-PABA concentrations in mussels, and they found maximum concentrations 1–2 d after exposure and that the concentrations then decreased. This accumulation pattern indicates that BP-3 and OD-PABA can be biotransformed in mussels. Most UVAs are very lipophilic, so they will be absorbed by the excreta in fish. The apparent bioavailabilities of UVAs may therefore be low, and they may not bioaccumulate in fish as much as theoretically expected (Kaiser et al., 2012).

The characteristics of ambient water (e.g., the pH and dissolved organic matter concentration) may also have contributed to the differences between the measured and predicted BCF_{muscle} values. BZT-UVAs are very weak acids with pK_a values of 7–10, so their uptake and bioconcentration potentials will increase as the pH increases (Tanoue et al., 2015). The dissolved organic matter concentration was found to affect OD-PABA bioconcentration in crucian carp (Ma et al., 2017). Different mean log BCF values were found for different UVAs (Table 2), and this may be related to different UVAs having different uptake and biotransformation rates and/or the UVA concentrations in the water phase and organism phase not being in equilibrium (Tanoue et al., 2015).

3.3. Distributions in gills

The UVA concentrations in the gills of the six fish species were determined (Fig. 1(A)). BP and UV-320 were not detected in the gill samples. The Σ_{10} UVA concentrations in the gill samples were 12.5–166 ng/g dw (mean 43.0 ng/g dw). EHMC, UV-329, and HMS made the largest contributions to the Σ_{10} UVA concentrations. However, BP-3 and EHS were the dominant UVAs in snakehead and bighead carp, respectively. The gills are some of the most exposed organs of a fish to pollutants in the environment, and are in continuous contact with the water. Xenobiotic compounds in the water are taken up through the gills and can accumulate in the gill tissue. UVA concentrations in fish gills have been little studied. The BP-3, OC, 4-MBC, and EHMC concentrations found in the gills of *Mugiliza* in a previous study (Molins-Delgado et al., 2018) were comparable to the concentrations found in our samples.

No relationships were found between the UVA concentrations in the gill samples and the body weights and lengths of the fish or the lipid contents of the gill samples, and no significant relationships were found between the UVA concentrations in the gill samples and the UVA log K_{ow} values. BCF_{muscle} values under field conditions are normally controlled by uptake from both the diet and through the gills (Kobayashi et al., 2013). In a previous study, wild fish in streams were found to take up and eliminate pharmaceutical and personal care products predominantly through the gill membranes. It was proposed that uptake and elimination through the gills contributed more to the BCF_{plasma} values than did dietary exposure (Tanoue et al., 2015). We explored the relationships between the UVA concentrations in the gill samples and the log BCF_{muscle} values. The concentrations of 10 UVAs in the gill samples (on a dw or lipid weight basis) increased as the log BCF_{muscle} values decreased, but none of the correlations were

Table 2

The log values of observed and predicted bioconcentration factors (BCFs, L/kg) of organic ultraviolet absorbents in wild fish from Lake Chaohu.

	Black carp n = 8	Common carp n = 5	Snakehead n = 8	Grass carp n = 6	Silver carp n = 8	Bighead carp n = 8	Mean of observed values	Predicted values
BP	–	–	–	–	–	–	–	1.18
EHS	1.13 ± 0.34	0.98	0.98 ± 0.35	1.77 ± 0.36	1.50 ± 0.33	0.92 ± 0.28	1.21	3.61
HMS	1.25 ± 0.34	0.65 ± 0.47	1.13 ± 0.22	1.21 ± 0.19	1.38 ± 0.15	1.24 ± 0.10	1.14	3.73
BP-3	0.51 ± 0.36	0.17	0.92 ± 0.70	0.96 ± 0.36	0.17 ± 0.00	1.11 ± 1.11	0.64	1.58
4-MBC	2.39 ± 0.37	1.83 ± 0.61	2.27 ± 0.71	3.13 ± 0.26	2.72 ± 0.33	2.56 ± 0.19	2.48	3.57
OD-PABA	1.99 ± 0.44	2.40 ± 0.89	2.95 ± 0.61	2.29 ± 0.38	1.78 ± 0.07	2.35 ± 0.95	2.29	3.47
EHMC	0.87 ± 0.64	1.45 ± 1.10	1.92 ± 1.03	0.66 ± 0.60	0.89 ± 0.55	0.78 ± 0.84	1.09	3.69
UV-320	–	–	–	–	–	–	–	3.58
UV-326	2.52 ± 0.79	3.01 ± 0.55	3.60 ± 0.43	3.69 ± 0.40	2.86 ± 0.43	3.06 ± 0.65	3.12	3.11
UV-329	1.82 ± 0.02	1.23	2.42 ± 0.54	2.32 ± 0.37	2.08 ± 0.21	2.02 ± 0.15	1.98	3.77
OC	1.26 ± 0.65	1.51 ± 0.42	1.21 ± 0.33	2.10 ± 0.19	1.46 ± 0.41	1.24 ± 0.33	1.46	4.21
UV-327	3.25 ± 0.11	3.19 ± 0.21	3.24 ± 0.56	2.71 ± 0.63	3.09 ± 0.14	3.33 ± 0.13	3.13	4.01

statistically significant. This suggested that UVA uptake through the gills affected UVA accumulation in fish muscle.

It is generally more difficult for large molecules than small molecules to cross a membrane, so the accumulation of large molecules in gills will be limited (Kierkegaard et al., 1999). However, we did not find a significant relationship between UVA accumulation in gills and UVA molecular weight. This suggested that the UVA molecular weight is not related to the ability of the UVA to cross membranes. In previous studies of the permeabilities of lipid bilayers to small molecules it was found that the abilities of many drugs to cross membranes are not related to the molecular weights of the drugs (Bemporad et al., 2004; Orsi et al., 2009).

The gill accumulation ratios for seven UVAs (excluding UVAs found in few gill samples) were determined from the UVA concentrations in the gill and muscle samples. The mean gill accumulation ratios for the seven chemicals in the six fish species that were studied were 0.357–0.602. As shown in Fig. 2, slight preferential gill storage of a small number of chemicals was found, implying that UVAs tend to be transferred to fish muscle tissues after being absorbed through the gills. Significant negative correlations ($p < 0.05$) were found between the gill accumulation ratios and field-based and wet-weight-based log BCFs for seven UVAs (Fig. 2), indicating that intake through the gills and subsequent transfer to other tissues are important contributors to UVA accumulation in muscle tissue. The ratios for the different UVAs varied widely, suggesting that different UVAs are taken up at different rates by fish and that UVAs are accumulated to different degrees by different fish tissues.

3.4. Accumulation in liver

UV-320 was not detected out in any of the liver samples, and BP was detected in only snakehead liver. The total UVA concentrations and concentration profiles are shown in Fig. 1(B). The most abundant UVAs were 4-MBC, HMS, and UV-327. UVA concentrations in wild fish liver have been determined in few previous studies. BP-3, EHMC, and OC were found at concentrations of <20–1037, <30–36.9, and <20–11,875 ng/g dw, respectively, in cod livers (Langford et al., 2015). Those concentrations were higher than the concentrations in our samples. UVA concentrations previously found in *Mugil liza* livers (Molins-Delgado et al., 2018) were also higher than the concentrations found in our samples. However, the UV-327 and UV-329 concentrations in our samples were comparable to concentrations found in livers from fish from an urban creek in Canada (Lu et al., 2016).

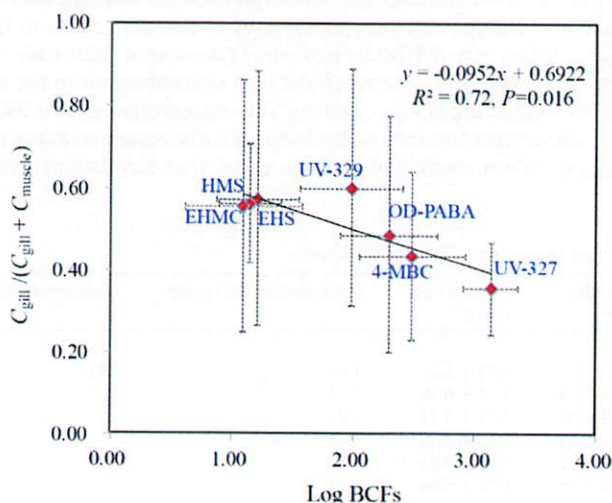


Fig. 2. Relationship of UVA accumulation ratios in fish gills versus logarithm of muscle bioconcentration factors (BCFs) field based wet-weight. The other UVAs were not included in the fitted line due to their lower detection frequencies in gills or muscles of the investigated fish.

The total UVA concentrations in the livers from the six different fish species were significantly different ($p < 0.05$). The highest UVA concentrations were found in bighead carp livers and the next highest in snakehead livers. The differences will have reflected differences in UVA accumulation and elimination in the livers of different species. UVA distributions in different tissues from each of the six fish species were assessed. The total UVA concentrations in the different snakehead tissues were not significantly different ($p = 0.17$). The total UVA concentrations in the different tissues were different for the other species. The UVA concentrations decreased in the order gill > liver > muscle for bighead carp ($p = 0.008$) and liver > muscle > gill for black carp ($p = 0.004$), common carp ($p = 0.013$), grass carp ($p = 0.013$), and silver carp ($p = 0.006$). The differences were probably related to the snakehead, bighead carp, and other fish species being exposed to different UVA concentrations and interspecies variability in UVA elimination and biotransformation. Brominated flame retardants, organochlorine chemicals, short-chain chlorinated paraffins, and BZT-UVAs have been found to preferentially accumulate in the liver relative to muscle in many marine and terrestrial organisms, including fish, in previous studies (Bodiguel et al., 2009; Brázová et al., 2012; Lu et al., 2017; Sun et al., 2017; Wu et al., 2009). This is probably related to the strong affinity of the phase-I biotransformation enzyme cytochrome P450 for such lipophilic compounds (Lu et al., 2017; Sun et al., 2017; Wu et al., 2009). The xenobiotic contaminant OD-PABA has been found to induce cytochrome P-450 activity in *Carassius auratus* (Lu et al., 2017), but other enzymes, such as esterases, can also modify UVAs (Liang et al., 2017). Differences in detoxifying activities in the liver could therefore cause some UVAs (the less easily detoxified UVAs) to accumulate more than other UVAs (the more easily detoxified UVAs) in the liver.

No significant positive correlations were found between the UVA concentrations in the liver samples and the fish body weights and lengths ($p > 0.05$). The UVA concentrations in the liver samples increased as the UVA log K_{ow} values increased, although the correlation was not statistically significant ($r = 0.515$). Lipophilic compounds have been found to accumulate in liver in many previous studies (Lu et al., 2017; Sun et al., 2017; Wu et al., 2009). In our samples the lipid contents of the liver samples (means 16.8%–30.4%) were significantly higher than the lipid contents of the muscle samples (means 7.60%–18.1%). The relatively high lipid content of the liver may favor lipophilic UVAs being deposited in the liver, decreasing the abilities of the UVAs to cross the liver membranes and be released from the liver (Tanoue et al., 2015). UVAs may also be transported to the liver, which is a xenobiotic-metabolizing organ, and be metabolized in the liver before being able to be transported to other tissues. It is important to note that UVA accumulation in the liver will be a complex process. For example, BZT-UVAs may bind to serum albumin through hydrogen bonds or electrostatic interactions, suggesting that there may be special bioaccumulation mechanisms in hepatic tissues in addition to hydrophobicity-driven partitioning (Zhuang et al., 2016). A significant positive linear correlation ($p = 0.014$) was found between the total UVA concentrations in the liver samples and the $\delta^{15}N$ ‰ values for the fish (Fig. S3), suggesting that the trophic level of an organism may affect the UVA concentration in the liver.

Preferential accumulation ratios were calculated for eight of the UVAs (Fig. 3). Preferential accumulation ratios were not calculated for BP and UV-320 because they were detected in few liver and muscle samples. The preferential accumulation ratios of the eight UVAs were 0.414–0.896, indicating that the UVAs were preferentially stored in the liver. The different ratios for different UVAs indicated that different UVAs are accumulated to different degrees in the liver. No significant correlation was found between the log K_{ow} values and the preferential accumulation ratios, implying that UVA accumulation in the liver is governed by active hepatic accumulation processes in addition to passive redistribution governed by the lipid contents of the tissues (Voorspoels et al., 2003).

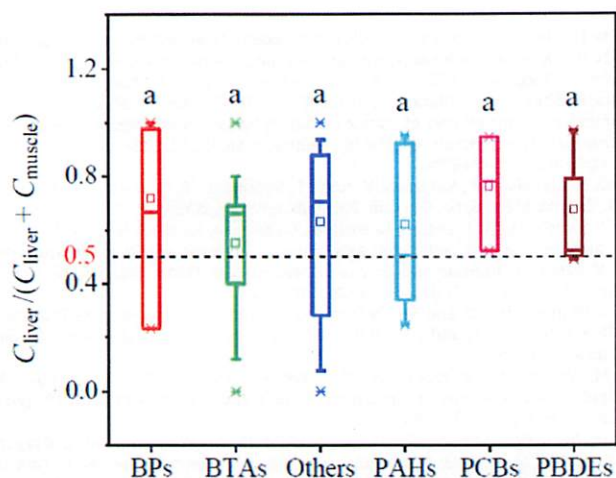


Fig. 3. Liver accumulation ratios of different chemicals observed in wild fish. BPs only refers to BP-3; BTAs including UV-326, UV-27 and UV-329; Others including EHS, HMS, 4-MBC, OD-PABA, EPMC and OC; PAHs including fluorine, pyrene, anthracene, chrysene and phenanthrene, and the data from references (Solé et al., 2001; Xu et al., 2011; Zhao et al., 2014); PCBs including PCB52, 101, 138, 153 and PCB 180, and the data from references (Bodiguel et al., 2009; Brázová et al., 2012; Xian et al., 2008); PBDEs including PBDE99, 100, 153, 154 and PBDE183, and the data from references (Carlsson et al., 2011; Wu et al., 2009; Xian et al., 2008). Boxplots are defined as follows: center line, median; hollow block, mean; boxplot edges, 25th and 75th percentiles; whiskers, 10th and 90th percentiles of distribution.

A better understanding of the accumulation of UVAs in fish livers was gained by comparing the preferential accumulation ratios with preferential accumulation ratios previously found for polycyclic aromatic hydrocarbons (PAHs), PBDEs, and PCBs in other parts of the world (Fig. 3). It was difficult to make comparisons because different aquatic species were used in different studies, so simple comparisons were made where possible using fish species with similar habitats, feeding habits, and trophic levels. The BP-3, BZT-UVA, and other UVA preferential accumulation ratios were not significantly different from the PAH, PCB, and PBDE preferential accumulation ratios ($p > 0.05$), suggesting that the liver may have similar UVA accumulation capacities and PAH, PCB, and PBDE accumulation capacities, although our data were limited. As mentioned in other publications, hepatic sequestration is an important pharmacokinetic property when quantifying the toxic equivalencies of chemicals (Van den Berg et al., 1998).

The liver accumulation ratios significantly and negatively correlated with the log BCF_{muscle} values for EHS ($p = 0.002$), OC ($p = 0.007$), and UV-329 ($p = 0.013$), implying that preferential liver accumulation may mitigate the distributions of these UVAs into muscle tissues. Wan et al. (2006) found that polychlorinated dibenzo-*p*-dioxin and dibenzofuran trophic magnification factors are strongly affected by tissue selectivity for the more-chlorinated isomers. In previous studies, HMS, UV-329 and UV-531 trophic magnification factors of 1.52, 1.61, and 1.70, respectively, have been found, and some UVAs (e.g., 2-(2H-benzotriazol-2-yl)-4,6-bis(1-methyl-1-phenylethyl)phenol and BP-3) have been found to undergo trophic dilution in aquatic food webs (Peng et al., 2017; Zhong, 2018). It is therefore still unclear how hepatic sequestration of UVAs affects the trophic transfer of UVAs. This will need to be studied in more detail in future studies.

4. Conclusions

Our results confirmed that fish in Lake Chaohu are moderately to highly contaminated with UVAs except for BP and UV-320. We detected EHS and HMS in a wide range of wild fish species. UVA bioaccumulation data are provided in this paper, and UVA concentrations found in fish in Lake Chaohu are compared with UVA concentrations found in other organisms in other areas. Our results indicated that UVAs are selectively taken up by various fish species at different trophic levels. The log

BCF_{muscle} values were generally lower than predicted using a model, suggesting the toxicological risks posed by UVAs to wild fish may be overestimated in risk assessments based only on model predictions. Hepatic sequestration of UVAs was found, and the accumulation capacity of the liver for UVAs was found to be similar to the accumulation capacities of the liver previously found for PAHs, PCBs, and PBDEs. The toxic effects that could be caused by UVAs retained in the liver should be of great concern. Our results indicate that determining UVA concentrations in target organs provides information that may improve our understanding of UVA uptake, accumulation, and elimination in wild fish and the risks posed by UVAs to wild fish. Future studies focused on UVA hepatotoxicities and biotransformation will further improve our understanding of the risks posed by UVAs to organisms.

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Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.scitotenv.2018.08.117>.

References

- Alonso, M.B., Feo, M.L., Corcellas, C., Gago-Ferrero, P., Bertozzi, C.P., Marigo, J., Flach, L., Meirelles, A.C., Carvalho, V.L., Azevedo, A.F., Torres, J.P., Lailson-Brito, J., Malm, O., Diaz-Cruz, M.S., Eljarrat, E., Barceló, D., 2015. Toxic heritage: maternal transfer of pyrethroid insecticides and sunscreen agents in dolphins from Brazil. *Environ. Pollut.* 207, 391–402. <https://doi.org/10.1016/j.envpol.2015.09.039>.
- Bachelot, M., Li, Z., Munaron, D., Le Gall, P., Casellas, C., Fenet, H., Gomez, E., 2012. Organic UV filter concentrations in marine mussels from French coastal regions. *Sci. Total Environ.* 420, 273–279. <https://doi.org/10.1016/j.scitotenv.2011.12.051>.
- Balmer, M.E., Buser, H.R., Müller, M.D., Poiger, T., 2005. Occurrence of some organic UV filters in wastewater, in surface waters, and in fish from Swiss Lakes. *Environ. Sci. Technol.* 39, 953–962. <https://doi.org/10.1021/es040055r>.
- Bemporad, D., Luttmann, C., Essex, J.W., 2004. Computer simulation of small molecule permeation across a lipid bilayer: dependence on bilayer properties and solute volume, size, and cross-sectional area. *Biophys. J.* 87, 1–13. <https://doi.org/10.1529/biophysj.103.030601>.
- Blüthgen, N., Zucchi, S., Fent, K., 2012. Effects of the UV filter benzophenone-3 (oxybenzone) at low concentrations in zebrafish (*Danio rerio*). *Toxicol. Appl. Pharmacol.* 263, 184–194. <https://doi.org/10.1016/j.taap.2012.06.008>.
- Blüthgen, N., Meili, N., Chew, G., Odermatt, A., Fent, K., 2014. Accumulation and effects of the UV-filter octocrylene in adult and embryonic zebrafish (*Danio rerio*). *Sci. Total Environ.* 476–477, 207–217. <https://doi.org/10.1016/j.scitotenv.2014.01.015>.
- Bodiguel, X., Loizeau, V., Le Guellec, A.M., Rouspard, F., Philippon, X., Mellon-DI, C., 2009. Influence of sex, maturity and reproduction on PCB and *p,p'*-DDE concentrations and repartitions in the European hake (*Merluccius merluccius*, L.) from the Gulf of Lions (N.W. Mediterranean). *Sci. Total Environ.* 408, 304–311. <https://doi.org/10.1016/j.scitotenv.2009.10.004>.
- Bratkovic, S., Wirth, E., Sapozhnikova, Y., Pennington, P., Sanger, D., 2015. Baseline monitoring of organic sunscreen compounds along South Carolina's coastal marine environment. *Mar. Pollut. Bull.* 101, 370–377. <https://doi.org/10.1016/j.marpolbul.2015.10.015>.
- Brázová, T., Hanzelová, V., Miklisová, D., 2012. Bioaccumulation of six PCB indicator congeners in a heavily polluted water reservoir in eastern Slovakia: tissue-specific distribution in fish and their parasites. *Parasitol. Res.* 111, 779–786. <https://doi.org/10.1007/s00436-012-2900-3>.
- Buckman, A.H., Wong, C.S., Chow, E.A., Brown, S.B., Solomon, K.R., Fisk, A.T., 2006. Biotransformation of polychlorinated biphenyls (PCBs) and bioformation of hydroxylated PCBs in fish. *Aquat. Toxicol.* 78, 176–185. <https://doi.org/10.1016/j.aquatox.2006.02.033>.
- Buser, H.R., Balmer, M.E., Schmid, P., Kohler, M., 2006. Occurrence of UV filters 4-methylbenzylidene camphor and octocrylene in fish from various Swiss rivers with inputs from wastewater treatment plants. *Environ. Sci. Technol.* 40, 1427–1431. <https://doi.org/10.1021/es052088s>.
- Carlsson, P., Herzke, D., Wedborg, M., Gabrielsen, G.W., 2011. Environmental pollutants in the Swedish marine ecosystem, with special emphasis on polybrominated diphenyl ethers (PBDE). *Chemosphere* 82, 1286–1292. <https://doi.org/10.1016/j.chemosphere.2010.12.029>.
- Chen, F., Gong, Z., Kelly, B.C., 2017. Bioaccumulation behavior of pharmaceuticals and personal care products in adult zebrafish (*Danio rerio*): influence of physical-chemical properties and biotransformation. *Environ. Sci. Technol.* 51, 11085–11095. <https://doi.org/10.1021/acs.est.7b02918>.

- Cunha, S.C., Fernandes, J.O., Vallecillos, L., Cano-Sancho, G., Domingo, J.L., Pocurull, E., Borrull, F., Maulvault, A.L., Ferrari, F., Fernandez-Tejedor, M., Van den Heuvel, F., Kotterman, M., 2015. Co-occurrence of musk fragrances and UV-filters in seafood and macroalgae collected in European hotspots. *Environ. Res.* 143 (Pt B), 65–71. <https://doi.org/10.1016/j.envres.2015.05.003>.
- Cunha, S.C., Trabalón, L., Jacobs, S., Castro, M., Fernandez-Tejedor, M., Granby, K., Verbeke, W., Kwadijk, C., Ferrari, F., Robbens, J., Sioen, I., Pocurull, E., Marques, A., Fernandes, J.O., Domingo, J.L., 2018. UV-filters and musk fragrances in seafood commercialized in Europe union: occurrence, risk and exposure assessment. *Environ. Res.* 161, 399–408. <https://doi.org/10.1016/j.envres.2017.11.015>.
- Fent, K., Zenker, A., Rapp, M., 2010. Widespread occurrence of estrogenic UV-filters in aquatic ecosystems in Switzerland. *Environ. Pollut.* 158, 1817–1824. <https://doi.org/10.1016/j.envpol.2009.11.005>.
- Gago-Ferrero, P., Díaz-Cruz, M.S., Barceló, D., 2012. An overview of UV-absorbing compounds (organic UV filters) in aquatic biota. *Anal. Bioanal. Chem.* 404, 2597–2610. <https://doi.org/10.1007/s00216-012-6067-7>.
- Gago-Ferrero, P., Alonso, M.B., Bertozzi, C.P., Marigo, J., Barbosa, L., Cremer, M., Secchi, E.R., Domit, C., Azevedo, A., Lailson-Brito Jr., J., Torres, J.P., Malm, O., Eljarrat, E., Díaz-Cruz, M.S., Barceló, D., 2013. First determination of UV filters in marine mammals. Octocrylene levels in Franciscana dolphins. *Environ. Sci. Technol.* 47, 5619–5625. <https://doi.org/10.1021/es400675y>.
- Gago-Ferrero, P., Díaz-Cruz, M.S., Barceló, D., 2015. UV filters bioaccumulation in fish from Iberian river basins. *Sci. Total Environ.* 518–519, 518–525. <https://doi.org/10.1016/j.scitotenv.2015.03.026>.
- Groz, M., Martínez Bueno, M.J., Rosain, D., Fenet, H., Casellas, C., Pereira, C., Maria, V., Bebianno, M.J., Gomez, E., 2014. Detection of emerging contaminants (UV filters, UV stabilizers and musks) in marine mussels from Portuguese coast by QuEChERS extraction and GC-MS/MS. *Sci. Total Environ.* 493, 162–169. <https://doi.org/10.1016/j.scitotenv.2014.05.062>.
- Guo, L., 2005. *Studies on Fisheries Ecology in a Large Eutrophic Shallow Lake, Lake Chaohu*. Institute of Hydrobiology, Chinese Academy of Sciences, Wuhan, China (Doctoral Dissertation, in Chinese).
- Han, X., 2018. *Contamination and Environmental Risk of UV Filters in Road Dust and Typical Water in Hefei*. North China Electric Power University, Beijing, China (Master's Dissertation, in Chinese).
- Huang, W., Xie, Z., Yan, W., Mi, W., Xu, W., 2016. Occurrence and distribution of synthetic musks and organic UV filters from riverine and coastal sediments in the Pearl River estuary of China. *Mar. Pollut. Bull.* 111, 153–159. <https://doi.org/10.1016/j.marpolbul.2016.07.018>.
- Jeon, H.K., Sarma, S.N., Kim, Y.J., Ryu, J.C., 2008. Toxicokinetics and metabolisms of benzophenone-type UV filters in rats. *Toxicology* 248, 89–95. <https://doi.org/10.1016/j.tox.2008.02.009>.
- Kaiser, D., Sieratowicz, A., Zielke, H., Oetken, M., Hollert, H., Oehlmann, J., 2012. Ecotoxicological effect characterisation of widely used organic UV filters. *Environ. Pollut.* 163, 84–90. <https://doi.org/10.1016/j.envpol.2011.12.014>.
- Kelly, B.C., Ikonou, M.G., Higgs, D.A., Oakes, J., Dubetz, C., 2011. Flesh residue concentrations of organochlorine pesticides in farmed and wild salmon from British Columbia, Canada. *Environ. Toxicol. Chem.* 30, 2456–2564. <https://doi.org/10.1002/etc.662>.
- Kierkegaard, A., Balk, L., Tjälmlund, U., de Wit, C.A., Jansson, B., 1999. Dietary uptake and biological effects of decabromodiphenyl ether in rainbow trout (*Oncorhynchus mykiss*). *Environ. Sci. Technol.* 33, 1612–1617. <https://doi.org/10.1021/es9807082>.
- Kim, J.W., Isobe, T., Ramaswamy, B.R., Chang, K.H., Amano, A., Miller, T.M., Siringan, F.P., Tanabe, S., 2011. Contamination and bioaccumulation of benzotriazole ultraviolet stabilizers in fish from Manila Bay, the Philippines using an ultra-fast liquid chromatography-tandem mass spectrometry. *Chemosphere* 85, 751–758. <https://doi.org/10.1016/j.chemosphere.2011.06.054>.
- Kobayashi, J., Sakurai, T., Mizukawa, K., Kinoshita, K., Ito, N., Hashimoto, S., Nakajima, D., Kawai, T., Imaizumi, Y., Takada, H., Suzuki, N., 2013. Respiratory uptake kinetics of neutral hydrophobic organic chemicals in a marine benthic fish, *Pseudopleuronectes yokohamae*. *Chemosphere* 93, 1479–1486. <https://doi.org/10.1016/j.chemosphere.2013.07.031>.
- Langford, K.H., Reid, M.J., Fjeld, E., Ørskov, S., Thomas, K.V., 2015. Environmental occurrence and risk of organic UV filters and stabilizers in multiple matrices in Norway. *Environ. Int.* 80, 1–7. <https://doi.org/10.1016/j.envint.2015.03.012>.
- Liang, Y., Zhan, J., Liu, X., Zhou, Z., Zhu, W., Liu, D., Wang, P., 2017. Stereoselective metabolism of the UV-filter 2-ethylhexyl 4-dimethylaminobenzoate and its metabolites in rabbits in vivo and vitro. *RSC Adv.* 7, 16991–16996. <https://doi.org/10.1039/C7RA00431A>.
- Liao, C., Kannan, K., 2014. Widespread occurrence of benzophenone-type UV light filters in personal care products from China and the United States: an assessment of human exposure. *Environ. Sci. Technol.* 48, 4103–4109. <https://doi.org/10.1021/es405450n>.
- Lu, Z., De Silva, A.O., Peart, T.E., Cook, C.J., Tetreault, G.R., Servos, M.R., Muir, D.C., 2016. Distribution, partitioning and bioaccumulation of substituted diphenylamine antioxidants and benzotriazole UV stabilizers in an urban creek in Canada. *Environ. Sci. Technol.* 50, 9089–9097. <https://doi.org/10.1021/acs.est.6b01796>.
- Lu, Z., De Silva, A.O., Peart, T.E., Cook, C.J., Tetreault, G.R., 2017. Tissue distribution of substituted diphenylamine antioxidants and benzotriazole ultraviolet stabilizers in white sucker (*Catostomus commersoni*) from an urban creek in Canada. *Environ. Sci. Technol. Lett.* 4, 433–438. <https://doi.org/10.1021/acs.estlett.7b00355>.
- Ma, B., Lu, G., Liu, J., Yan, Z., Yang, H., Pan, T., 2017. Bioconcentration and multi-biomarkers of organic UV filters (BM-DBM and OD-PABA) in crucian carp. *Ecotoxicol. Environ. Saf.* 141, 178–187. <https://doi.org/10.1016/j.ecoenv.2017.03.034>.
- Molins-Delgado, D., Muñoz, R., Nogueira, S., Alonso, M.B., Torres, J.P., Malm, O., Zioli, R.L., Hauser-Davis, R.A., Eljarrat, E., Barceló, D., Díaz-Cruz, M.S., 2018. Occurrence of organic UV filters and metabolites in lebranche mullet (*Mugil liza*) from Brazil. *Sci. Total Environ.* 618, 451–459. <https://doi.org/10.1016/j.scitotenv.2017.11.033>.
- Nakata, H., Murata, S., Filatreau, J., 2009. Occurrence and concentrations of benzotriazole UV stabilizers in marine organisms and sediments from the Ariake Sea, Japan. *Environ. Sci. Technol.* 43, 6920–6926. <https://doi.org/10.1021/es900939j>.
- Nakata, H., Shinohara, R., Murata, S., Watanabe, M., 2010. Detection of benzotriazole UV stabilizers in the blubber of marine mammals by gas chromatography-high resolution mass spectrometry (GC-HRMS). *J. Environ. Monit.* 12, 2088–2092. <https://doi.org/10.1039/c0em00170h>.
- Nakata, H., Shinohara, R., Nakazawa, Y., Isobe, T., Sudaryanto, A., Subramanian, A., Tanabe, S., Zakaria, M.P., Zheng, G.J., Lam, P.K., Kim, E.Y., Min, B.Y., We, S.U., Viet, P.H., Tana, T.S., Prudente, M., Frank, D., Lauenstein, G., Kannan, K., 2012. Asia-Pacific mussel watch for emerging pollutants: distribution of synthetic musks and benzotriazole UV stabilizers in Asian and US coastal waters. *Mar. Pollut. Bull.* 64, 2211–2218. <https://doi.org/10.1016/j.marpolbul.2012.07.049>.
- NHFC (National Health and Family Planning Commission of the People's Republic of China), 2015. *Safety and Technical Standards for Cosmetics*. 2015 Edition. (Beijing, China, in Chinese).
- Orsi, M., Sanderson, W.E., Essex, J.W., 2009. Permeability of small molecules through a lipid bilayer: a multiscale simulation study. *J. Phys. Chem. B* 113, 12019–12029. <https://doi.org/10.1021/jp903248s>.
- Peng, X., Jin, J., Wang, C., Ou, W., Tang, C., 2015. Multi-target determination of organic ultraviolet absorbers in organism tissues by ultrasonic assisted extraction and ultra-high performance liquid chromatography-tandem mass spectrometry. *J. Chromatogr. A* 1384, 97–106. <https://doi.org/10.1016/j.chroma.2015.01.051>.
- Peng, X., Fan, Y., Jin, J., Xiong, S., Liu, J., Tang, C., 2017. Bioaccumulation and biomagnification of ultraviolet absorbers in marine wildlife of the Pearl River estuary, South China Sea. *Environ. Pollut.* 225, 55–65. <https://doi.org/10.1016/j.envpol.2017.03.035>.
- Sang, Z., Leung, K.S., 2016. Environmental occurrence and ecological risk assessment of organic UV filters in marine organisms from Hong Kong coastal waters. *Sci. Total Environ.* 566–567, 489–498. <https://doi.org/10.1016/j.scitotenv.2016.05.120>.
- Sharihan, H., Ma, X., 2017. Potential photochemical interactions of uv filter molecules with multi-chlorinated structure of pyrimnesins in harmful algal bloom events. *Mini-Rev. Org. Chem.* 14, 391–399. <https://doi.org/10.1016/j.mro.2017.01.001>.
- Solé, M., Porte, C., Albaigés, J., 2001. *Hydrocarbons, PCBs and DDT in the NW Mediterranean deep-sea fish Mora moro*. *Deep-Sea Res.* 48, 495–513.
- Sun, R., Luo, X., Tang, B., Chen, L., Liu, Y., Mai, B., 2017. Bioaccumulation of short chain chlorinated paraffins in a typical freshwater food web contaminated by e-waste in south China: bioaccumulation factors, tissue distribution, and trophic transfer. *Environ. Pollut.* 222, 165–174. <https://doi.org/10.1016/j.envpol.2016.12.060>.
- Tanoue, R., Nomiyama, K., Nakamura, H., Kim, J.W., Isobe, T., Shinohara, R., Kunisue, T., Tanabe, S., 2015. Uptake and tissue distribution of pharmaceuticals and personal care products in wild fish from treated-wastewater-impacted streams. *Environ. Sci. Technol.* 49, 11649–11658. <https://doi.org/10.1021/acs.est.5b02478>.
- USEPA (U.S. Environmental Protection Agency), 2017. Estimation Program Interface (EPI) Suite (V4.11). <https://www.epa.gov/tsca-screening-tools/download-epi-suite-estimation-program-interface-v411>.
- Van den Berg, M., Birnbaum, L., Bosveld, A.T., Brunström, B., Cook, P., Feeley, M., Giesy, J.P., Hanberg, A., Hasegawa, R., Kennedy, S.W., Kubiak, T., Larsen, J.C., van Leeuwen, F.X., Liem, A.K., Nolt, C., Peterson, R.E., Poellinger, L., Safe, S., Schrenk, D., Tillitt, D., Tysklind, M., Younes, M., Waern, F., Zacharewski, T., 1998. Toxic equivalency factors (TEFs) for PCBs, PCDDs, PCDFs for humans and wildlife. *Environ. Health Perspect.* 106, 75–792. <https://doi.org/10.2307/3434121>.
- Vidal-Liñán, L., Villaverde-de-Sáa, E., Rodil, R., Quintana, J.B., Beiras, R., 2018. Bioaccumulation of UV filters in *Mytilus galloprovincialis* mussel. *Chemosphere* 190, 267–271. <https://doi.org/10.1016/j.chemosphere.2017.09.144>.
- Voorspoels, S., Covaci, A., Schepens, P., 2003. Polybrominated diphenyl ethers in marine species from the Belgian North Sea and the Western Scheldt Estuary: levels, profiles, and distribution. *Environ. Sci. Technol.* 37, 4348–4357. <https://doi.org/10.1021/es034503r>.
- Wan, Y., Hu, J., An, W., Zhang, Z., An, L., Hattori, T., Itoh, M., Masunaga, S., 2006. Congener-specific tissue distribution and hepatic sequestration of PCDD/Fs in wild herring gulls from Bohai Bay, North China: comparison to coplanar PCBs. *Environ. Sci. Technol.* 40, 1462–1468. <https://doi.org/10.1021/es052249s>.
- Wang, X., Xi, B., Huo, S., Deng, L., Pan, H., Xia, X., Zhang, J., Ren, Y., Liu, H., 2013. Polybrominated diphenyl ethers occurrence in major inflowing rivers of Lake Chaohu (China): characteristics, potential sources and inputs to lake. *Chemosphere* 93, 1624–1631. <https://doi.org/10.1016/j.chemosphere.2013.08.024>.
- Wang, C., Lin, J., Wu, X., Shen, Y., Lin, Y., Xie, T., 2015. Determination of benzotriazole ultraviolet absorbers in plastics components of electrical and electronic products. *Shanghai Plast.* 171, 49–54 (in Chinese).
- Wang, C., Liao, W., Shi, Q., Bai, S., Xie, T., 2016. Determination of seven benzotriazole ultraviolet absorbers in textiles. *J. Shenzhen Univ. Sci. Eng.* 33, 324–330 (in Chinese).
- Wick, A., Jacobs, B., Kunkel, U., Heininger, P., Ternes, T.A., 2016. Benzotriazole UV stabilizers in sediments, suspended particulate matter and fish of German rivers: new insights into occurrence, time trends and persistency. *Environ. Pollut.* 212, 401–412. <https://doi.org/10.1016/j.envpol.2016.01.024>.
- Wu, J.P., Luo, X.J., Zhang, Y., Chen, S.J., Mai, B.X., Guan, Y.T., Yang, Z.Y., 2009. Residues of polybrominated diphenyl ethers in frogs (*Rana limocharis*) from a contaminated site, South China: tissue distribution, biomagnification, and maternal transfer. *Environ. Sci. Technol.* 43, 5212–5217. <https://doi.org/10.1021/es901103y>.
- Xian, Q., Ramu, K., Isobe, T., Sudaryanto, A., Liu, X., Gao, Z., Takahashi, S., Yu, H., Tanabe, S., 2008. Levels and body distribution of polybrominated diphenyl ethers (PBDEs) and hexabromocyclododecanes (HBCDs) in freshwater fishes from the Yangtze River, China. *Chemosphere* 71, 268–276. <https://doi.org/10.1016/j.chemosphere.2007.09.032>.

- Xu, F.L., Wu, W.J., Wang, J.J., Qin, N., Wang, Y., He, Q.S., He, W., Tao, S., 2011. Residual levels and health risk of polycyclic aromatic hydrocarbons in freshwater fishes from Lake small Bai-Yang-Dian, northern China. *Ecol. Model.* 222, 275–286. <https://doi.org/10.1016/j.ecolmodel.2010.10.001>.
- Yang, S., Wang, S., Liu, H., Yan, Z., 2012. Tetrabromobisphenol a: tissue distribution in fish, and seasonal variation in water and sediment of Lake Chaohu, China. *Environ. Sci. Pollut. Res.* 19, 4090–4096. <https://doi.org/10.1007/s11356-012-1023-9>.
- Zhao, L.B., Xi, Y.W., 2015. Analysis of the relationship between fishery ecological environment quality and fish yield in Lake Chaohu. *Mod. Agric. Sci. Technol.* 12, 216–225 (in Chinese).
- Zhao, Z., Zhang, L., Cai, Y., Chen, Y., 2014. Distribution of polycyclic aromatic hydrocarbon (PAH) residues in several tissues of edible fishes from the largest freshwater lake in China, Poyang Lake, and associated human health risk assessment. *Ecotoxicol. Environ. Saf.* 104, 323–331. <https://doi.org/10.1016/j.ecoenv.2014.01.037>.
- Zhong, F., 2018. *Bioaccumulation and Trophic Transfer of Organic Ultraviolet Filters in Aquatic Organisms From Chaohu Lake*. North China Electric Power University, Beijing, China (Master's Dissertation, in Chinese).
- Zhu, C., Wang, P., Li, Y., Chen, Z., Li, W., Ssebugere, P., Zhang, Q., Jiang, G., 2015. Bioconcentration and trophic transfer of polychlorinated biphenyls and polychlorinated dibenzo-*p*-dioxins and dibenzofurans in aquatic animals from an e-waste dismantling area in East China. *Environ. Sci.: Processes Impacts* 17, 693–699. <https://doi.org/10.1039/c5em00028a>.
- Zhuang, S., Wang, H., Ding, K., Wang, J., Pan, L., Lu, Y., Liu, Q., Zhang, C., 2016. Interactions of benzotriazole UV stabilizers with human serum albumin: atomic insights revealed by biosensors, spectroscopies and molecular dynamics simulations. *Chemosphere* 144, 1050–1059. <https://doi.org/10.1016/j.chemosphere.2015.09.085>.

First Determination of UV Filters in Marine Mammals. Octocrylene Levels in Franciscana Dolphins

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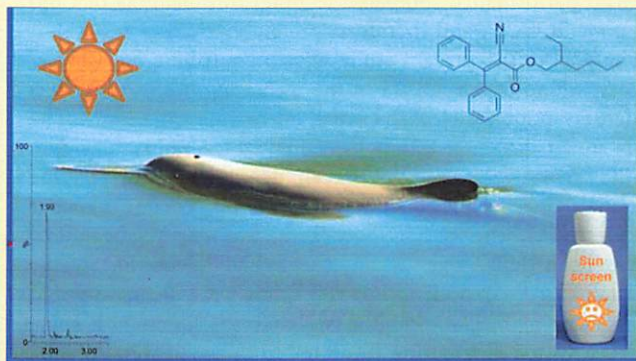
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ABSTRACT: Most current bioexposure assessments for UV filters focus on contaminants concentrations in fish from river and lake. To date there is not information available on the occurrence of UV filters in marine mammals. This is the first study to investigate the presence of sunscreen agents in tissue liver of Franciscana dolphin (*Pontoporia blainvillei*), a species under special measures for conservation. Fifty six liver tissue samples were taken from dead individuals accidentally caught or found stranded along the Brazilian coastal area (six states). The extensively used octocrylene (2-ethylhexyl-2-cyano-3,3-diphenyl-2-propenoate, OCT) was frequently found in the samples investigated (21 out of 56) at concentrations in the range 89–782 ng·g⁻¹ lipid weight. São Paulo was found to be the most polluted area (70% frequency of detection). Nevertheless, the highest concentration was observed in the dolphins from Rio Grande do Sul (42% frequency of detection within that area). These findings constitute the first data reported on the occurrence of UV filters in marine mammals worldwide.



INTRODUCTION

UV filters (UV F) are emerging environmental contaminants for which there is currently a lack of knowledge about their occurrence, fate, and effects on the ecosystems.¹ UV F constitutes a large and heterogeneous group of chemicals that are ingredients in personal care products to protect skin and hair from the sunlight, and in other industrial goods such as paint, wax, plastic, or textile to prevent photodegradation of polymers and pigments.²

These chemicals enter the aquatic environment either indirectly, via wastewater treatment plant effluents (urban and industrial) or directly, through human aquatic recreational activities. Previous studies have demonstrated the occurrence of UV F in water, sewage sludge, sediment, and biota.^{3–6} Many UV F are lipophilic compounds, therefore have the potential for

bioaccumulation and biomagnification in aquatic ecosystems through the trophic chain.³ Works on biota were mainly focused on fish,^{2,3,7,8} but other organisms have been studied as well, such as fish eating birds and aquatic invertebrates.³ Several UV filters are known to have toxic effects on both aquatic and terrestrial organisms. Although the studies dealing with ecotoxicity of these compounds is scarce, they have been shown to act as environmental estrogens and antiandrogens, cause reproductive disruption and affect the thyroid axis.^{9,10} So far, there is still even more limited information available about

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the fate and effects of these chemicals in marine ecosystems. High levels of multiclass UV F in seawater have been reported, with concentrations up to 799 ng L^{-1} of 4-methylbenzylidene camphor (4MBC).^{11,12} Recently, it has been documented that UV F caused harmful effects on coral reefs (coral bleaching) by promoting viral infections.¹³ As regards marine biota, the analysis of four benzotriazole UV stabilizers, namely UV-320, UV-326, UV-327, and UV-328, and the UV filter 4MBC in marine organisms from the Ariake Sea (Japan) revealed that the three benzotriazole stabilizers investigated bioaccumulated in all the species analyzed, from benthic invertebrates to several fish species, including the hammerhead shark.¹⁴

Among UV filters, octocrylene (2-ethylhexyl-2-cyano-3,3-diphenyl-2-propenoate, OCT) is of great concern since it is a highly lipophilic compound ($\log K_{ow}$ 6.88), stable, and resistant to sunlight degradation, but there is evidence that it can trigger the production of potentially harmful free radicals (reactive oxygen species) when it releases the absorbed energy. The widespread occurrence of this compound, as well as its high concentrations found in sewage sludge and sediments^{4,5} appears to be associated with its extensive use in formulations, especially personal care products, because both protects in UVA and UVB regions, and augments the absorbing capacity of other organic UV filters, such as ethylhexylmethoxycinnamate (EHMC), avobenzene (AVB), and benzophenone-3 (BP3).¹⁵ Since maintaining the absorption capacity is important to prevent erythema and to reduce the subsequent risk of melanoma development, formulations containing OCT had superior performance compared to other formulations that did not contain OCT, and therefore, preferably used.

The goal of the present study was to contribute for a better understanding of the impact of the increasing use of UV filters in densely populated coastal areas on marine organisms. The study aimed at demonstrating the potential for biomagnification of the extensively used sunscreen agent OCT on marine mammals, specifically on dolphin, since they occupy a higher trophic level in the marine food chain, and have relatively low metabolic activity, thus accumulating high levels of organic pollutants in their body.¹⁶ For this study Franciscana dolphin (*Pontoporia blainvillei*) was the selected species. It is a small cetacean with a distribution restricted to the southwest Atlantic Ocean. This is the most impacted cetacean off the eastern coast of South America¹⁷ and is listed as "vulnerable" in the Red Book of the International Union for Conservation of the Nature (IUCN). Franciscana was considered a species that needs particularly measures of conservation¹⁸ and is also included in the Index II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, that Argentina, Uruguay, and Brazil are undersigned. Their coastal distribution makes it particularly vulnerable to human activities such as incidental capture in fisheries and habitat degradation by anthropic contaminants.^{19–21} Evidences suggest that the mortality rates are excessive and unsustainable.²²

EXPERIMENTAL SECTION

Chemicals and Reagents. OCT (>98% purity), and the isotopically labeled compound benzophenone- d_{10} (BP- d_{10} 99% purity), used as internal standard (IS), were obtained from Sigma-Aldrich (Steinheim, Germany). Organic solvents and HPLC grade water (Lichrosolv), as well as H_2SO_4 , formic acid (98% purity) and hydromatrix were provided by Merck (Darmstadt, Germany). Nitrogen and argon (purchased from Air Liquid, Barcelona, Spain) were of 99.995% purity. The

syringe and the pressurized liquid extraction (PLE) cellulose filters used were purchased from Whatman (London, U.K.) and from Dionex Corporation (Sunnyvale, CA), respectively. Isolute Alumina Cartridges used for solid phase extraction (SPE) were obtained from Biotage (Uppsala, Sweden).

The OCT and BP- d_{10} stock standard solutions were prepared in methanol at 200 mg L^{-1} . The solutions were stored in the dark at -20°C . A diluted 20 mg L^{-1} stock standard solution was prepared weekly. Working solutions were prepared daily by appropriate dilution of the diluted stock standard solution.

Sampling Area and Sample Collection. The Brazilian coastline has around 8500 km of length. The Southeast Brazilian region, historically, had turned into an important industrial center of Brazil. Rio de Janeiro and São Paulo States are the most anthropogenically disturbed areas along the country shoreline. Massive metropolitan complex surrounds the estuaries and bays, which have been receiving discharges of chemical contaminants from domestic, industrial and agricultural wastewaters besides also they are impacted by overfishing, harbor activities, and solid trash.^{23,24} Santos estuary, in São Paulo coast, is the most important Brazilian example of environmental degradation from aquatic and atmospheric pollution by industrial origin. The largest harbor in Latin America (the Port of Santos) and the largest industrial complex in Brazil are located in this area. Industrial activities began in the 1950s with the establishment of diverse factories (steel, oil, and agribusiness) and have turned this estuary into the final destination for toxic waste and contaminated effluents since then.²⁵ See Figure 1 for a map of the study areas.

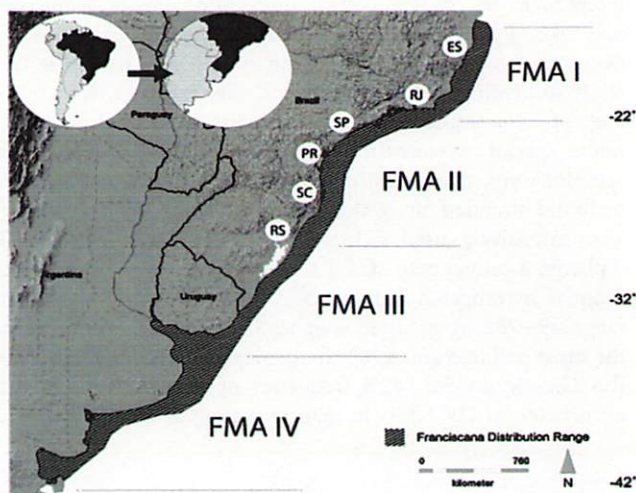


Figure 1. Study area map, Southeast and Southern coast of Brazil. Brazilian States sampled: ES, Espírito Santo; RJ, Rio de Janeiro; SP, São Paulo; PR, Paraná; SC, Santa Catarina; RS, Rio Grande do Sul; FMA, Franciscana Management Areas (I–IV).

Collected samples were taken from individual dolphins found stranded dead at the beaches or incidental caught in fishing nets along the Brazilian coast, Southwestern Atlantic, from 1994 to 2009. Available information on the samples is given in Table 1. Sexual maturity is known to occur at different length depending on the coastal area. The individuals considered in this study included males and females, adult (sexually matured), juvenile (sexually immature >100 cm length) and calves (sexually immature <100 cm length) specimens.

Table 1. Sampling Locations and Dates, Biological Information on the Dolphins Collected along the Brazilian Coast, And Concentrations of OCT in the Liver Samples^a

location Brazilian State	sample code	sex	length	sexual maturity	physical maturity	sampling date (year)	concentration OCT (ng g ⁻¹ lw)
Espírito Santo (12) FT: 25%	PON 08	M	70	Im	Ca	2003–2006	nd
	PON 12	M	73	Im	Ca	2003–2006	129
	PON 11	M	100	Im	Ju	2003–2006	nd
	PON 02	M	112	Im	Ju	2003–2006	nd
	PON 13	M	113	Im	Ju	2003–2006	nd
	PON 06	M	114	Im	Ju	2003–2006	nd
	PON 14	M	115	Ma	Ad	2003–2006	nd
	PON 09	M	117	Ma	Ad	2003–2006	nd
	PON 07	F	109	Im	Ju	2003–2006	nd
	PON 15	F	115	Im	Ju	2003–2006	nd
	PON 03	F	118	Im	Ju	2003–2006	89
	PON 10	F	136	Ma	Ad	2003–2006	712
Rio de Janeiro (1) FT: 0% FT: 0%	RJ 46	uk	na	na	na	2003–2006	nd
Sao Paulo (10) FT: 70%	BP 125	M	100	Im	Ju	2006	100
	BP 120	M	103	Im	Ju	2005	nd
	BP 133	M	112	Ma	Ad	2006	380
	BP 149	M	116	Ma	Ad	2007	144
	BP 176	M	122	Ma	Ad	2008	141
	BP 110	M	124	Ma	Ad	2006	nd
	BP 108	F	94	Im	Ca	2006	524
	BP 113	F	110	Im	Ju	2006	269
	BP 151	F	138	Ma	Ad	2007	130
	BP 140	F	110	Im	Ju	2006	nd
Paraná (3) FT: 33%	PR 50	F	56.5	Im	Ca	2003–2006	129
	PR 53	F	98	Im	Ca	2003–2006	nd
	PR 01	F	140	Ma	Ad	2003–2006	nd
Santa Catarina (11) FT: 18%	PB 221	M	83.5	Im	Ca	2003–2006	nd
	PB 23	M	102	Im	Ju	2003–2006	nd
	PB 22	M	107	Im	Ju	2003–2006	nd
	PB 53	M	87.3	Im	Ca	2003–2006	345
	PB 62	M	102	Im	Ju	2003–2006	401
	PB 56	M	109	Im	Ju	2003–2006	nd
	PB 222	F	129	Ma	Ad	2003–2006	nd
	PB 30	F	133	Ma	Ad	2003–2006	nd
	PB 37	F	133.5	Ma	Ad	2003–2006	nd
	PB 162	uk	127.5	Ma	Ad	2003–2006	nd
	PB 44	uk	145	Ma	Ad	2003–2006	nd
Rio Grande do Sul (19) FT: 42%	CA 143	M	125.5	na	na	1997	nd
	CA 32	M	129.5	Ma	Ad	1994	nd
	CA 142	M	133.7	Ma	Ad	1997	nd
	CA 36	M	137	Ma	Ad	1994	153
	CA 156	M	137	Ma	Ad	1998	nd
	CA 172	M	143	Ma	Ad	1999	nd
	CA 152	F	107.5	Im	Ju	1998	142
	CA 63	F	135.5	Im	Ju	1994	nd
	CA 124	F	137	Im	Ju	1997	nd
	CA 153	F	na	na	na	1998	nd
	CA 33	M	131	Ma	Ad	1994	473
	CA 108	F	157	Ma	Ad	1995	nd
	CA 173	F	161	Ma	Ad	1999	493
	CA 179	M	110	Im	Ju	1999	107
	CA 193	F	116	Im	Ju	1999	129
	CA 194	F	123	Im	Ju	1999	782
	CA 234	M	103	Im	Ju	2000	103
	CA 237	M	132	Im	Ju	2000	nd

Table 1. continued

location Brazilian State	sample code	sex	length	sexual maturity	physical maturity	sampling date (year)	concentration OCT (ng g ⁻¹ lw)
	CA 255	M	106	Im	Ju	2001	nd

^aIn parentheses, the number of samples analyzed, nd: not detected, uk: unknown, na: not available, FT: percentage of positive samples within the area, Ca: Calves, Im: immature, Ma: mature, Ju: juvenile, Ad: adult. Method limit of detection (MLOD) and method limit of quantification (MLOQ) are 23 and 75 ng g⁻¹ lw, respectively. Total frequency: $100 \times 21/56 = 38\%$, Calves: $100 \times 4/7 = 57\%$

Fifty six individual were analyzed, belonging to many States of Brazil: Espírito Santo ($n = 12$), Rio de Janeiro ($n = 1$), São Paulo ($n = 10$), Paraná ($n = 3$), Santa Catarina ($n = 11$) and Rio Grande do Sul ($n = 19$). Liver samples collected were placed in aluminum foil, frozen, and further lyophilized. Freeze-dried liver tissue was ground, homogenized and stored in brown glass sealed containers at $-20\text{ }^{\circ}\text{C}$ until analysis.

Analytical Methods. In order to prevent contamination and photodegradation of samples and standard solutions all glassware used was previously washed and heated overnight at $380\text{ }^{\circ}\text{C}$, and further sequentially rinsed with different organic solvents and HPLC grade water. Separate solvents and only previously unopened packages of solvents, chemicals and other supplies were used. In addition, a set of at least two operational blanks were processed together with each batch of samples. Standard solutions and samples were always covered with aluminum foil and stored in the dark. Furthermore, gloves were worn during the sample preparation process.

Sample Preparation. Samples were extracted by PLE using an automatic extractor ASE 200 (Dionex Corporation, Sunnyvale, CA, USA). One gram dry weight of freeze-dried dolphin liver tissue was mixed in the extraction cells with hydromatrix. The PLE optimized parameters were as follows: preheating of 5 min, heating of 5 min, two extraction cycles of 10 min using dichloromethane/hexane as extraction solvent (1/1, v/v), temperature of $100\text{ }^{\circ}\text{C}$, pressure of 10 000 kPa, flush volume of 80% of cell and 90 s of nitrogen purge. The PLE extract obtained was concentrated to 3 mL and then subjected to a purification step via acid attack with concentrated H_2SO_4 (95–97% purity) ($4 \times 2\text{ mL}$). The extract was purified by SPE with alumina cartridges (5 g/20 mL), using 40 mL of hexane:dichloromethane (1/2). Finally, the extract was evaporated to dryness. The residue was further reconstituted with 0.1 mL of acetonitrile and the IS was added before LC-MS analysis.

Lipid Content Determination. The lipid content determination was performed by gravimetric analysis. After the extraction, the extracts were concentrated to incipient dryness, each vial was weighed and the difference between the initial weighing and weighing after the addition and evaporation rate was used to calculate the percentage of lipids.

Percentage lipid content was determined for each individual. Mean values were calculated for those specimens sampled in the same geographical area, which were in the range 4% - 7%.

UPLC-ESI(+)-MS/MS Analysis. Target analysis of OCT was performed by ultrahigh performance liquid chromatography (UPLC)-tandem mass spectrometry (MS/MS) using an Acquity UPLC chromatograph attached to a triple quadrupole detector (TQD) mass spectrometer (Waters). A Hibar Purospher STAR HR R-18 ec. (50 mm \times 2.0 mm, 2 μm) column (Merck) was used. The solvent flow rate was set to 0.4 mL min^{-1} and the column temperature was kept at $50\text{ }^{\circ}\text{C}$. The sample volume injected was 10 μL . The chromatographic separation was performed by using as mobile phase HPLC grade water (A) and acetonitrile (B), both with 0.3% formic

acid. The adopted elution gradient started with 5% of eluent B, increasing to 95% in 1.20 min, kept constant for 2.30 min, and rising to 100% in the following 0.5 min. During the next 2.5 min the elution gradient was kept constant, and then back to initial conditions in 3 min.

MS/MS was operated in selected reaction monitoring (SRM) and positive electrospray ionization mode (ESI+). The optimized parameters were as follows: desolvation gas (nitrogen), 750 L h^{-1} ; collision gas (argon), 0.19 mL min^{-1} ; nebulization gas (nitrogen), 90 L h^{-1} ; ion spray voltage 3.35 kV; source temperature, $130\text{ }^{\circ}\text{C}$ and desolvation temperature, $450\text{ }^{\circ}\text{C}$. Two characteristic transitions of the protonated molecular ion $[\text{M}+\text{H}]^+$ (precursor ion) were recorded.

For the positive confirmation of OCT in liver tissue samples, strict criteria had to be met in order to avoid false positives. Following the European Commission Decision 2002/657/EC,²⁶ that although it was initially conceived for food residue analysis, it has been accepted by the scientific community for environmental analysis, a minimum of three identification points (IPs) is required for this purpose. In our case, these 3 IPs corresponded to the precursor ion (m/z 362 amu) and to the two transitions recorded from the precursor ion ($[\text{M}+\text{H}]^+$) to the product ions $[\text{M}+\text{H}-\text{C}_8\text{H}_{16}]^+$ and $[\text{M}+\text{H}-\text{C}_8\text{H}_{16}-\text{H}_2\text{O}]^+$ at m/z 250 and 232 amu, respectively. Besides, the chromatographic retention time of the analyte in the sample should not vary more than 2.5% in comparison to the calibration standards, and the relative abundance of the two SRM transitions monitored must also be compared to the standards' corresponding values, and range about $\pm 20\%$. Figure 2 represents the chromatograms for OC corresponding to a standard solution at 40 ng mL^{-1} , and to a dolphin liver sample from an adult male from São Paulo. In this case, retention times were exactly the same and the difference in SRM ratios was solely 6%, and thus, confirming the identification.

The described methodology proved to be precise and sensitive for the quantification of OCT in dolphin liver samples affording method limits of detection (LOD) and quantification (LOQ) of 23 and 75 ng g^{-1} lipid weight (lw), respectively, and a relative standard deviation of 9%.

RESULTS AND DISCUSSION

OCT Concentration in Liver Tissue. The analysis of the samples revealed that OCT was present in 21 out of the 56 samples analyzed (38% frequency of detection) with concentrations in the range $89\text{--}782\text{ ng g}^{-1}\text{ lw}$ (see Table 1). These concentrations are notoriously higher than that reported by Balmer et al.⁷ for OCT in lake fish ($25\text{ ng g}^{-1}\text{ lw}$). This outcome was expected, as with other organic pollutants that bioaccumulate and biomagnify along the food chain, given the higher trophic level occupied by dolphins.

From the six sampling areas selected, Rio de Janeiro was one of the areas where we expected to find residues of the sunscreen because of its beach area with very active aquatic activities. However, in the only sample taken OCT was not detected. Despite that, we cannot rule out its presence in the area since

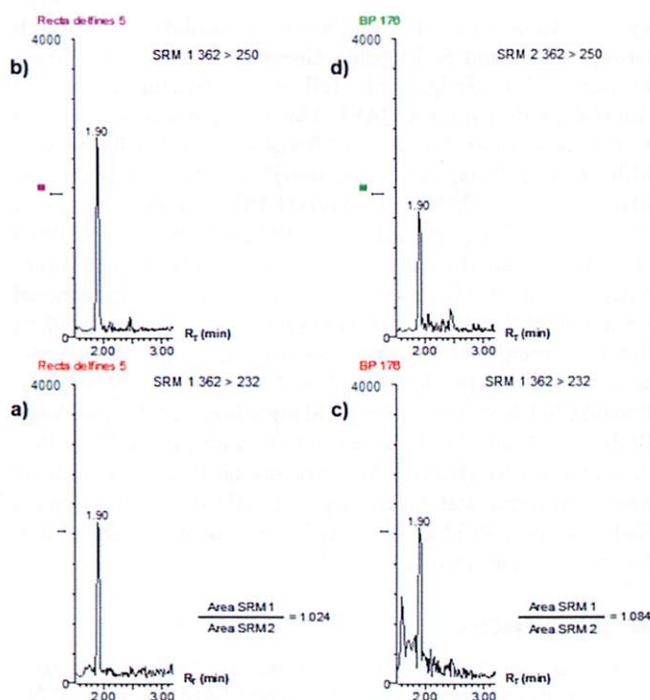


Figure 2. Reconstructed SRM reference chromatogram for OCT corresponding to a standard solution at 40 ng mL^{-1} (a and b), and a chromatogram corresponding to a dolphin liver sample from an adult male (sample code BP 176) from Sao Paulo (c and d).

we were only able to analyze one sample. In contrast, the most contaminated zone was São Paulo, where OCT was most frequently detected (70%), followed by Rio Grande do Sul, where the UV filter was observed in 8 out of the 19 dolphins sampled, and at the highest concentration, $782 \text{ ng g}^{-1} \text{ lw}$. Nevertheless, the geographical distribution of positive samples, as depicted in Figure 3, indicated that the highest mean

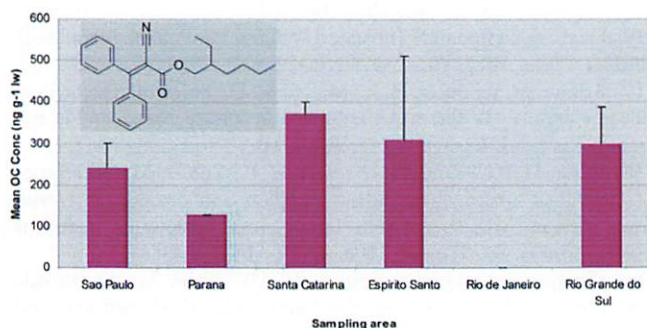


Figure 3. Distribution of OCT mean concentrations in dolphin's liver ($\text{ng g}^{-1} \text{ lw}$) and standard error, along the Brazilian coast sampling areas.

concentration ($373 \text{ ng g}^{-1} \text{ lw}$) was determined in the samples from Santa Catarina State. This sampling area is a partially enclosed estuarine receiving industrial and urban wastewater discharge, which could act as a sink for anthropogenic pollutants. In a recent study with polybrominated diphenyl ethers (PBDEs) in the same samples from this work, it was observed also the higher levels in the dolphins from this disturbed bay, in Santa Catarina.²⁰ Similar mean concentrations were reported for OCT and for the group of PBDEs. The comparison of the concentrations observed in the rest of areas

evidenced a different source for OCT and PBDEs anthropogenic emissions. The geographical distribution of mean concentrations ($\text{ng g}^{-1} \text{ lw}$) for OCT was: $373 \text{ (SC)} > 310 \text{ (ES)} > 298 \text{ (RS)} > 241 \text{ (SP)} > 129 \text{ (PR)}$, whereas for the group of congeners of PBDEs it was: $432 \text{ (SC)} > 329 \text{ (SP)} > 156 \text{ (PR)} > 144 \text{ (ES)} > 37 \text{ (RJ)} > 34 \text{ (RS)}$.

From 1994 to 2009 there has been a steady growing use of UV filters as society has become aware of the dangerous effects of sunlight. These currently popular chemicals have shown to have a protective role against photoaging, photocarcinogenesis and photoimmunosuppression promoted by UV sun radiation.^{27–29} Thus, potential temporal changes in the bioaccumulation behavior of OCT were also assessed taking into account the increasing use of sunscreen products. However, a direct correlation could not be identified.

Relationships Between OCT Concentration and Biological Characteristics. The inclusion of individuals with varying biological characteristics in this study provided an opportunity to examine contaminant liver tissue concentrations in relation to lipid content, sex, and physical and sexual maturity.

The trend of increased concentration in biota samples with increasing lipid content may be observed for a number of organic pollutants.³⁰ In an attempt to assess the behavior of the lipophilic UV filter, the correlation between liver lipid content and OCT concentration was evaluated, however, no correlation could be established based on these parameters (linear least-squares regression coefficient of 0.371). The reason for this differential behavior remains unclear.

Many studies have reported gender-specific differences in the concentrations of persistent organic pollutants in marine mammals, showing the well-known high variation in the burden of lipophilic pollutants of females due to reproductive stage.^{20,31} Therefore, the potential correlation between sex and OCT concentration was also assessed. Different statistical tests were carried out, Pearson, Kendall, and Spearman. All they showed no statistical differences among OCT concentrations and gender. Significance values were: Pearson, 0.225; Kendall, 0.397; Spearman, 0.411.

Nevertheless, potential maternal transfer cannot be ruled out. In order to assess the mother-to-calf transfer of OCT, a sample of placenta from one pregnant female dolphin was collected and analyzed, revealing that OCT was present in both the placenta and the liver tissue at concentrations below LOQ ($61 \text{ ng g}^{-1} \text{ lw}$ semiquantitative analysis) and $130 \text{ ng g}^{-1} \text{ lw}$, respectively (liver sample reference BP151 in Table 1) being indicative of gestational transfer. This hypothesis, however, cannot be fully confirmed without data on a higher sample size of pregnant female dolphins. However, it must be taken into account the great difficulty in obtaining this kind of samples. On the other hand, contamination data on breast milk could also support the maternal transfer, specifically lactation transfer, of the bioaccumulated OCT. This fact recently has already been characterized in humans. Reported levels of OCT in women breast milk were in the range $4.70\text{--}135 \text{ ng g}^{-1} \text{ lw}$, with 67% frequency of detection.³² This transfer was consistent with the OCT accumulation data obtained in the present study, where OCT was found in four out of the seven analyzed calves (57% frequency of detection) higher than the frequency estimated considering the complete set of individuals (38%), and at increasing concentrations ($129\text{--}524 \text{ ng g}^{-1} \text{ lw}$) as their length was greater. Nevertheless, it has to be highlighted that,

obviously, the exposure pathways of human and dolphins are clearly different.

Biomagnification. Several studies have probed that biomagnification can occur for lipophilic organic contaminants. In addition to high concentration levels, the process that produce biomagnification also results in age (or length)-specific patterns for adult male marine mammal. A different pattern has been reported for adult female mammals despite being exposed to contamination similarly to males. During gestation and lactation contaminant body burden decreased by transfer to calves.^{20,33}

In order to probe the potential biomagnification of OCT, a full trophic analysis of this compound must be accomplished. However, as lower trophic level organisms on these areas were not available, we tried to provide preliminary evidence by comparing our results with published data on the terrestrial food chain. To date solely one study reported data on UV filter biomagnifications. Fent et al.³ recently investigated the accumulation in the terrestrial food chain of EHMC, an UV filter, having a similar lipophilicity ($\log K_{ow}$ 6.1) to that of OCT. The differences in EHMC concentrations in cormorant, fish and macroinvertebrates suggested a trend for biomagnification. Cormorants are migratory fish eating birds, representing a high terrestrial trophic level. Average concentrations of EHMC in five of these birds was 341 ng g⁻¹ lw, with values in the range 16–701 ng g⁻¹ lw, whereas decreased average concentrations were observed in lower trophic levels. This concentration range was comparable to that obtained for OCT in the present study (89–782 ng g⁻¹ lw). It must be pointed out that cormorants are migratory birds with high metabolic capacity and whose exposure routes in the terrestrial environment are different from that of the dolphins of the present study, which are coastal and nonmigratory. Therefore, we cannot perform an accurate comparison between these two species.

In summary, these findings demonstrate for the first time that the extensively used sunscreen agent OCT accumulates in liver of dolphins at high concentration levels (up to 782 ng g⁻¹ lw) similar to those of anthropogenic organic persistent pollutants. This study also provides evidence that maternal transfer may occurs through placenta and likely also through breast milk.

The results presented herein suggest that OCT biomagnifies through the marine food web. In order to probe the biomagnification of this UV filter a full trophic level analysis of OCT will be further performed. The present study establishes the baseline levels for OCT in dolphins from Brazilian coastal waters. Efforts should be directed toward the analysis of other marine organisms to assess the impact of OCT as well as other extensively used UV filters and their transformation products on marine ecosystems.

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Notes

The authors declare no competing financial interest.

ACKNOWLEDGMENTS

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REFERENCES

- (1) Richardson, S. D. Environmental mass spectrometry: Emerging contaminants and current issues. *Anal. Chem.* **2010**, *82*, 4742–4774.
- (2) Zenker, A.; Schmutz, H.; Fent, K. Simultaneous trace determination of nine organic UV-absorbing compounds (UV filters) in environmental samples. *J. Chromatogr., A* **2008**, *1202*, 64–74.
- (3) Fent, K.; Zenker, A.; Rapp, M. Widespread occurrence of estrogenic UV filters in aquatic ecosystems in Switzerland. *Environ. Pollut.* **2010**, *158*, 1817–1824.
- (4) Gago-Ferrero, P.; Díaz-Cruz, M. S.; Barceló, D. Occurrence of multiclass UV filters in treated sewage sludge from wastewater treatment plants. *Chemosphere* **2011a**, *84* (8), 795–806.
- (5) Gago-Ferrero, P.; Díaz-Cruz, M. S.; Barceló, D. Fast pressurized liquid extraction with in-cell purification and analysis by liquid chromatography-tandem mass spectrometry for the determination of UV filters and their degradation products in sediments. *Anal. Bioanal. Chem.* **2011b**, *400*, 2195–2204.
- (6) Gago-Ferrero, P.; Díaz-Cruz, M. S.; Barceló, D. An overview of UV-absorbing compounds (organic UV filters) in aquatic biota. *Anal. Bioanal. Chem.* **2012**, *404*, 2597–2610.
- (7) Balmer, M. E.; Buser, H. R.; Muller, M. D.; Poiger, P. Occurrence of some organic UV filters in wastewater, in surface waters, and in fish from Swiss lakes. *Environ. Sci. Technol.* **2005**, *39* (2), 953–962.
- (8) Buser, H. R.; Balmer, M. E.; Schmid, P.; Kohler, M. Occurrence of UV filters 4-methylbenzylidene camphor and octocrylene in fish from various Swiss rivers with inputs from wastewater treatment plants. *Environ. Sci. Technol.* **2006**, *40* (5), 1427–1431.
- (9) Fent, K.; Kunz, P.; Gomez, E. UV filters in the aquatic environment induce hormonal effects and affect fertility and reproduction in fish. *Chimia* **2008**, *62*, 1–8.
- (10) Brausch, J. M.; Rand, G. M. A review of personal care products in the aquatic environment: Environmental concentrations and toxicity. *Chemosphere* **2011**, *82*, 1518–1532.
- (11) Langford, K. H.; Thomas, K. V. Inputs of chemicals from recreational activities into the Norwegian coastal zone. *J. Environ. Monit.* **2008**, *10*, 894–898.
- (12) Tarazona, J.; Chisvert, A.; León, Z.; Salvador, A. Determination of hydroxylated benzophenone UV filters in sea water samples by dispersive liquid-liquid microextraction followed by gas chromatography-mass spectrometry. *J. Chromatogr., A* **2010**, *1217*, 4771–4778.
- (13) Danovaro, R.; Bongiorno, L.; Corinaldesi, C.; Giovannelli, D.; Damiani, E.; Astofi, P.; Greci, L.; Pusceddu, A. Sunscreens cause coral bleaching by promoting viral infections. *Environ. Health Perspect.* **2008**, *116*, 441–447.
- (14) Nakata, H.; Murata, S.; Filatreau, S. Occurrence and concentrations of benzotriazole UV stabilizers in marine organisms

and sediments from the Ariake Sea, Japan. *Environ. Sci. Technol.* **2009**, *15*, 43 (18), 6920–6926.

(15) Gaspar, L. R.; Campos, Maia PMBG. Evaluation of the photostability of different UV filter combinations in sunscreens. *Int. J. Pharm.* **2006**, *307*, 123–128.

(16) Tanabe, S. Contamination and toxic effects of persistent endocrine disruptors in marine mammals and birds. *Mar. Pollut. Bull.* **2002**, *45*, 69–77.

(17) Secchi, E. Review on the threats and conservation status of Franciscana, *Pontoporia blainvillei* (Cetacea, Pontoporiidae). In *Biology, Evolution and Conservation of River Dolphins Within South America and Asia*, Wildlife Protection, Destruction and Extinction Series; Ruiz-Garcia, M., Shostell, J., Eds.; Nova Publishers: New York, 2010.

(18) Reeves, R. R.; Smith, B. D.; Crespo, E. A.; Nortabartolo, G. D. *Dolphins, Whales and Porpoises: 2004–2010 Conservation Action Plan for the World's Cetaceans*; Gland, Switzerland and Cambridge, 2008.

(19) Ott, P. H. S.; E., R.; Moreno, I. B.; Danilewicz, D.; Crespo, E. A.; Bordino, P.; Ramos, R.; Di Benedetto, A. P.; Bertozzi, C. P.; Bastida, R.; Zanelatto, R.; Perez, J. E.; Kinas, P. G. Report of the working group on fishery interactions. *Latin Am. J. Aquat. Mammals* **2002**, *1*, 55–64.

(20) Alonso, M. B.; Eljarrat, E.; Gorga, M.; Secchi, E. R.; Bassoi, M.; Barbosa, L.; Bertozzi, C. P.; Marigo, J.; Cremer, M.; Domit, C.; Azevedo, A. F.; Dorneles, P. R.; Torres, J. P. M.; Lailson-Brito, J.; Malm, O.; Barceló, D. Natural and anthropogenically-produced brominated compounds in endemic dolphins from Western South Atlantic: Another risk to a vulnerable species. *Environ. Pollut.* **2012a**, *170*, 152–160.

(21) Alonso, M. B.; Feo, M. L.; Corcellas, C.; Vidal, L. G.; Bertozzi, C. P.; Marigo, J.; Secchi, E. R.; Bassoi, M.; Azevedo, A. F.; Dorneles, P. R.; Torres, J. P. M.; Lailson-Brito, J.; Malm, O.; Eljarrat, E.; Barceló, D. Pyrethroids: A new threat to marine mammals? *Environ. Int.* **2012b**, *47*, 99–106.

(22) Secchi E. R.; Wang J. Y. *Pontoporia blainvillei* (Rio Grande do Sul/Uruguay Subpopulation), IUCN Red List of Threatened Species; International Union for Conservation of Nature: Gland, Switzerland 2003.

(23) Bicego, M. C.; Taniguchi, S.; Yogui, G. T.; Montone, R. C.; Silva, D. A. M.; Lourenço, R. A.; Martins, C. S. D. C.; Sasaki, S. T.; Pellizari, V. H.; Weber, R. R. Assessment of contamination by polychlorinated biphenyls and aliphatic and aromatic hydrocarbons in sediments of the Santos and Sao Vicente Estuary System, Sao Paulo, Brazil. *Mar. Pollut. Bull.* **2006**, *52*, 1804–1816.

(24) Dorneles, P. R.; Lailson-Brito, J.; Dirtu, A. C.; Weijs, L.; Azevedo, A. F.; Torres, J. P. M.; Malm, O.; Neels, H.; Blust, R.; Das, K.; Covaci, A. Anthropogenic and naturally-produced organobrominated compounds in marine mammals from Brazil. *Environ. Int.* **2010**, *36*, 60–66.

(25) Lamparelli, M. L.; Costa, M. P.; Prósperi, V. A.; Bevilacqua, J. E.; Araújo, R. P. A.; Eysink, G. G. L.; Pompeia, S. *Sistema Estuarino de Santos e São Vicente*; CETESB: Relatório Técnico. São Paulo, 2001.

(26) European Commission. Commission Decision, 2002/657/EC of 12 August, Off. J. European Communities, Belgium, L221/ 8, 2002.

(27) Whitmore, S. E.; Morison, W. L. Prevention of UVB-induced immunosuppression in humans by a high sun protection factor sunscreen. *Arch. Dermatol.* **1995**, *131*, 1128–33.

(28) Seite, S.; Colige, A.; Piquemal-Vivenot, P. A. full-UV spectrum absorbing daily use cream protects human skin against biological changes occurring in photoaging. *Photodermatol. Photoimmunol. Photomed.* **2000**, *16*, 147–55.

(29) Liardet, S.; Scaletta, C.; Panizzon, R. Protection against pyrimidine dimers, p 53, and 8-hydroxy-2'-deoxyguanosine expression in ultraviolet-irradiated human skin by sunscreens: Difference between UVB + UVA and UVB alone sunscreens. *J. Invest. Dermatol.* **2001**, *117*, 1437–41.

(30) Coat, S.; Monti, D.; Legendre, P.; Bouchon, C.; Massat, F.; Lepoint, G. Organochlorine pollution in tropical rivers (Guadeloupe): Role of ecological factors in food web bioaccumulation. *Environ. Pollut.* **2011**, *159*, 1692–1701.

(31) Weijs, L.; Dirtu, A. C.; Das, K.; Gheorghe, A.; Reijnders, P. J. H.; Neels, H.; Blust, R.; Covaci, A. Inter-species differences for polychlorinated biphenyls and polybrominateddiphenyl ethers in marine top predators from the Southern North Sea. Part 2. Biomagnification in harbor seals and harbor porpoises. *Environ. Pollut.* **2009**, *157*, 445–45.

(32) Schlumpf, M.; Kypke, K.; Wittassek, M.; Angerer, J.; Mascher, D.; Vökt, C.; Birchler, M.; Lichtensteiger, W. Exposure patterns of UV filters, fragrances, parabens, phthalates, organochlor pesticides, PBDEs, and PCBs in human milk: Correlation of UV filters with use of cosmetics. *Chemosphere* **2010**, *81* (10), 1171–1183.

(33) Wolkers, H.; Hammill, M. O.; van Bavel, B. Tissue-specific accumulation and lactational transfer of polychlorinatedbiphenyls, chlorinated pesticides, and brominated flame retardants in hooded seals (*Cistophora cristata*) from the Gulf of St. Lawrence: Application for monitoring. *Environ. Pollut.* **2006**, *142*, 476–486.

Testimony of
Pacific Resource Partnership

City Council
Council of the County of Maui
Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair

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County Communication No. 21-556—Mayor, notifying of his veto of Bill 111 (2021), Draft 1

Friday, December 17, 2021
9:00 A.M.
City Council Chamber

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council.

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in strong opposition of Bill 11, Draft 1, and respectfully requests this Council uphold the Mayor's veto of this bill.

The proposed bill will further complicate and prolong the process of getting Maui's residents into affordable housing and likely increase the overall cost of housing units.

Affordable housing projects using government subsidies, including but not limited to Low Income Housing Tax Credits (LIHTC), are highly regulated by County, State, and Federal agencies. Agencies have specific requirements regarding tenant selection, financial qualifications, fair housing and accessibility. Adding an additional layer of regulation to the selection process and taking away the developer, its partners, or its management company's ability to establish a wait list is unnecessary and equates to more risk for the developer, tax credit investors, debt financiers, and private equity investors. This risk alone may deter developers from building affordable housing in Maui.

Moreover, the proposed amendments will put a heavy burden on the Department of Housing and Human Concerns (DHHC) to ensure that all County, State, and Federal regulations are followed in a timely manner. This will likely require DHHC to hire and retain more staff with experience in developing affordable housing, and require DHHC to invest in additional resources to deliver these new responsibilities. Furthermore, DHHC or its designee will likely be held liable for any errors occurring during the qualification process.



(Continued From Page 1)

We are also concerned that changing the sales period from 90 days to 120 days will create additional carrying costs for projects thereby making housing more expensive.

We have witnessed and continue to see how Maui's overregulation of affordable housing projects have kept this county in its current housing crisis. We need to find new ways to incentivize developers to build more affordable housing before the problem gets worse. Given the above, we respectfully recommend that this Council uphold the Mayor's veto of this bill and consider policies that encourage the construction of more affordable housing.

Thank you for this opportunity to submit written testimony.

County Clerk

From: Rachel Albright - TTA <rachel@tarranttransitalliance.org>
Sent: Thursday, December 16, 2021 5:02 AM
To: County Clerk
Subject: Letter of Support for Rainey Dock Matthews

You don't often get email from rachel@tarranttransitalliance.org. [Learn why this is important](#)

Honorable Michael J. Molina, Committee Chair
Government Relations, Ethics, and Transparency
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Molina:

I am writing today to give my overwhelming support on behalf of Rainey Matthews, serving as a commissioner on the Maui County Commission on Persons with Disabilities.

I met Rainey when the Tarrant Transit Alliance - a coalition focused on improving transit access in Tarrant County, Texas - began. Since then, she has been my mentor and greatest spokesperson for people with disabilities. She would give her time to speak in educational outreach programs about the relationship between transit and the differently-able and her time spent on our Board of Directors shaped our organization's focus and policies. I can not emphasize enough what an incredible asset she would be to the Maui community in serving this role.

Please do not hesitate to contact me with you would like additional information about Rainey. My information is in my signature below.

Sincerely,

Rachel Albright

President
The Tarrant Transit Alliance
She • Her • Hers

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[8179950374](tel:8179950374)

rachel@tarranttransitalliance.org

TarrantTransitAlliance.org

PO Box 470474, Fort Worth, TX 76147

County Clerk

From: Marty Baker <mbaker@hccmail.org>
Sent: Wednesday, December 15, 2021 5:19 PM
To: County Clerk
Subject: Written Testimony for Ms. Rainey Matthews

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COUNTY CLERK

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

To whom it may concern,

I am writing on behalf of Ms. Rainey Matthews, who has informed me of her nomination to be a Commissioner on the Maui County Commission on Persons with Disabilities. Ms. Rainey was a staple in our community and with our church. She is an incredibly humble, personable, and knowledgeable advocate for persons with disability. She lovingly helped to educate, inform, and challenge those around her in ways that made us all desire to know better and do better. If you were to grant her the honor of this position, all those associated with her would only be grateful for the opportunity. She is a wonderful human being, and she makes the world around her better as well.

Please do not hesitate to reach out with any questions.

Marty Baker
Student/Family Minister
Heritage Church of Christ
C: (214) 232-6526

County Clerk

From: Lisa Bishop <lisa.fohb@gmail.com>
Sent: Thursday, December 16, 2021 2:32 PM
To: County Clerk
Cc: Kelly King; Ellen B. McKinley; Axel I. Beers
Subject: Testimony for 17 December 2021 Maui County Council Meeting
Attachments: Maui Council Bill 21-135 12.16.21.pdf; NAS-EPA.pdf; NAS Kahele 3.15.21 short.pdf

Some people who received this message don't often get email from lisa.fohb@gmail.com. [Learn why this is important](#)

Aloha,

Please include the attached testimony and two additional attached letters in tomorrow's discussion of Agenda Item CC 21-557.

Mahalo,

Lisa Bishop
President
Friends of Hanauma Bay
(808) 748-1819

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— —
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*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

Council of the County of Maui
Regular Meeting of December 17, 2021 9:00 a.m.
Meeting Site: Online Only
via BlueJeans link <https://maui.bluejeans.com/295235670>

December 16, 2021

Re: CC 21-557 MAYOR comments relating to Bill 135 (2021) entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS".

Aloha Maui County Council,

Mahalo for the opportunity to testify on agenda item CC 21-557.

The Mayor's comments on Bill 135 (2021) signal that his "administration is prepared to reevaluate the ordinance and if applicable, propose changes to the Council following the findings of the National Academies of Sciences, Engineering and Medicine in the Spring of 2022," prior to the effective date of the law.

He states that "coral reefs face **graver dangers** through increasing ocean temperatures and levels of carbon dioxide in seawater, and increasing levels of trash and micro-plastics from improper disposal and stormwater runoff. Without addressing these types of global threats to coral reefs, our marine ecosystems will still continue to face an uphill battle."

We agree that coral reefs face multiple threats that Councilmember King and others are also working to address, but it is difficult to understand the Mayor's logic that because "coral reefs face graver dangers..." there is no reason to enact this "first step" to remove toxic substances like organic sunscreens from Hawaii's waters to protect coral and all that live within the reef.

That's like telling a cancer patient that there is no point in setting a broken arm because (s)he is undergoing long-term chemotherapy... Complications from an untreated bone fracture will adversely affect a patient's ability to fight the cancer. You fix the broken arm because the whole person deserves and benefits from a holistic approach to health management. Similarly, our fragile marine ecosystems will not survive to thrive under climate change or vast marine debris accumulations unless we eliminate toxic substances like non-mineral sunscreens from the water. It all begins with the water. **If the water is toxic, marine environments cannot survive.** And unlike stopping climate change, eliminating toxic substances like non-mineral sunscreens from the water is an immediately achievable goal with no cost to the State of Hawai'i. All it takes is the dedicated leadership that passed Bill 135 (2021).



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emphasizing stewardship of the natural resources of Hanauma Bay*

The FDA is responsible for Human Health and Safety, and NOAA is responsible for U.S. National Marine Sanctuaries. **The NAS has absolutely no jurisdiction over sunscreen regulations for people or environmental impacts to coral reefs.**

The FDA has determined only zinc oxide and titanium dioxide are Generally Recognized as Safe and Effective (GRASE) for use in sunscreens. All other non-mineral organic active ingredients in sunscreens are Not GRASE. <https://www.fda.gov/drugs/understanding-over-counter-medicines/questions-and-answers-fda-posts-deemed-final-order-and-proposed-order-over-counter-sunscreen>

Q. What is FDA proposing for sunscreen active ingredients in the proposed order?

A. To establish a final order for sunscreens, FDA is reviewing the active ingredients in these products to determine whether sunscreens with such ingredients are generally recognized as safe and effective (GRASE) for OTC sunscreen use. This proposed order applies only to sunscreen active ingredients listed in the 1999 stayed (not in effect) final monograph. FDA is proposing the following categories of sunscreen ingredients:

GRASE* for use in sunscreens	Not GRASE for use in sunscreens because of safety concerns	Not GRASE for use in sunscreens because additional data needed
Zinc oxide and titanium dioxide	Aminobenzoic acid (PABA) and trolamine salicylate	Cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, padimate O, sulisobenzene, oxybenzone, avobenzene

*GRASE= Generally Recognized as Safe and Effective, when also in conformity with all other applicable requirements.

Q: Why are titanium dioxide and zinc oxide the only proposed GRASE ingredients?

A. FDA's review of publicly available evidence has found sufficient safety data on both zinc oxide and titanium dioxide to support a proposal that sunscreen products containing these ingredients (at concentrations of up to 25%) are GRASE.





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NOAA has determined that common chemicals used in thousands of products to protect against harmful effects of ultraviolet light threaten corals and other marine life:

<https://oceanservice.noaa.gov/news/sunscreen-corals.html>

SUNSCREEN CHEMICALS AND MARINE LIFE

How sunscreen chemicals enter our environment:

- The sunscreen you apply may not stay on your skin.
- When we swim or shower, sunscreen may wash off and enter our waterways.

How sunscreen chemicals can affect marine life:

Chemicals in sunscreens that can harm marine life:

- Oxybenzone, Octinoxate, Octocrylene, Benzophenone-1, Benzophenone-8, OD-PABA, 4-Methylbenzylidene camphor, 3-Benzylidene camphor, nano-Titanium dioxide, nano-Zinc dioxide

GREEN ALGAE: Can impair growth and photosynthesis.

CORAL: Accumulates in tissues. Can induce bleaching, damage DNA, larval defects and even kill.

MUSSELS: Can induce larval deformities.

SEA URCHINS: Can damage immune and reproductive systems, and deform larvae.

FISH: Can decrease fertility and reproduction, and cause female characteristics in male fish.

DOLPHINS: Can accumulate in tissues and be transferred to young.

How we can protect ourselves and marine life:

Seek shade between 10 am & 2 pm, use Ultraviolet Protection Factor (UPF) sunwear, and choose sunscreens with chemicals that don't harm marine life.

Seek shade: 10am to 2pm | Umbrella | Sun hat | UV Sun glasses | Sun shirt | Leggings

oceanservice.noaa.gov/news/sunscreen-corals.html

The on-going NAS ad hoc committee reviewing the state of science on use of sunscreen ingredients currently marketed in the US is reviewing the same studies that underpin the official positions the FDA and NOAA have already taken on the issue: **only zinc oxide and titanium dioxide are GRASE**.

However, Industry lobbied for this NAS review, and has used waiting for the NAS review as a means of stopping any further sunscreen legislation in Hawai'i and elsewhere.

https://www.happi.com/issues/2021-04-04/view_sunscreen-filter/the-politics-of-sunscreens-are-heating-up/



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

An astounding 75% of the panelists selected for this committee have deep and public financial ties with Industry. Concern over this clear conflict of interest was outlined in letters to members of Hawaii's US Congressional Delegation and the EPA by Hawaii organizations representing thousands of residents. We urge the Maui Council to enter these attached letters into the public record for the 17 December 2021 Council meeting.

In summary, the NAS has no jurisdiction on sunscreens, so any comments NAS makes on the state of the science on sunscreens is purely advisory. Only the FDA's determination on sunscreens is binding, which coincides with NOAA's findings: only zinc oxide and titanium dioxide are Generally Recognized as Safe and Effective (GRASE) for use in sunscreens, and common chemicals used in thousands of products to protect against harmful effects of ultraviolet light threaten corals and other marine life.

Maui's Bill 135 (2021), Ordinance 5306, supports the official position of the FDA and NOAA, and provides important and much needed public health and environmental protection.

Mahalo for considering our testimony on CC 21-557 MAYOR comments relating to Bill 135 (2021), and hope the attached letters provide additional insight into our testimony.

Sincerely,

Lisa Bishop
President
(808) 748-1819



On Behalf of the Hawai'i Coral Reef Stakeholders Hui

Michael S. Regan

29 March 2021

**Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460**

Aloha Administrator Regan,

The Hawaii Coral Reef Stakeholders Hui includes over 50 organizations, businesses, individuals and eminent scientists from around the world including Canada, France, Israel, Iran, and China. Collectively, the Hui speaks for more than one thousand citizens from Hawai'i and across the country.

We are deeply concerned about the bias of the participants selected by the National Academy of Sciences (NAS) for the recently convened study on the *Environmental Impact of Currently Marketed Sunscreens and Potential Human Impacts of Changes in Sunscreen Usage* sponsored by the Environmental Protection Agency (EPA).

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

In this study, the EPA has tasked the NAS to review the environmental harms of chemical sunscreens and balance them against the products' benefits. This process will take the place of a risk assessment which EPA lacks authority to conduct because the products are regulated by the Food and Drug Administration (FDA).

Although the study is supposed to be conducted by unbiased experts, nine out of twelve of the participants selected by the NAS have a financial conflict of interest and are propagandists for the Personal Care Products Council and associated corporations (collectively, the Petrochemical Sunscreen Industry). The Petrochemical Sunscreen Industry directly funds their research, pays them consulting fees, and funds their employers.

Founded in 1863 as a result of an [Act of Congress](#), the NAS is charged with providing independent, objective advice to the nation on matters related to science and technology. NAS's selection of these panelists with clear conflicts of interest puts in doubt the integrity and the outcome of this important consensus report to Congress. Stacking the deck with paid Petrochemical Sunscreen Industry scientists and propagandists also significantly undermines public confidence in the integrity of the scientific process used by the NAS, and the judgment of the EPA.

The following publicly available information shows that nine of the twelve panelists NAS selected for the study have clear ties to the Petrochemical Sunscreen Industry which compromises the legitimacy and integrity of the study:

1. Charles Menzie (Chair) - currently works for Exponent, Inc., a leader in litigation defense and regulatory science. It is a go-to destination for major industries with liability problems which accepts money from the Petrochemical Sunscreen Industry, including members of the American Chemistry Council.

<https://www.exponent.com/professionals/m/menzie-charles-a>

<https://business-ethics.com/2016/12/13/1724-big-companies-in-legal-scrapes-turn-to-science-for-hire-giant-exponent/>

2. Scott Belanger - recently retired from the "Global Product Stewardship Global Capability Organization (Environmental Stewardship and Sustainability) of the Procter & Gamble Company". He has long argued that the volume-use of surfactants has no environmental impact.

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4130171/pdf/best44_1893.pdf

3. Karen Glanz – appears to have already determined the impact of sunscreens on coral before the NAS panel discussions even started. She co-authored an Op-Ed for the Honolulu Star Advertiser with Kevin Cassel (also appointed to the Study) titled "Sunscreens save lives, have limited impact on coral reefs" (<https://www.staradvertiser.com/2018/03/29/editorial/island-voices/sunscreens-save-lives-have-limited-impact-on-coral-reefs/#story-section>) whereby she and Cassel lobby against Hawaii's 2018 ban on sale of sunscreens containing the petrochemicals oxybenzone and octinoxate. Additionally, "Sunscreens Save Lives" is a J&J tag line that was used for promoting inappropriate information on High SPF sunscreens to Florida citizens via the Sun Safe Florida web site. The site "sunsafeflorida.com" is no longer online, and nothing has been posted on their Twitter page (<https://twitter.com/SunSafeFlorida>) since October 2019.

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5. Carys Mitchelmore – has recently written two papers: one sponsored by, and one co-authored by, the Personal Care Products Council that tries to argue that coral is not negatively impacted by petrochemical sunscreens. Her recent endeavor outlines what she perceives as the problems with the existing nine coral papers currently in the scientific literature. Again, it appears that she determined the outcome of the NAS panel before it convened.

6. Paul K. Westerhoff – between 2010 and 2020, he published 19 nano titanium dioxide papers mostly demonstrating negative impacts to the environment. Although nano-particle minerals have been repeatedly noted as not being healthy for the environment by many, and remain an issue for human safety by the FDA, the concern is that he may be more in favor of the petrochemical sunscreen additives currently under review.

7. Rebecca D. Klaper – in 2006 and 2017, Ms Klaper published three papers on the negative effects of nano-particle sized titanium dioxide, again which is being questioned for human safety by the FDA. The concern is that she would be inclined to promote the petrochemical sunscreens in question and inappropriately concluded their safety before the NAS Panel started.

8. Dirk Elston – a credentialed author of many topics, he has co-authored a response to a sunscreen paper in the Journal of the American Academy of Dermatology (AAD). The paper states, "The hypothesis that a component of sunscreens may promote frontal fibrosing alopecia remains unproven". Again, this reviewer is prone to conclude that petrochemical sunscreens do not have a negative impact based on AAD propaganda. The AAD strongly promotes the use of petrochemical sunscreens, and he has remained indifferent to the current literature demonstrating the environmental and human impacts of these chemicals.

9. Kanade Shinkai – a respected dermatologist from the University of San Francisco, California who has co-authored two papers in JAMA Dermatology (she is the editor) addressing the FDA Matta et al publications demonstrating the significant absorption levels of sunscreen into the blood via whole body application. The review of the data is well done. However, her bottom line to dermatologists is that the presence of these materials in the blood at levels significantly above the concern for systemic toxicity is still considered safe, regardless of the significant body of scientific data published in the literature, as noted by the FDA.

It bears repeating: nine of the twelve panelists - 75% - have a financial conflict of interest and are propagandists for the Personal Care Products Council and the Petrochemical Sunscreen Industry.

NAS has stipulated that members of the study cannot be compensated by the Petrochemical Sunscreen Industry during the study. However, the panelists have accepted compensation from the Petrochemical Sunscreen Industry to promote Industry narratives before their selection to the panel, thereby delaying legislative decisions about petrochemical UV filters in sunscreens, and manufacturing doubt about the hundreds of peer-reviewed studies documenting the threats of these UV filters to public and environmental health.

A recent study published March 8, 2021

<https://pubs.acs.org/doi/pdf/10.1021/acs.chemrestox.0c00461> confirms that the petrochemical octocrylene in sunscreens degrades into benzophenone, a known mutagen, carcinogen, and endocrine disruptor. Its presence in food products or food packaging is already banned in the United States. **Under California's Proposition 65, there is no safe harbor for benzophenone in any personal care products, including sunscreens, anti-aging creams, and moisturizers.**

Congress failed to act on the dangers of tobacco, glyphosate, neonicotinoids, and PFAS (poly and perfluoroalkyl substances) - the "forever chemicals" that contaminate our drinking water and almost everything we touch, wear, and use. If the NAS study continues with so many participants with ties to the Petrochemical Sunscreen Industry, this most recent study, and hundreds of other important studies over the last 20 years, may be ignored because they do not support the Petrochemical Sunscreen Industry narratives. If Congress informs policy with the results of such a compromised study, it will once again allow endangerment of societal and environmental health for generations. Our country's public health, as well as our nation's fragile marine ecosystems, are depending on impartial professionalism from this panel.

There are too many alarming similarities between this panel and the International Wildlife Conservation Council (IWCC), a committee that was similarly stacked with biased members, that drew public outrage, and ultimately a lawsuit. Like the IWCC, this NAS sunscreen panel embodies the "fox in the henhouse" scenario, endangering the very public and environmental health it is supposed to be protecting.

https://blog.humanesociety.org/2019/10/illegal-government-advisory-panel-touts-benefits-of-trophy-hunting.html?credit=blog_post_021020_id11194

<https://blog.humanesociety.org/2020/02/breaking-news-lawsuit-prompts-shutdown-of-trophy-hunters-panel-in-trump-administration.html>


We therefore respectfully request that the current study be paused, and the panel dissolved. We ask that the EPA require the NAS to select a new panel of participants with no financial ties to the Petrochemical Sunscreen Industry, and who do not otherwise serve as propagandists for the Personal Care Products Council and associated corporations.

Furthermore, we have requested Congressional oversight over this consensus study to ensure its legitimacy and unbiased rigor. Our country's public health and marine ecosystems deserve an impartial study from our premier scientific body, and the NAS and EPA should want to ensure the integrity of its scientific process.

We have shared these concerns and recommendations with US Senators and Representatives across the country, and our concerns have gained Congressional attention.

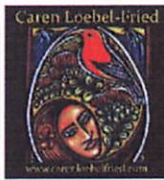
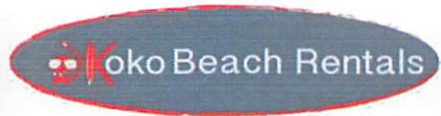
Mahalo nui loa for your assistance with this very important issue!

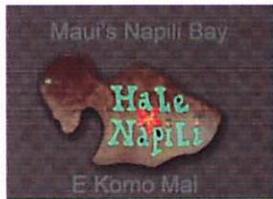
On behalf of the Hawai'i Coral Reef Stakeholders Hui,


Lisa Bishop
President
Friends of Hanauma Bay
(808) 748-1819



Environmental Caucus of
The Democratic Party of Hawai'i

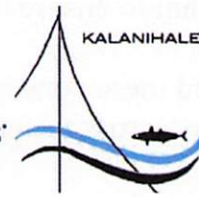




Wailea Property Owners Association



NUDI WEAR



HONOLULU SCUBA COMPANY





The Honorable Kaiali'i Kahele
1205 Longworth HOB
Washington, DC 20515

99 Aupuni St
Suite 118
Hilo, HI 96720

15 March 2021

Aloha Congressman Kahele,

Founded in 1990, Friends of Hanauma Bay is a 501(c)(3) non-profit dedicated to the conservation of coastal and marine environments, emphasizing stewardship of the natural resources of Hanauma Bay.

We are deeply concerned about the bias of the participants selected by the National Academy of Sciences (NAS) for the recently convened study on the *Environmental Impact of Currently Marketed Sunscreens and Potential Human Impacts of Changes in Sunscreen Usage*.

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

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Congress failed to act on the dangers of tobacco, glyphosate, neonicotinoids, and PFAS (poly and perfluoroalkyl substances) - the “forever chemicals” that contaminate our drinking water and almost everything we touch, wear, and use. If the NAS study continues with so many participants with ties to the Petrochemical Sunscreen Industry, this most recent study, and hundreds of other important studies over the last 20 years, may be ignored because they do not support the Petrochemical Sunscreen Industry narratives. Congress will once again allow endangerment of societal and environmental health for generations if it accepts the results of such a compromised study. Our country’s public health, as well as our nation’s fragile marine ecosystems, are depending on impartial professionalism from this panel.

There are too many alarming similarities between this panel and the International Wildlife Conservation Council (IWCC), a committee that was similarly stacked with biased members, that drew public outrage, and ultimately a lawsuit. Like the IWCC, this NAS sunscreen panel embodies the “fox in the henhouse” scenario, endangering the very public and environmental health it is supposed to be protecting.

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We therefore respectfully request that the current study be paused, and the panel dissolved. We ask that the NAS select a new panel of participants with no financial ties to the Petrochemical Sunscreen Industry, and who do not otherwise serve as propagandists for the Personal Care Products Council and associated corporations.

Further, we request Congressional oversight over this consensus study to ensure its legitimacy and unbiased rigor. Our country’s public health and marine ecosystems deserve an impartial study from our premier scientific body, and the NAS should want to ensure the integrity of its scientific process.



Mahalo nui for your assistance in this matter!

Lisa Bishop

President

Friends of Hanauma Bay

(808) 748-1819

County Clerk

From: Patricia Cadiz <pbcs5@mac.com>
Sent: Friday, December 10, 2021 8:08 PM
To: County Clerk
Cc: Mike J. Molina; Yuki Lei Sugimura; Tamara A. Paltin; Alice Lee
Subject: Bill #136

[You don't often get email from pbcs5@mac.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha Kathy,

Please direct me to a link where I can read the full text of bill #136, relating to TVRs in the Apartment District, or tell me how I can see it.

I asked four council members a question about it on Nov 3rd. The only reply I received was that it was deferred and more work was needed. Now I read that it was passed on second reading on Nov 19.

Thank you in advance,

Patti Cadiz

Sent from my iPhone

RECEIVED
2021 DEC 13 AM 8:49
OFFICE OF THE
COUNTY CLERK

County Clerk

From: VINCENT J CARR <fishnirish@bellsouth.net>
Sent: Thursday, December 16, 2021 10:36 AM
To: County Clerk
Subject: Ordinance 5306

You don't often get email from fishnirish@bellsouth.net. [Learn why this is important](#)

Aloha Maui County Council Members,,

I strongly support Sunscreen Ordinance 5306. Of course there are many stressors that threaten the marine ecosystem. This measure is but one step that is needed to avoid future damage. The non-mineral sunscreen threat can easily be addressed right now by this ordinance.

I am a volunteer on a beach where we interact with visitors daily that are interested in lessening their impact on the marine environment while they enjoy the beauty of our Hawaiian waters and marine life. Whenever we discuss sunscreen I hear a common refrain: "Oh yes, we have "reef-friendly" sunscreen. I waited until we got to Hawaii to purchase sunscreen because I knew that they would only be selling the proper products". Unfortunately, that is not the current reality. Ordinance 5306 will help these people accomplish their goal of minimizing their impact on the marine environment. Please enact and enforce Ordinance 5306.

Mahalo,
Vince Carr

RECEIVED
2021 DEC 16 AM 11:12
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED

From: Kathleen Clark <kclark@kohalacenter.org>
Sent: Monday, December 13, 2021 3:21 PM
To: County Clerk
Subject: Mineral Sunscreen Ordinance SUPPORT

2021 DEC 13 PM 3:53

OFFICE OF THE
COUNTY CLERK

You don't often get email from kclark@kohalacenter.org. [Learn why this is important](#)

Aloha mai kākou,

I strongly support Ordinance 5306. While we are keenly aware that multiple stressors threaten the marine ecosystem, but it is essential that we take all sensible steps to reduce the local stressors that we can. Sunscreen pollution is something we can address immediately unlike other issues that take more time. A healthy ocean is essential to life as we know it. The benefits it provides our communities, coastlines and economies are priceless. This ordinance moves in a positive direction and says that we understand the value of the healthy marine systems and we will do what we can to protect them so that future generations can still know their benefits.

Additionally, the FDA has placed chemical sunscreen products in Non-GRASE until the sunscreen industry can prove their products are safe and effective. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention. Finally, there are many safe options that are widely available including mineral sunscreens and sun protective clothing.

Mahalo for your time and consideration.

Kathleen

—

Kathleen Clark
Marine Stewardship and Education Specialist
The Kohala Center
808-887-6411 office
808-885-6707 fax

P.O. Box 437462
Kamuela, Hawai'i 96743
kohalacenter.org | [Facebook](#) | [Instagram](#)

The Kohala Center is an independent, community-based center focused on research, education, and 'āina stewardship for healthier ecosystems. By turning ancestral knowledge and research into action, we cultivate conditions that reconnect us with our place, water, food, and people, so that communities in Hawai'i and around the world can thrive—ecologically, economically, culturally, and socially.

County Clerk

RECEIVED

From: John Cranshaw <johncranshaw@gmail.com>
Sent: Tuesday, December 14, 2021 6:14 AM
To: County Clerk
Subject: New Sunscreen Ordinance

2021 DEC 14 AM 7:58

OFFICE OF THE
COUNTY CLERK

You don't often get email from johncranshaw@gmail.com. [Learn why this is important](#)

To: Maui Council County Members

I strongly support Sunscreen Ordinance 5306. We are aware that multiple stressors threaten the marine ecosystem, but this non-mineral sunscreen threat is something we can address immediately unlike other issues that take time.

The FDA has placed these products in Non-GRASE until the sunscreen industry can prove their products are safe and effective. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.

Mahalo nui loa,

John Cranshaw

County Clerk

RECEIVED

From: Robert Culbertson <dancingcloudrefuge@gmail.com>
Sent: Tuesday, December 14, 2021 12:00 AM
To: County Clerk
Subject: Sunscreen legislation - support for Ordinance 5306

2021 DEC 14 AM 7:58

OFFICE OF THE
COUNTY CLERK

You don't often get email from dancingcloudrefuge@gmail.com. [Learn why this is important](#)

Aloha Councilmembers!

I strongly support Sunscreen Ordinance 5306. I am aware that multiple stressors threaten the marine ecosystem, *but this non-mineral sunscreen threat is something we can address immediately* unlike other issues that take time. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.

Let's turn the tables on industrial policy while we keep our reefs and keiki safe!

Sincerely,
R.A. Culbertson



RECEIVED

2021 DEC 17 AM 8:11

December 16, 2021

OFFICE OF THE
COUNTY CLERK

By eComment

Re: CC 21-556 Mayor notifying of his veto of Bill No. 111 (2021), "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY."

Maui County Council Meeting December 17, 2021, 9:00 AM, via BlueJeans

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Councilmembers:

Mahalo for allowing me the opportunity to share our thoughts with you on County Communication 21-556: Mayor notifying of his veto of Bill No. 111 (2021), "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY."

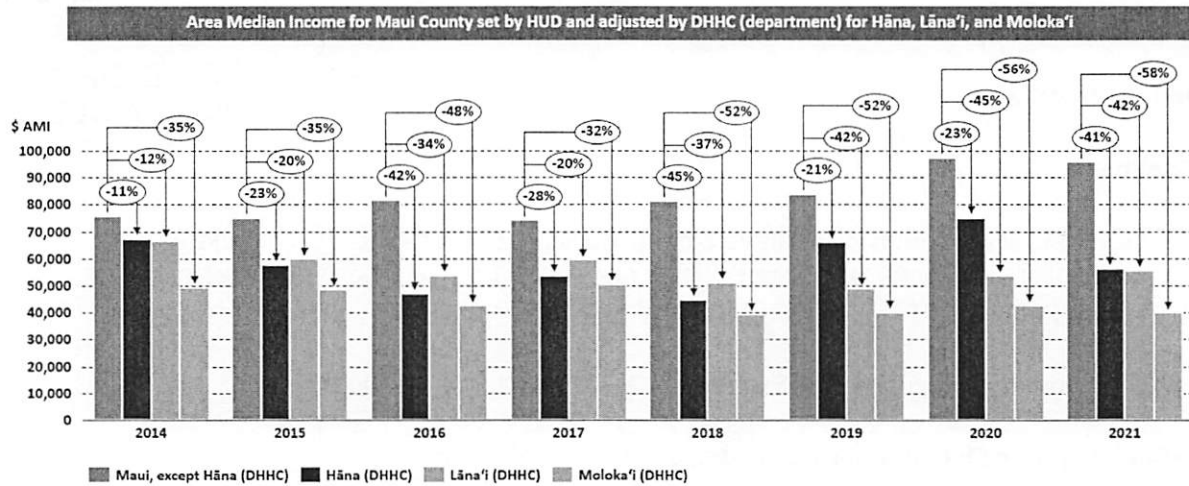
Pūlama Lānaʻi is in support of the Mayor's veto of Bill No. 111 (2021), as written. In particular the elimination of the specific adjustment of the County's area median income (AMI) as established by HUD, or adjusted by the department, for Hāna, Lānaʻi, and Molokaʻi (see Maui County Code 2.96.090 (B)(3) and (4)).

Lack of community outreach

Community outreach and participation in these types of changes are paramount to the process. Pūlama Lānaʻi and affiliated companies employ the majority of the residents on Lānaʻi. To our knowledge, there was no outreach conducted on Lānaʻi regarding this change.

Unintended consequences on volatility by eliminating the specific adjustment for Lānaʻi

Eliminating the specific adjustment by the department for the AMI for Lānaʻi families is significant. In the bar graph below, you can see how different the AMI levels are between Lānaʻi and Maui. The difference ranges each year. For example in 2014, the Lānaʻi AMI level was 12 percent less than Maui; however, in 2020 it was 45 percent less than Maui. There could be unintended consequences by eliminating the language. Take the example we just provided. In 2014, a Lānaʻi resident earning 100% AMI according to DHHC would be considered in the Below Moderate income category if the proposed bill was in effect; however in 2020, this same resident would be in the Very Low income category.



We appreciate the collective efforts of the Council in addressing the housing crisis in our community. However, we would request a more deliberate authentic effort to gather community input when considering such changes to those most affected.

Mahalo for your service to our community and for consideration of our testimony,

Keiki-Pua Dancil

Keiki-Pua S. Dancil, Ph.D.

Senior Vice President, Government Affairs & Strategic Planning

County Clerk

From: Stan Franco <stanfranco9114@gmail.com>
Sent: Thursday, December 16, 2021 3:06 PM
To: County Clerk
Subject: Maui County Council Meeting

I will not be able to give oral testimony at your meeting tomorrow so these are my thoughts on Mayor Victorino's veto of Bill No. 111:

1. On the transfer of the eligibility list from developers to the County, I say that this makes the list accountable to the public. Where private developers are interested in profitability, the County must represent the interest of the public. Therefore, it is logical the County should maintain the eligibility list in the public's interest.
2. Concerning the change from 90 days to 120 days for housing built for a particular income group, I see this as a way to assure that homes go to those with the most need. If the County will be subsidizing these homes, we should make every effort to assure that the housing needs of folks in each income group are met. Therefore, we have to prepare our people to be ready to take title to the homes that they need and at incomes they earn. Also, on upcoming housing projects, I suggest that how to sign up for them should be the responsibility of the County of Maui or its designee.
3. In my involvement with the public meetings held by Hawaiian Community Assets in the development of the CAHP, I heard over and over again that our people wanted homes to be built for local residents. I believe that the new durational residency preference is a way to accomplish what the public asked for from the CAHP. The current language was discussed over and over again before the current language was agreed upon. Why do we need to discuss this again?

In general, Mayor Victorino claimed that the current bill may put the County of Maui in a legally challenged position. If we are going to worry about potential legal action, we would not take any action. We should be smart when we are creating legislation, but it should not freeze us from acting. Our community is calling us to act and indeed we must act.

Therefore, I ask the Maui County Council to override Mayor Victorino's veto.

Thank you so much for your foresight in moving our community to action in our housing crisis.

Stan Franco
214-3575

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County Clerk

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From: Wendy Galasso <galwen53@gmail.com>
Sent: Thursday, December 16, 2021 9:17 AM
To: County Clerk
Subject: Sunscreen Ordinance Support

2021 DEC 16 AM 9:37

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COUNTY CLERK

You don't often get email from galwen53@gmail.com. [Learn why this is important](#)

Aloha Maui County Council members,

I am in total support of Sunscreen Ordinance 5306 and the placement of unsafe products on the FDA Non-GRASE list.

I am a "Reef Teach" volunteer on Hawaii Island through the Kohala Center and feel that binding ordinances banning unsafe sunscreen products should be enacted to help our marine and other ecosystems become healthy again and maintain such health into the future.

I am so glad that Maui is leading the way on this issue and hope that your actions will show the rest of the state and country that we are all united in the protection of our ecosystems and the health of our residents and visitors.

Mahalo,

Wendy Galasso

County Clerk

From: Patti Henry <patticns@charter.net>
Sent: Wednesday, December 15, 2021 10:33 AM
To: County Clerk
Subject: Sunscreen Ordinance 5306

You don't often get email from patticns@charter.net. [Learn why this is important](#)

I strongly support Sunscreen Ordinance 5306. We are aware that multiple stressors threaten the marine ecosystem, but this non-mineral sunscreen threat is something we can address immediately unlike other issues that take time. FDA has placed these products in Non-GRASE until the sunscreen industry can prove their products are safe and effective. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.

Patti Henry

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HEARING OF THE COUNCIL OF THE COUNTY OF MAUI

ATTN: CHAIR ALICE L. LEE & VICE-CHAIR
KEANI RAWLINS-FERNANDEZ

Testimony in Strong Support of Communication No 21-560

**Board of Directors
2021**

Dec. 17, 2021, 9:00am

Board Chair
Mary Charles

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President & CEO
Laura H. E. Kaakua

ph: 808.791.0729
126 Queen St., Ste. 306
Honolulu, Hawaii 96813
www.hilt.org

Aloha mai kākoku Chair Lee, Vice-Chair Rawlins-Fernandez & Members of the Council of the County of Maui,

Hawaiian Islands Land Trust, d/b/a Hawai'i Land Trust ("HILT") is Hawai'i's islands-wide land trust that is both a Hawai'i 501(c)3 nonprofit, and a nationally accredited land trust. HILT'S mission is to protect and steward the lands that sustain Hawai'i, and to perpetuate Hawaiian values by connecting people to 'āina. Mahalo for the opportunity to provide testimony in strong support of Communication No. 21-560 and its accompanying resolution.

HILT is working to support the successful close of the final phases of the Save Hana Coast joint land protection effort lead by Hana based non-profit organization, Ke Ao Halii. With the successful partnership between Ke Ao Halii, HILT, the County of Maui, and the State Legacy Land Conservation Program (LLCP), we were able to permanently protect 27 acres of the Mokae I lands in March 2020 and 30.34 acres of the Makaalae lands in November 2021. Now, project partners are working to close the final phases of this effort to protect the entire stretch from Hamoa Beach to Waioka Pond.

HILT strongly supports Communication No. 21-2560, which will allow project partners to close the funding gap to complete this landscape level protection effort.

To date, HILT recently secured an additional \$100,000.00 in private funding support from a foundation supporting shared values of protecting Hawai'i's agricultural lands. This amount will be used to directly lessen and leverage the County's contribution.

We mahalo the County Council for its consideration of this request and are humbled and equally emboldened in how our shared values and partnerships provide direct reprieve to address the complex environmental and community resilience issues that we collectively face statewide. Mahalo nui loa for your public service and for the opportunity to submit testimony. We look forward to working collaboratively to protect our most special places throughout the County of Maui.

Mālama pono,

Shae Kamakaala
Director of 'Āina Protection, shae@hilt.org, 808-940-0639

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From: Cindi Punihaole <cpunihaole@kohalacenter.org>
Sent: Wednesday, December 15, 2021 8:28 AM
To: County Clerk
Subject: Testimony CC21-557

2021 DEC 15 AM 9:07

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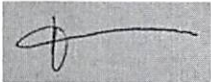
Aloha Honorable Alice L. Lee, Chair, Keāni Rawlins-Fernandez Vice Chair, and Councilmembers

We on Hawai'i Island are so proud of you. Historic Ordinance 5306 shows us that Maui County continues to lead in efforts to protect the environment and our keiki. It is troubling that this Ordinance may be amended before its effective date by the Mayor. We are in complete support of Ordinance 5306 without modifications.

On September 24, 2021, the Food and Drug Administration (FDA) issued a proposed order concerning nonprescription sunscreen drug products. In the proposed order, two mineral products zinc oxide and titanium dioxide are deemed generally recognized as safe and effective (GRASE), and fourteen products are deemed NOT GRASE. Of the fourteen products, twelve products do not currently contain sufficient data to support positive GRASE classification. The twelve products that require additional data are avobenzone, cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, oxybenzone, padimate O, and sulisobenzene.

The Maui County Council shouldered the responsibility to prohibit the sale, use, or distribution of non-mineral sunscreens (nonprescription drugs) that have questionable effects on the health of humans and marine life based on scientific data. As with any other drug, the Precautionary Principle should apply.

Sincerely,



Cynthia Punihaole Kennedy
Director
Kahalu'u Bay Education Center
The Kohala Center
P.O Box 437462
Kamuela, HI 96743
808 895-1010 mobile
808 887-6411 office
Facebook.com/kahaluubay
www.kohalacenter.org/kbec

County Clerk

From: Ron Lucey <Ron.Lucey@gov.texas.gov>
Sent: Thursday, December 16, 2021 10:32 AM
To: County Clerk
Cc: 'Rainey Dock Matthews'
Subject: Agenda Item # - CR 21-137Support for Appointment of Ms. Rainey Dock Matthews to serve as the mayoral nominee for the Maui Commission on Persons with Disabilities

You don't often get email from ron.lucey@gov.texas.gov. [Learn why this is important](#)

Chair Molina and Committee Members:

My name is Ron Lucey. I serve as the Executive Director of the Texas Governor's Committee on People with Disabilities (GCPD) in Austin Texas. Last month I wrote in support of the appointment of Ms. Rainey Dock Matthews to serve as the mayoral nominee for the Maui Commission on Persons with Disabilities. I understand a final confirmation vote is scheduled for December 17th. I highly recommend Ms. Mathews confirmation for your committee's vacancy. Ms. Matthews formerly served as the Chair of the Fort Worth Mayors Committee on Persons with Disabilities. In her role as chair the GCPD had an excellent working relationship with her and we found the Fort Worth Mayor's Committee on People with Disabilities to be among the most active and successful committees across our state. The success of the committee was due in large part to Ms. Rainy Matthew's outstanding leadership of this committee. Her passionate support of people with disabilities is balanced by her pragmatic and respectful approach to public service. Her lived experience as a woman with a disability and professional knowledge of public accommodations, including accessible transportation, voting, pedestrian infrastructure, and accessible recreation programs and facilities will serve your community well as you work towards the full inclusion of individuals with disabilities in the economic and social life of Maui. Please contact me if I can answer any additional questions about this outstanding nominee.

Respectfully,

Ron Lucey
Executive Director
Texas Governor's Committee on People with Disabilities
P.O. Box 12428
Austin TX 78711
(512) 463-5742
(737) 701-6976 Cell
ron.lucey@gov.texas.gov
<http://gov.texas.gov/disabilities/>
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From: MICHAEL McGUIRE <mikemcguire87@msn.com>
Sent: Thursday, December 16, 2021 8:49 AM
To: County Clerk
Subject: Sunscreen Ordinance 5306

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You don't often get email from mikemcguire87@msn.com. [Learn why this is important](#)

We strongly support Sunscreen Ordinance 5306. There are multiple stressors threatening the marine ecosystem, but this non-mineral sunscreen threat is something we can address immediately. FDA has placed these products in Non-GRASE until the sunscreen industry can prove their products are safe and effective. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life.

The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.

Let me know if you have any questions.

Mahalo

Michael and Deborah McGuire

County Clerk

From: Ellen B. McKinley
Sent: Friday, December 17, 2021 7:55 AM
To: County Clerk
Subject: CC 21-557
Attachments: Hawaii NAS Protest.pdf



Ellen McKinley, Executive Assistant
Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor, Wailuku HI 96793
<http://mauicounty.us/>

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Now is the time to provide input to update the South Maui Community Plan! <https://southmaui.wearemaui.org/get-involved/>

we are
SOUTH MAUI



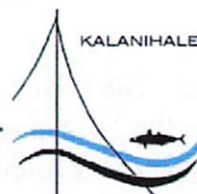
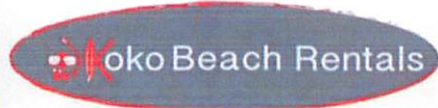
THE KOHALA CENTER



NAPILI
Bay and Beach Foundation



Environmental Caucus of
The Democratic Party of Hawai'i



The National Academies of
Sciences, Engineering, and Medicine
500 Fifth St, NW
Washington, DC 20001
(202) 334-2351

Attention:

Dr. Elizabeth A. Eide, Ph.D.
Executive Director
Division on Earth and Life Studies

Emily Twigg
Program Officer
Ocean Studies Board

March 3, 2021

Aloha Dr. Eide and Ms. Twigg,

The noted members of the Hawai'i Coral Reef Stakeholders Hui submit this letter of protest about the participants selected for the National Academy of Sciences (NAS) Study *Environmental Impact of Currently Marketed Sunscreens and Potential Human Impacts of Changes in Sunscreen Usage*.

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

Since this study is supposed to be conducted by unbiased experts, we are concerned that the panel is heavily weighted to assure the Personal Healthcare Product Industry a consensus that will allow it to continue using petrochemical active ingredients while bypassing FDA regulations requiring safety testing of the ingredients.

For example:

1) Karen Glanz – Ms Glanz appears to have already determined the impact of sunscreen on coral before the NAS panel discussions even started. She wrote an article in the Hawaii Star Advertiser titled “Sunscreens save lives, have limited impact on coral reefs” (<https://www.staradvertiser.com/2018/03/29/editorial/island-voices/sunscreens-save-lives-have-limited-impact-on-coral-reefs/#story-section>) whereby, she advocates against the sunscreen ban of Hawaii. Additionally, “Sunscreens Save Lives” is a J&J tag line that was used for promoting inappropriate information on High SPF sunscreens to Florida citizens via the Sun Safe Florida web site the site “sunsafe-florida.com” is no longer on-line and appears to be available for sale by GoDaddy! Nothing has been posted on their Twitter page (<https://twitter.com/SunSafeFlorida>) since October 2019.

2) Carys Mitchelmore – has recently written two papers: one sponsored by, and one co-authored by, the Personal Care Products Council that tries to debunk that coral is

negatively impacted by sunscreens. Her recent endeavor outlines the problems with the existing 9 coral papers currently in the scientific literature. Again, it appears that she has already determined the outcome of the NAS panel before it convened.

3) Paul K. Westerhoff – between 2010 and 2020, he published 19 nano titanium dioxide papers mostly demonstrating negative impacts to the environment. Although nano-particle minerals have been repeatedly noted as not being healthy for the environment by many, and remains an issue for human safety by the FDA, the concern would be that he may be more in favor of the petrochemical (organic) sunscreen actives currently under review.

4) Rebecca D. Klapar – In 2006 and 2017, Ms Klapar published 3 papers on the negative effects of nano-particle sized titanium dioxide, again which is being questioned for human safety by FDA. The concern is that she would be inclined to promote the petrochemical (organic) sunscreens in question and inappropriately conclude their safety before the NAS Panel started.

5) Dirk Elston (dermatologist) – a very credentialed author of many topics, he has co-authored a response to a sunscreen paper in the Journal of the American Academy of Dermatology (AAD). The paper states, “The hypothesis that a component of sunscreens may promote frontal fibrosing alopecia remains unproven”. Again, this reviewer is prone to not believe that petrochemical (organic) sunscreens have a negative impact based on the various AAD propaganda. The AAD strongly promotes the use of sunscreens and has remained indifferent to the current literature demonstrating environmental and human impacts of these chemicals.

6) Kanade Shinkai (dermatologist) - a respected dermatologist from the University of San Francisco California who has co-authored 2 papers in JAMA Dermatology (she is the editor) addressing the FDA Matta et al publications demonstrating the significant absorption levels of sunscreen into the blood via whole body application. The review of the data is well done. However, again, her bottom line to dermatologists is that the presence of these materials in the blood at levels significantly above the concern for systemic toxicity are still considered safe, regardless of the significant body of scientific data published in the literature, as noted by the FDA.

In contrast, an NGO and three Hawai'i State Legislators - Senator Mike Gabbard, Senator Gil Riviere, and Representative Gene Ward - wrote to the NAS nominating Dr. Craig A. Downs for selection to the panel. According to the panel selection committee, Dr. Downs was the most nominated expert in the committee's history, yet he was passed over in favor of panelists with strong ties to the Personal Healthcare Product Industry.

How can the American public have faith in the results of such an important study when the NAS selected so many panelists with clear documented industry bias, while dismissing others like Dr. Downs, one of the world's leading forensic ecotoxicologists with a stellar resume, who has independently championed public and environmental health throughout his career?

There are too many alarming similarities between this panel and the International Wildlife Conservation Council (IWCC), a committee that was similarly stacked with biased members, that drew public outrage, and ultimately a lawsuit. Like the IWCC, this NAS panel embodies the "fox in the henhouse" scenario, endangering the very public and environmental health it is supposed to be protecting.

<https://blog.humanesociety.org/2020/02/breaking-news-lawsuit-prompts-shutdown-of-trophy-hunters-panel-in-trump-administration.html>

Below are a dozen scientific references, recently published, relating to the negative impact to the aquatic environment focusing solely on avobenzone and octocrylene (Note: other chemicals of concern may have also been tested concurrently in the papers referenced below).

- 1) Irrigation with water containing avobenzone and octocrylene significantly inhibit the aboveground growth of cucumber plants by interfering with photosynthesis. (Zhong et al Sci Total Environ. **2020 Apr 20**;714:136879). These findings should cause great concern since aquatic plants (currently growing in sunscreen contaminated waters) also use photosynthesis to grow that feed a variety of aquatic species.
- 2) Octocrylene was the most toxic UV filter tested in brine shrimp followed by avobenzone (Thorel et al Toxics. **2020 Apr 10**;8(2):29).
- 3) Octocrylene was considered to be a great threat to Japanese medaka (*Oryzias latipes*) based on its reproductive toxicity (Yan Environ Pollut. **2020 Jun**;261:114104)
- 4) Both avobenzone and octocrylene induced behavioral and physiological disruption at environmentally realistic concentrations in *Daphnia magna* (Boyd et al Sci Total Environ. **2021 Jan 1**;750:141707).
- 5) Long-term exposure to avobenzone and octocrylene was lethal for some organisms living in freshwater environments and were considered dangerous for freshwater ecosystems (University of Alberta – **Sept 1, 2020** <https://www.enn.com/articles/65243-common-sunscreen-ingredients-dangerous-for-freshwater-ecosystems>).

- 6) Octocrylene was reported to alter in a negative manner mitochondrial function of hexacoral *Pocillopora damicornis* (Stien et al Sci Rep. **2020 Jun 15**;10(1):9601).
- 7) Octocrylene accumulates in *Pocillopora damicornis* tissues as fatty acid conjugates and triggers coral cell mitochondrial dysfunction (Stien et al Anal Chem. **2019 Jan 2**;91(1):990-995).
- 8) Octocrylene and avobenzone were found in multiple species of fish from markets in the Canary Islands and Catalonia (Spain) with *Thunnus thynnus* being the most heavily polluted species (Gimeno-Monforte et al Foods. **2020 Dec 9**;9(12):1827). This finding continues to demonstrate the growing concern of bioaccumulation/biomagnification of organic sunscreen actives in the contamination of our food chain.
- 9) Octocrylene may pose high risk to aquatic organisms in the riverine and estuarine environment in Thailand (Juksu et al Ecotoxicol Environ Saf. **2020 Nov**;204:110952).
- 10) In the Enoggera Reservoir (Australia), seven UV filters were detected, of which the most prevalent were octocrylene and avobenzone (O Malley et al Sci Total Environ. **2021 Feb 1**;754:142373).
- 11) Octocrylene was one of three chemicals mixed together that modified genes related to the endocrine system, detoxification mechanisms, and the stress response in *Chironomus riparius* (Muñiz-González Ecotoxicol Environ Saf. **2020 Dec 15**;206:111199).
- 12) Over 60 disinfection by-products were identified as transformation products of avobenzone in different disinfection reactions of chlorination and bromination of fresh or seawater ... increasing its toxicity (Lebedev et al Environment International Volume 137, **April 2020**, 105495).

Published Research Reviewing Whether Sunscreens Prevent Skin Cancer

Statement	Citation
"The preparations are all designed to protect against the acute effects of ultraviolet, namely sunburn. Because of their effectiveness in this regard, they are often assumed to protect against ultraviolet carcinogenesis. In most cases, however, there is little or no published evidence that they do so and the relationship is inferential."	Emmett. Ultraviolet radiation as a cause of skin tumors. CRC Crit Rev Toxicol. 1973 ;2(2):211-55.

<p>"In summary, the results of this study indicate that inflammation and enhanced melanoma growth are different effects of UV radiation involving different mechanisms and have different sensitivities for sunscreen protection. Furthermore, protection against sunburn does not necessarily imply prevention of other possible UV radiation effects, such as enhanced melanoma growth. In fact, sunscreen protection against UV radiation-induced inflammation may actually encourage prolonged exposure to UV radiation and thereby increase the risk of development of cutaneous melanoma."</p>	<p>Wolf et al. Effect of sunscreens on UV radiation-induced enhancement of melanoma growth in mice. J Natl Cancer Inst. 1994;86(2):99-105.</p>
<p>"... the topical use of sunscreens reduces the risk of sunburn in humans and that sunscreens probably prevent squamous-cell carcinoma of the skin when used mainly during unintentional sun exposure. No conclusion can be drawn about the cancer-preventive activity of topical use of sunscreens against basal-cell carcinoma and cutaneous melanoma</p>	<p>World Health Organization - Vainio et al. An international evaluation of the cancer-preventive potential of sunscreens. Int J Cancer. 2000;88(5):838-42.</p>
<p>"Although a sunscreen with an SPF of 15 or higher offers protection from sunburn, it does not block all of the sun's damaging rays. In fact, there is no evidence that sunscreens protect you from malignant melanoma, the deadliest form of skin cancer, even though sunburns have been linked with the development of melanoma."</p>	<p>Environmental Protection Agency: Sunscreen the burning facts 2006. Is sunscreen fail-safe (pg6). www.epa.gov</p>
<p>"Despite the availability and promotion of sunscreen for decades, the incidence of CMM (cutaneous malignant melanoma) continues to increase in the U.S. at a rate of 3% per year. There currently is little evidence that sunscreens are protective against CMM."</p>	<p>Planta. Sunscreen and melanoma: is our prevention message correct? J Am Board Fam Med. 2011;24(6):735-9.</p>
<p>"The strength of the association between risk of skin cancer and sunscreen use has constantly decreased since the early 1980s, and the association was no longer statistically significant from the early 1990s. While the current evidence suggests no increased risk of skin cancer related to sunscreen use, this systematic review does not confirm the expected protective benefits of sunscreen against skin cancer in the general population."</p>	<p>Saes da Silva et al. Use of sunscreen and risk of melanoma and non-melanoma skin cancer: a systematic review and meta-analysis. Eur J Dermatol. 2018;28:186–201.</p>

“Could it be that the nearly universal recommendation of dermatologists and professional societies to use sunscreen to prevent skin cancer is unfounded?”

Waldman et al. The role of sunscreen in the prevention of cutaneous melanoma and nonmelanoma skin cancer. J Am Acad Dermatol. **2019** Feb;80(2):574-576.

We therefore request that the industry bias on this panel be measurably reduced by the inclusion of independent experts like Dr. Downs whose studies are not biased by industry funding or influence. Our country’s public health, as well as Hawaii’s fragile marine ecosystems that are so vital to Hawaiian culture, our communities, and our future, are depending on impartial professionalism from this panel.

Sincerely,

The Hawai’i Coral Reef Stakeholders Hui:

Melodie R. Aduja
Alan B. Burdick
Co-chairs
Environmental Caucus of the
Democratic Party of Hawaii

Ted Bohlen
Hawaii Reef and Ocean Coalition

Cindi Punihaoale
Director Kahalu`u Bay Education Center
The Kohala Center

Mendy Dant
Executive Vice President
Fair Wind Cruises

Lisa Bishop
President
Friends of Hanauma Bay

Craig Downs, Ph.D.
Executive Director
Haereticus Environmental Laboratory

Iris Kahaulelio
Aloha Surfing Ohana

Maxx Phillips
Hawai’i Director
Center for Biological Diversity

William T. White, III
President, Wailea Property Owners
Association

Bill Coney
Dr. Susanne Otero
Co-Founders
Legacy Reef Foundation

Pat B. Lindquist
President
Napili Bay and Beach Foundation

Rene Umberger
Executive Director
For the Fishes

Jamie Lung Ka’eo
General Manager
Hale Napili

Ken Staples
Director of Hawai'i Operations
Ocean Defenders Alliance

Ka'imi Kaupiko
Executive Director
Kalanihale

Mike Nakachi
President
Moana Ohana

Caren Loebel-Fried
Artist, Illustrator, Author

Caroline Duell
CEO
All Good

Brian A. Guadagno
Founder
Raw Elements USA

Elizabeth Reilly
Founder/President
Livable Hawaii Kai Hui

Wilkie McClaren
Safe Sunscreen Coalition

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

Rick Gaffney
President
Hawaii Fishing & Boating Association

Sue Aronson
Owner
Kona Coast Realty Corp.

Kealoha Pisciotta
Founder
Kai Palaoa

Ryan Scalf and Christy Johnson
Co-Owners
Nudi Wear

Ray Hollowell
Founder
Sea Inspiration

Christine Zalewski, Ph.D.
Founder
Silver Spiral Seas, LLC

Matt Zimmerman
Owner
Island Divers Hawaii and Honolulu Scuba
Company

Jeannie Jewell
President
Destination Kona Coast

Scott Head
Vice President of Resort Operations
Waikoloa Beach Resort

Marcio Lira
Florin Mosanica
Co-Founders
Koko Beach Rentals

Marcio Lira
Owner
Kaimana Tours

Florin Nica
Owner
Hanauma Bay Snorkel Adventures

Doug Harper
Executive Director
Malama Maunalua

County Clerk

From: Ellen B. McKinley
Sent: Thursday, December 16, 2021 1:15 PM
To: County Clerk
Cc: Kelly King; Axel I. Beers
Subject: CC 21-557
Attachments: Reef-Safe Sunscreen Report.pdf; Bill 135 Comments December 16 2021.pdf



Ellen McKinley, Executive Assistant
Office of Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor, Wailuku HI 96793
<http://mauicounty.us/>

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Now is the time to provide input to update the South Maui Community Plan! <https://southmaui.wearemaui.org/get-involved/>

we are
SOUTH MAUI

In support of New Sunscreen Law: Bill 135 (2021)/Ordinance 5306

As noted by Mayor Victorino in his comments to the Council of the County of Maui (paragraph below), removing toxic sunscreens from the environment (aquatic and terrestrial) is merely the “first step” in the process to address the global threats to coral reefs. Increases in the amounts and/or even maintaining the existing levels of ocean temperatures, carbon dioxide, plastics, stormwater runoff and in general “chemical pollution” from sunscreens and other toxic chemicals will only continue to have disastrous effects to Hawaii’s and the World’s marine ecosystems.

"Finally, while I applaud the Council's efforts in attempting to reduce threats to our marine ecosystems, coral reefs face graver dangers through increasing ocean temperatures and levels of carbon dioxide in seawater, and increasing levels of trash and micro-plastics from improper disposal and stormwater runoff. Without addressing these types of global threats to coral reefs, our marine ecosystems will still continue to face an uphill battle."

So, with that said I applaud you and the Mayor for recognizing that coral reefs are endangered and for taking the “first step” to remove toxic substances like organic sunscreens from Hawaii’s waters protecting coral and all that live within the reef. Additionally, I want to encourage you to continue to remove/remediate other toxic chemicals/environmental conditions that exist in order to bring back Hawaii’s natural resources and return these precious assets back to the people.

National Academy of Sciences “Expert Panel” Sunscreen Review:

Industry has been telling the American people - for at least the last 100 years - that there is no impact of toxic chemicals to humans and/or the environment despite the thousands of scientific papers published demonstrating that this is untrue. Industry has always claimed that the chemical(s) in question only benefit us, making our lives better! Based on the state of our environment and the trail of dead bodies (human and non-human alike), it is obvious that “industries benefits” of a better life are unseen.

Case in point would be the lobbyist group Public Access to SunScreens (PASS) Coalition. This group boasts of successfully lobbying the Congress of the United States to fund the Environmental Protection Agency (EPA) to fund the National Academy of Sciences (NAS) – who has been known to take “Millions in Gifts From Drugmakers” (sunscreens are classified as drugs) (<https://khn.org/news/article/national-academies-big-pharma-support-drug-waste-report/>) to put together a panel of “biased” experts (see attached letter sent to NAS as well as several US government representatives) to come to a conclusion that the Food & Drug Administration (FDA) and the National Oceanic and Atmospheric Administration (NOAA) has

already made relating to the human and environmental toxicity of organic sunscreen chemicals (see official views below). Therefore, it is unclear what benefit the NAS panel's version of science has on anything when it is announced in September 2022.

FYI ... FDA is responsible for Human Health & Safety and NOAA is responsible for U.S. National Marine Sanctuaries; the EPA and/or NAS have no jurisdiction directly related to sunscreen regulations for humans or environmental impact to coral reefs. Therefore, whatever conclusion this bogus panel concludes has little to no legal impact on what has already been determined by the responsible agencies – the NAS is simply a pawn used by industry lobbyists – like the PASS Coalition and others - to prolong the removal of toxic sunscreen chemicals from our bodies and the environment - to maintain billions in profits from sunscreen and anti-aging product sales.

FDA's Official View - <https://www.fda.gov/media/124655/download>: On February 21, 2019, FDA issued a proposed rule describing the conditions under which FDA proposes that OTC sunscreen monograph products are generally recognized as safe and effective (GRASE) and not misbranded.

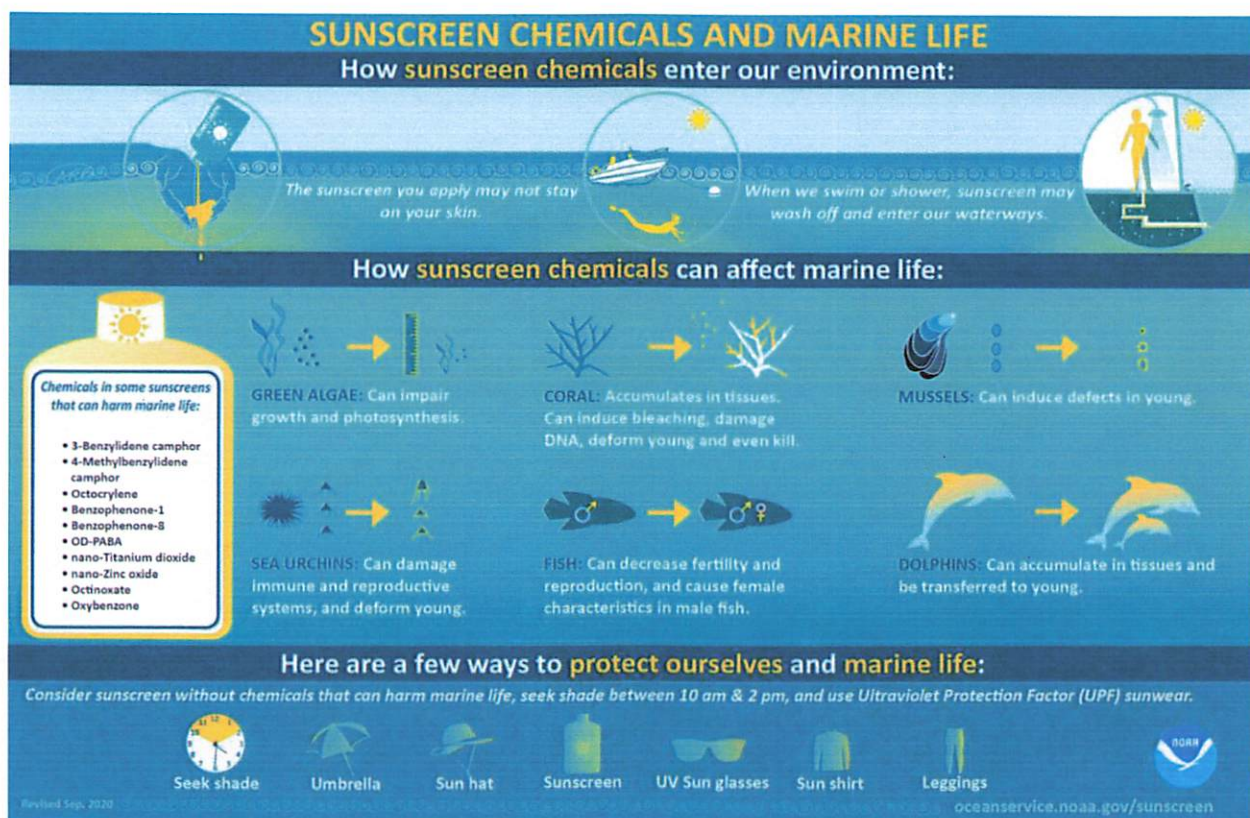
This action is an important example of FDA's ongoing efforts to ensure that sunscreens are safe and effective for regular, life-long use. The agency anticipates these changes will improve the quality, safety, and efficacy of sunscreens Americans use every day. FDA will continue to work with industry and public health stakeholders to make sure that consumers have access to safe and effective sunscreens.

1. Proposed GRASE Status of Active Ingredients Listed in the Stayed 1999 Final Monograph
FDA has proposed the following categories for the 16 sunscreen monograph ingredients.

GRASE* for use in sunscreens	Not GRASE** for use in sunscreens	***Insufficient data for use in sunscreens
Zinc oxide and titanium dioxide	Aminobenzoic acid (PABA) and trolamine salicylate	Cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, padimate O, sulisobenzene, oxybenzone, avobenzone

*GRASE= Generally Recognized as Safe and Effective **These ingredients are not currently marketed. ***For those ingredients in the "insufficient data" category, FDA proposes that it needs additional data to determine that sunscreens with these ingredients would be GRASE.

NOAA's Official View - <https://oceanservice.noaa.gov/news/sunscreen-coral.html>: Common chemicals used in thousands of products to protect against harmful effects of ultraviolet light threaten corals and other marine life.



The above comments are based on my experience with product development, regulatory compliance as well as pre-clinical and clinical safety testing with some environmental testing of OTC sunscreen actives and formulations dating back to 1976.

Mahalo,
Joe DiNardo – Toxicologist
December 16, 2021

Reef-Friendly or Reef-Safe?

An Assessment of the Availability and Use of Reef-Safe
Sunscreen on the Island of Maui, Hawai'i

December 2021



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BACKGROUND

In 2018, Governor of Hawai'i, David Ige, signed Senate Bill 2571 into law, making Hawai'i the first state to ban the sale and distribution of sunscreens containing oxybenzone octinoxate (Speight, 2020).

The Food and Drug Administration considers the only active ingredients in sunscreen to be safe and effective are zinc oxide and titanium dioxide, two of the main ingredients in mineral-based sunscreen. Laboratory trials found that zinc oxide and titanium dioxide do not cause coral bleaching or toxicity (Adler, et al., 2020). However, environmental scientists and health experts are concerned about chemicals like avobenzone, octocrylene, homosalate, and octisalate that are often used to substitute oxybenzone and octinoxate. Danovaro et al. (2008) found that sunscreens containing these ingredients cause the rapid and complete bleaching of hard corals, even at extremely low concentrations.

Research demonstrates that octocrylene can disrupt human hormones and have toxic impacts on the brain and reproductive health of a variety of aquatic organisms. Downs et al., (2021) show that octocrylene bioaccumulates in fish species and degrades into benzophenone, a powerful carcinogen, reproductive disruptor, and herbicide.

Avobenzone is also an endocrine disruptor and can reduce coral resilience against the high ocean temperatures that are threatening corals worldwide due to global warming (Downs, 2021).

The Maui County Council unanimously passed Bill 135 on November 19, 2021, to prohibit the sale, distribution, or use of non-mineral sunscreens. Bill 135 recognizes that a number of non-mineral sunscreens have recently been demonstrated to pose a threat to the health of coastal ecosystems, coral reefs, and other marine species.

All members involved in this study submitted written testimony in support of Bill 135. Once signed into law, Bill 135 will take effect on October 1, 2022.

One limitation to legislation is enforcement since visitors to Maui often bring non-mineral-based sunscreens from other states or countries. Therefore, education and outreach will be vital to reducing the use of non-mineral-based sunscreens.

All sunscreen products surveyed met Hawai'i's legislative standards; however, just 82, out of the 210 sunscreen products surveyed, are **reef safe**.

FREQUENTLY USED TERMS

Table 1. Sunscreen categories and descriptions, November 2021.

Sunscreen	Description
Reef-Safe	Contains only mineral UV-blocking ingredients
Reef-Friendly	Does not contain oxybenzone or octinoxate (<i>does contain other chemical-based ingredients</i>)
Reef-Conscious	Does not contain oxybenzone or octinoxate (<i>does contain other chemical-based ingredients</i>)
*Toxic	Contains oxybenzone or octinoxate (<i>identified as *Toxic</i>)



Figure 1. Coral fragments, MOC Marine Institute coral lab, Maui, Hawai‘i. November 2021.
Photo: MOC Marine Institute

PURPOSE

This report is the result of an independent investigation to serve the community of Maui, Hawai'i, to protect coral reefs and marine ecosystems, and inspire the next generation of environmental stewards. We intend for this report to remain free and accessible.

The purpose of the project was to:

1. Gain insight into the public's current understanding and awareness of the non-regulated terms, **reef-safe** and reef-friendly
2. Increase public awareness of the critical distinction between the terms **reef-safe** and reef-friendly
3. Investigate the accessibility of **reef-safe** sunscreen products available to consumers in Maui, Hawai'i
4. To engage 7th-grade students in hands-on research related to an environmental issue impacting local coastal ecosystems.

STUDENT LEARNING OBJECTIVES

Using quantitative and qualitative methods, students learn how to conduct in-the-field research focused on the impacts of human behavior on Hawai'i's fragile coastal ecosystems. This project centers on the question, *how does engaging youth in place-based science focused on a local ecological issue shape their attitudes, behaviors, and beliefs about these topics?*



Figure 2. 7th-grade students from Kihei Charter School learn how to measure and monitor water quality at MOC Marine Institute, November 2021. Maui, Hawai'i.
Photo: MOC Marine Institute



Project Team

Sunscreen Assessment

PROJECT TEAM

Kihei Charter School

Jadda Miller, 7th-grade Science Teacher

MOC Marine Institute

Thomas Cutt, Executive Director

Chanel Browne, Sea Turtle Program Coordinator

Stanford University

Dr. BJ Fogg

Behavior Design Lab

Kihei Charter School

Student Participants:

Aiden Acerador, Chase Amouyal, Jia Ray Li Angel, Luz Arnal, Slade Auffhammer, Derek 'Kaikea' Barona, Evan Bearden, Conner Beaver, Noa Clayton, Lee Cowles, Andre Cerezo, Makani Cogliandro, Brodrick Craig, Jayden Craig, Nicole Critchlow, Jordyn Diego, Sedona Dressler, Annalise Eller, August Eyerman, Noa Fleming, Arayanna Foster, Hana Freet, Miri Glickman, William Greenleaf, Maxwell Gregory, Madilyn Hays, Eli Hazlet, Ava Herren, Brayden Hill, Mason Hu, Cross Huey, Jacob James, Liliu Kaahumanu, Tanya Kari, Parker Kahooanohano, Austin Kriegh, Andrew Kohl, Isabella Kusch, Ava Larson, Ethan Luckau, Myer Madaus, Ciro Martin, Yona Martin, Fayez Menasra, Noa Moscovich, Lillian Murta, Nainoa Obrochta, Austin Olson, Kingston Palebianco, Hope Patterson, Justin Pe Benito, Sophia Peterson, Mikaela Petrilli, Vienna Phillips, Mason Pinheiro, Gershon Portillo, Mia Rafael, Brandon Ramirez, Adam Ramos, Brandon Ramos, Peytin Robinson, Kevin Rodriguez Velador, Jessica Rosado, Isabella Shiffler, Waiaulia Smith, Miranda Somers, Kaitlyn Tiwari, Wyatt Van der Lee, Desmond Wallace, Maia West, Hannah Wick, Bodhi Williams

MOC Marine Institute

Student Participant:

Harley-Ann Smith

Special Recognition

Jessica Rosado is one of the 7th-grade students that attends Kihei Charter School who participated in this research project. We give special recognition to Jessica as she went beyond the expectations of a student participant on numerous occasions. Jessica consistently achieves excellence in her work and her support throughout this project was invaluable.

Has this project inspired you to learn more and do more to protect coral reefs?

"Yes, it has. I want to make a difference and help our planet. I care so much about animals and saving the planet, so I'm really glad that I got to learn about how the sunscreen that we use can impact future generations. I want to continue making this place better." – Lili'u Kaahumanu, 7th grade



METHODS

Beachgoer Interviews

The project team surveyed one-hundred beachgoers to learn about sunscreen use and the factors that influence purchasing decisions. We asked the following questions:

- 1) What type of sunscreen are you using today?
 - 2) Where did you purchase your sunscreen?
 - 3) What factors influenced your purchasing decision?
- (See full list of interview questions in appendix B).*

Each student interviewer was paired with one adult researcher. Students asked beachgoers the survey questions and completed the digital data collection form. Having the students complete the form made the interview process less demanding for beachgoers and possibly increased the participation rate.

Retail Store Surveys

Students surveyed 17 stores and 210 different sunscreen products across the island of Maui from September to October 2021. The students collected in-store data on available sunscreen products. They noted if products met Hawai'i's legislative designation and if the products were **reef-safe** (mineral-based). The team selected the surveyed stores due to their high visitation rate, accessibility, and proximity to the ocean. The project team analyzed each store based on the number and percent of sunscreen products sold that 1) Met Hawai'i legislation guidelines and 2) Are considered **reef-safe** (mineral-based).



Figure 3. Students from Kihei Charter School interview beachgoers about sunscreen use, November, 2021. Maui, Hawai'i. Photo: MOC Marine Institute

How did you feel when you found out that the Maui County Council passed Bill 135?

"I felt very rewarded and very happy. It is one of those feelings when you're proud to be part of something." – Jessica Rosado, 7th grade





100

beachgoers interviewed



20%

using reef-safe sunscreen

96% of interviewees were visitors to the island of Maui

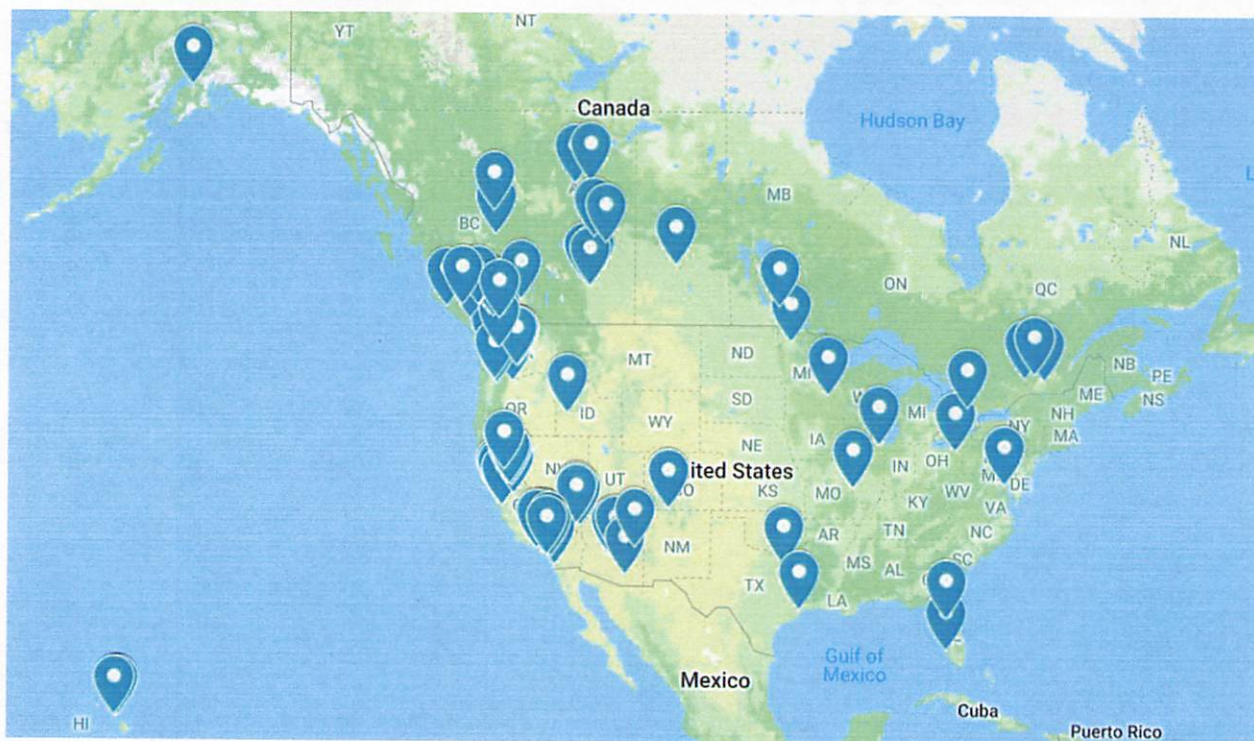
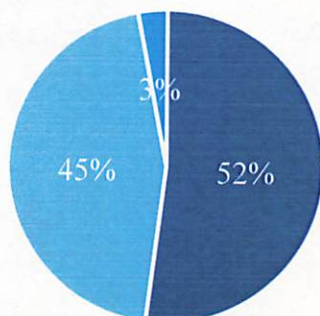


Figure 4. Map displaying home zip codes and postal codes of beach goers interviewed, November 2021.

45% did not purchase their sunscreen on Maui



- Sunscreen purchased on Maui
- Sunscreen not purchased on Maui
- Unknown

Figure 5. 45% of beachgoers interviewed did not purchase their sunscreen products on Maui, November 2021.

35% of the beachgoers interviewed purchased their sunscreen because they believed it was **reef-safe**

Table 2. Sunscreen categories and descriptions, November 2021.

Sunscreen	Description
Reef-Safe	Contains only mineral UV-blocking ingredients
Reef-Friendly	Does not contain oxybenzone or octinoxate (<i>does contain other chemical-based ingredients</i>)
Reef-Conscious	Does not contain oxybenzone or octinoxate (<i>does contain other chemical-based ingredients</i>)
*Toxic	Contains oxybenzone or octinoxate (<i>identified as *Toxic</i>)

***Toxic:** Does not meet Hawai'i's 2021 Legislation (contains oxybenzone or octinoxate).

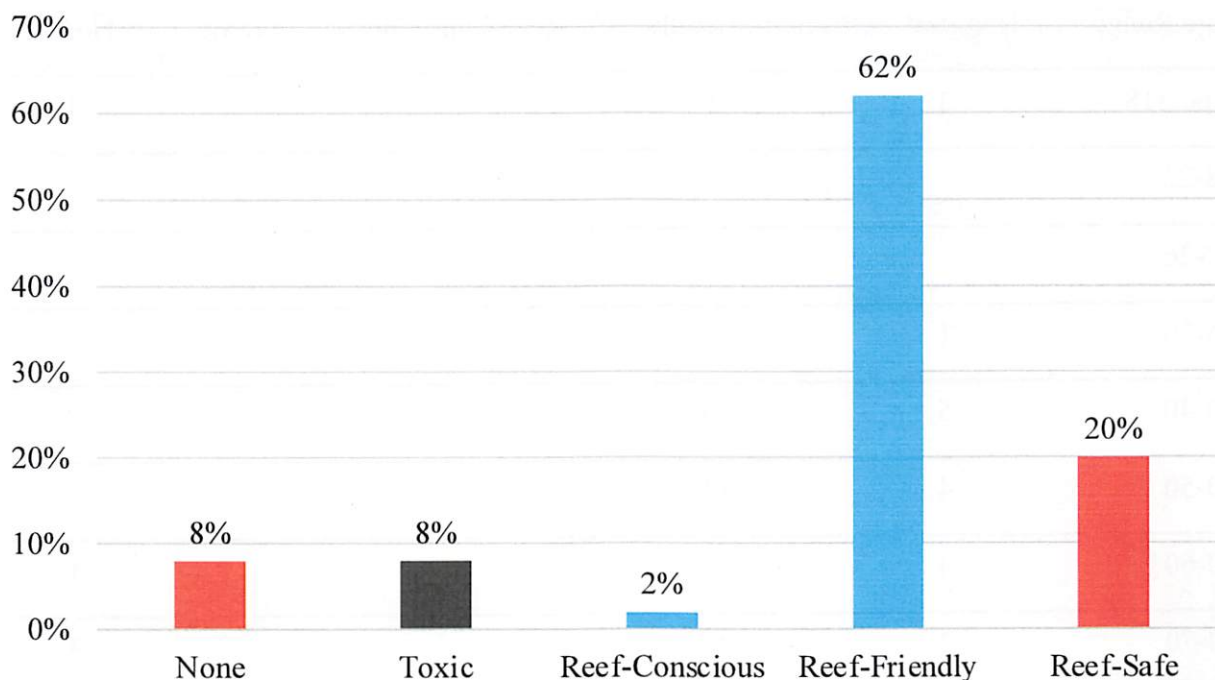


Figure 6. Percent usage of sunscreen products by interviewees, Maui, Hawai'i. November 2021.

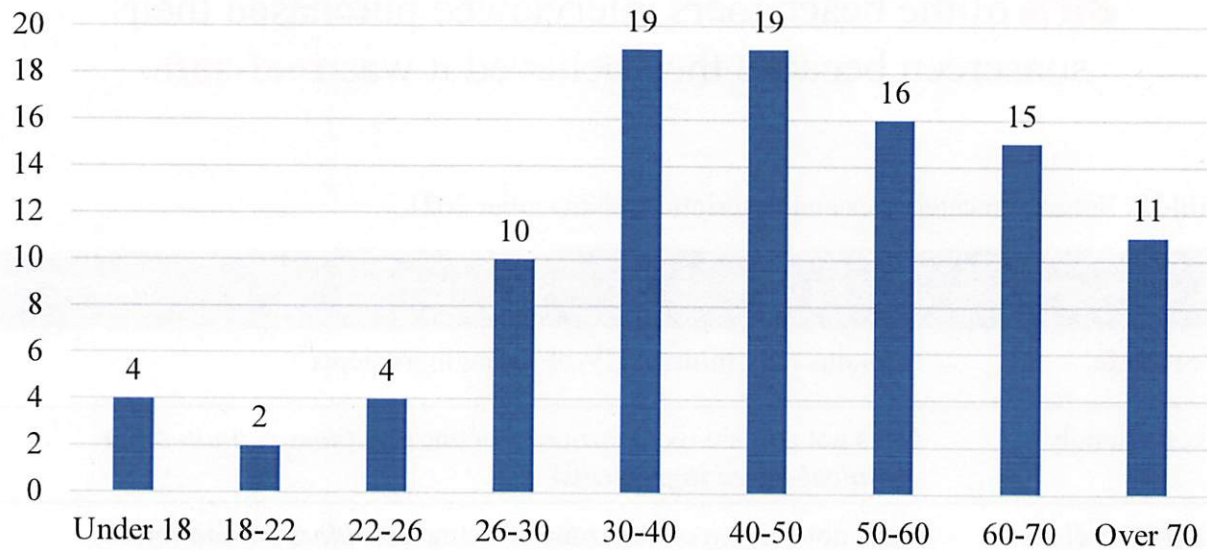


Figure 7. Age range of beachgoers interviewed, November 2021. Maui, Hawai‘i.

Table 3. Age range of beachgoers interviewed and type of sunscreen, November 2021. Maui, Hawai‘i.

Age Range	Reef-Safe	Reef-Friendly	Reef-Conscious	*Toxic	None
Under 18	1	2			1
18-22		2			
22-26		2		1	1
26-30	1	9			
30-40	5	10	2		2
40-50	4	14		1	
50-60	4	9		2	1
60-70	2	8		2	3
Over 70	3	6		2	

How did you feel when you found out that the Maui County Council passed Bill 135?

"I felt proud that we did something that could help preserve the coral reefs around Maui and hopefully lead other islands and cities to do the same."

— Hana Freet, 7th grade



SUPERMARKETS / GROCERY STORES

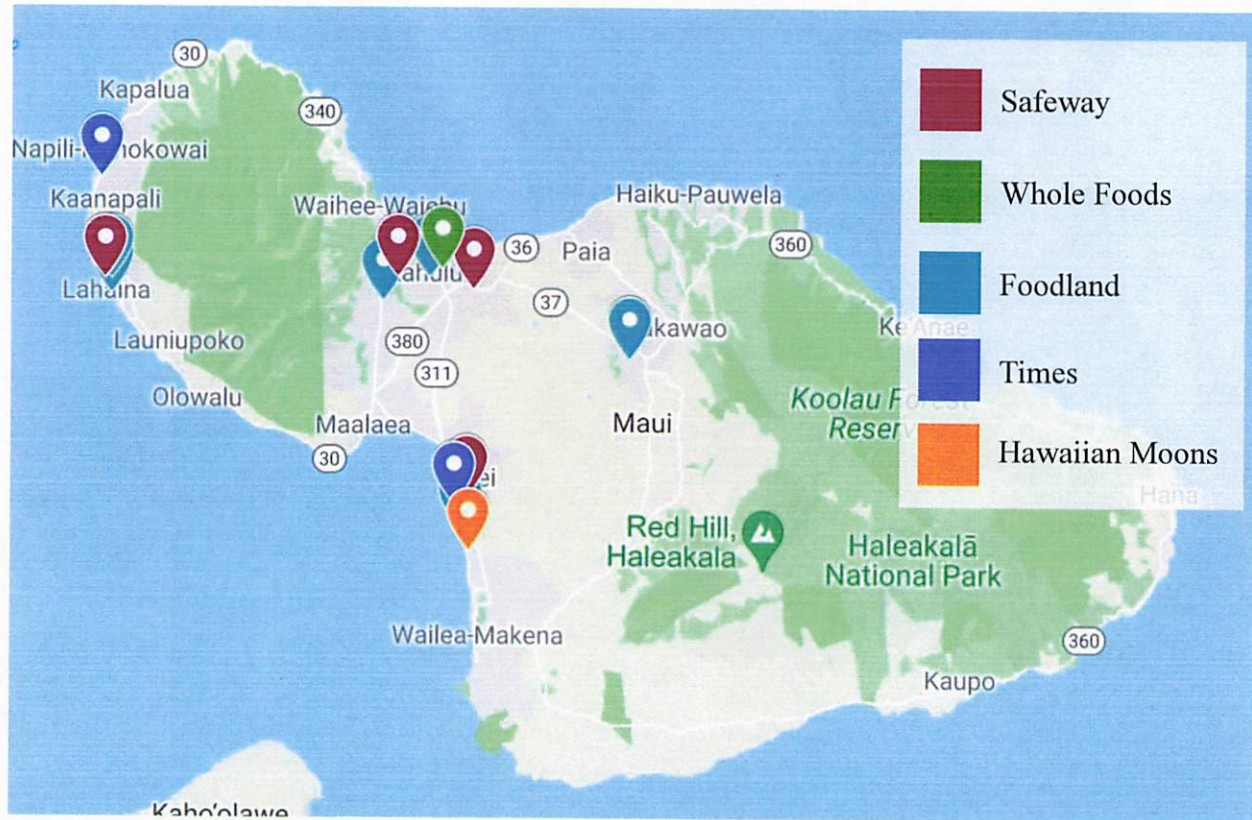


Figure 8. Map of supermarkets/grocery stores surveyed, November 2021. Maui, Hawai‘i.

SAFeway

There are 4 Safeway locations on the island of Maui, Hawai'i. At the time of this survey, Safeway sold 45 different sunscreen products. 100% of the sunscreen products sold at Safeway meet 2021 Hawai'i Legislation. 15.5% (n=7) of the sunscreen products sold at Safeway are **reef-safe**.

Safeway, Maui Locations:

58 Maui Lani Parkway Suite 5000
Wailuku, Hawai'i 96793

1090 Ho'okele Street
Kahului, Hawai'i 96732

1221 Honopi‘ilani Highway
Lahaina, Hawai‘i 96761

SAFEWAY

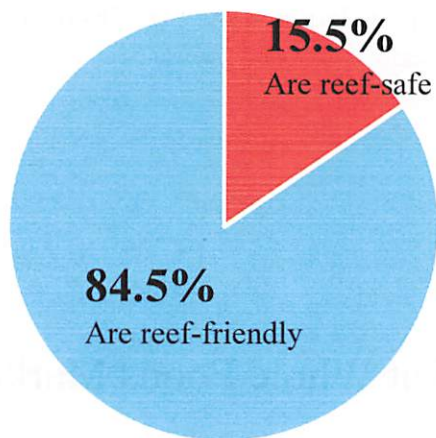


Figure 9. Safeway locations on Maui sell 45 different sunscreen products. 15.5% (n=7) of the sunscreen products sold at Safeway Maui locations are **reef-safe**.



Figure 10. Sunscreen option available for sale at Safeway stores, November, 2021. Maui, Hawai'i. Photo: Kihei Charter School

WHOLE FOODS MARKET

There is one Whole Foods Market location on the island of Maui, Hawai'i. At the time of this survey, Whole Foods Market sold 31 different sunscreen products. 100% of the sunscreen products sold at Whole Foods Market meet 2021 Hawai'i Legislation. 83.9% (n=26) of the sunscreen products sold at Whole Foods Market are **reef-safe**.

Whole Foods Market, Maui Locations:

70 E Maui Kaahumanu Ave
Kahului, Hawai'i 96732

83.9% of the sunscreen products sold at Whole Foods Market are **reef-safe**

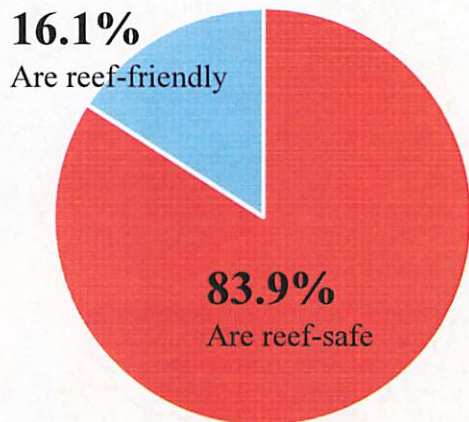


Figure 11. Whole Foods Market locations on Maui sell 31 different sunscreen products. 83.9% (n=26) of the sunscreen products sold at Whole Foods Market are **reef-safe**.

HAWAIIAN MOONS

There is one Hawaiian Moons location on the island of Maui, Hawai'i. At the time of this survey, Hawaiian Moons sold 19 different sunscreen products. 100% of the sunscreen products sold at Hawaiian Moons meet 2021 Hawai'i Legislation. 78.9% (n=15) of the sunscreen products sold at Hawaiian Moons are **reef-safe**.

Hawaiian Moons, Maui Locations:

2411 S. Kihei Rd.
Kihei, Hawai'i 96753

78.9% of the sunscreen products sold at Hawaiian Moons are **reef-safe**

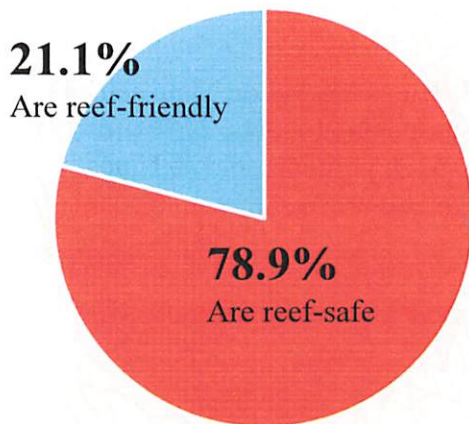


Figure 12. Hawaiian Moons on Maui sells 19 different sunscreen products. More than 78.9% (n=15) of the sunscreen products sold at Hawaiian Moons are **reef-safe**.

TIMES SUPERMARKET

There are 2 Times Supermarket locations on the island of Maui, Hawai'i. At the time of this survey, Times Supermarket sold 43 different sunscreen products. 100% of the sunscreen products sold at Times Supermarket meet 2021 Hawai'i Legislation. 27.9% (n=12) of the sunscreen products sold at Times Supermarket are **reef-safe**.

Times Supermarket, Maui Locations:

1310 S. Kihei Rd.
Kihei, Hawai'i 96753

3350 Lower Honoapiilani Rd.
Lahaina, Hawai'i 96761

27.9% of the sunscreen products sold at Times Market are **reef-safe**

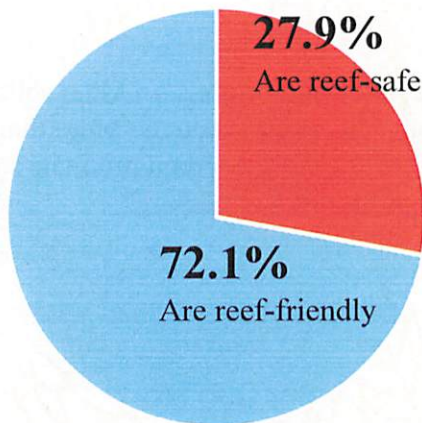


Figure 13. Times Market on Maui sells 43 different sunscreen products. 27.9% (n=12) of the sunscreen products sold at Times Supermarket are **reef-safe**.

FOODLAND

There are 6 Foodland locations on the island of Maui, Hawai‘i. At the time of this survey, Foodland sold 58 different sunscreen products. 100% of the sunscreen products sold at Foodland meet 2021 Hawai‘i Legislation. 22.4% (n=13) of the sunscreen products sold at Foodland are **reef-safe**.

Foodland Maui Locations:

1881 S Kihei Rd Kihei, Hawai‘i 96753	878 Front St #6B Lahaina, Hawai‘i 96761
370 Kehalani Village Dr Wailuku, Hawai‘i 96793	345 Keawe St Suite 304 Lahaina, Hawai‘i 96761
90 Kane St Kahului, Hawai‘i 96732	55 Pukalani St Pukalani, Hawai‘i 96768

22.4% of the sunscreen products sold at Foodland are **reef-safe**

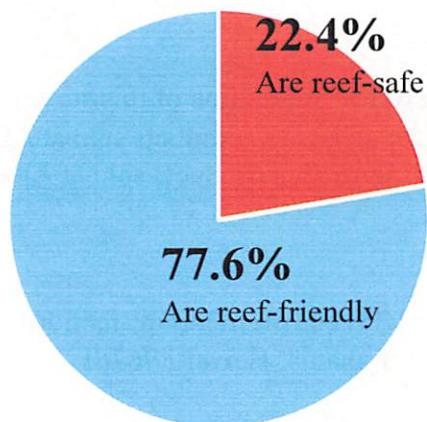


Figure 14. Foodland on Maui sells 58 different sunscreen products. 22.4% (n=13) of the sunscreen products sold at Foodland are **reef-safe**.

CONVENIENCE STORES

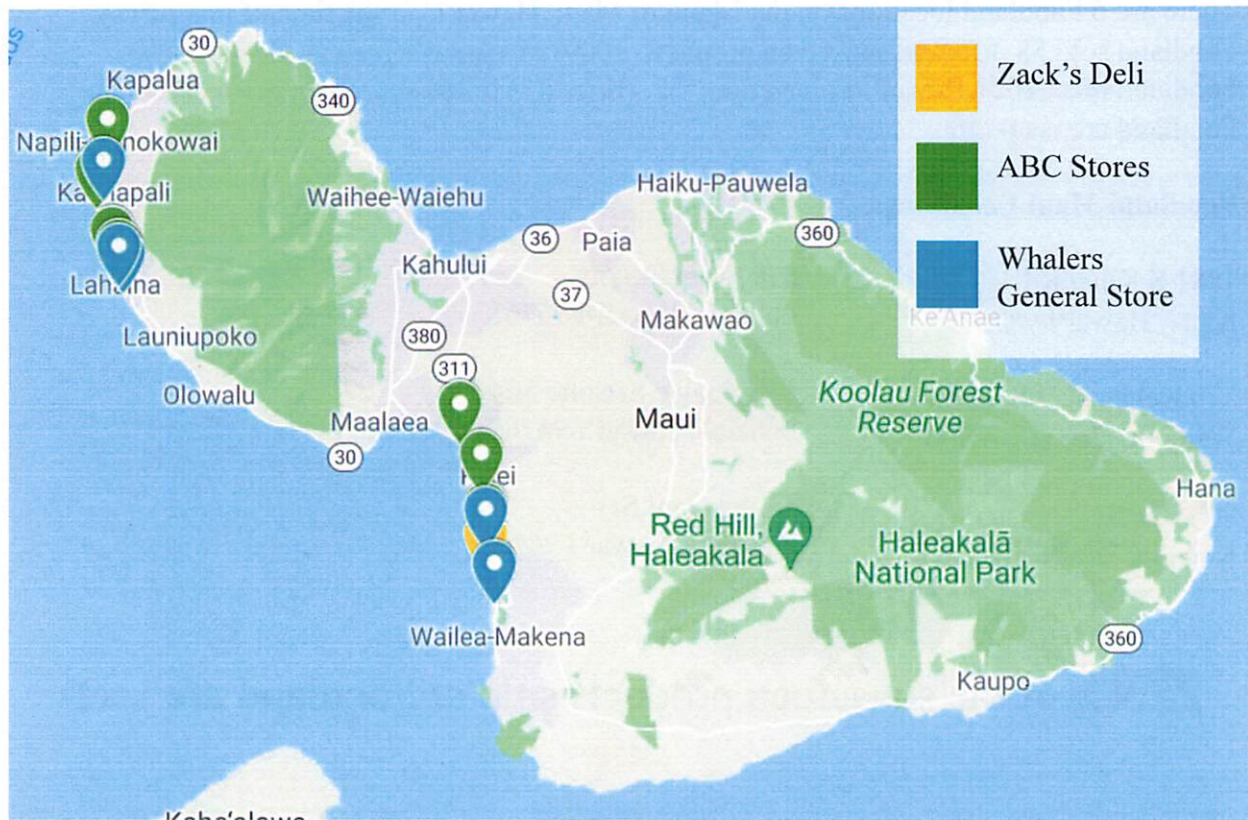


Figure 15. Map of convenience stores surveyed, November 2021. Maui, Hawai'i.

ABC STORE

There are 10 ABC Store locations on the island of Maui, Hawai'i. At the time of this survey, ABC Stores sold 48 different sunscreen products. 100% of the sunscreen products sold at ABC Stores meet 2021 Hawai'i Legislation. 27.08% (n=13) of the sunscreen products sold at ABC Store are **reef-safe**.

ABC Store Maui Locations:

247 Pi'ikea Ave #104 Kihei, Hawai'i 96753	1221 HI-30 STE A-100 Lahaina, Hawai'i 96761	3511 Lower Honopi'ilani Rd Lahaina, Hawai'i 96761
2349 S Kihei Rd Kihei, Hawai'i 96753	900 Front St Lahaina, Hawai'i 96761	724 Front St Lahaina, Hawai'i 96761
61 S Kihei Rd #2 Kihei, Hawai'i 96753	2435 Kaanapali Pkwy Lahaina, Hawai'i 96761	666 Front St. Lahaina, Hawai'i 96761
		3750 Wailea Alanui Dr A-53 Kihei, Hawai'i 96753

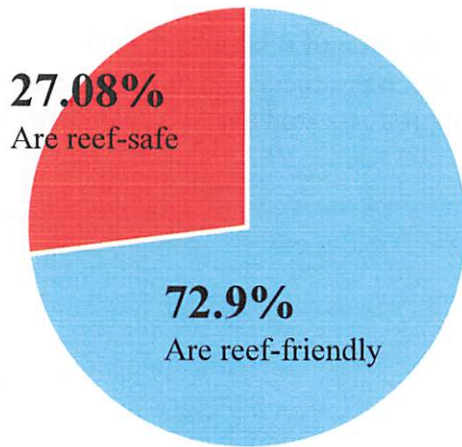


Figure 16. ABC Store locations on Maui sell 48 different sunscreen products. 27.08% (n=13) of the sunscreen products sold at ABC Store Maui locations are **reef-safe**.

27.08% of the sunscreen products sold at ABC Store are **reef-safe**



Figure 17. Sunscreen options available for sale at ABC Stores, November, 2021. Maui, Hawai'i. Photo: MOC Marine Institute

ZACK'S DELI

There is one Zack's Deli on the island of Maui, Hawai'i. At the time of this survey, Zack's Deli sold 20 different sunscreen products. 100% of the sunscreen products sold at Zack's Deli meet 2021 Hawai'i Legislation. 10% (n=2) of the sunscreen products sold at Zack's Deli are reef-safe.

Zack's Deli Locations:

2960 S Kihei Rd B.
Kihei, Hawai'i 96753

10% of the sunscreen products sold at Zack's Deli are
reef-safe

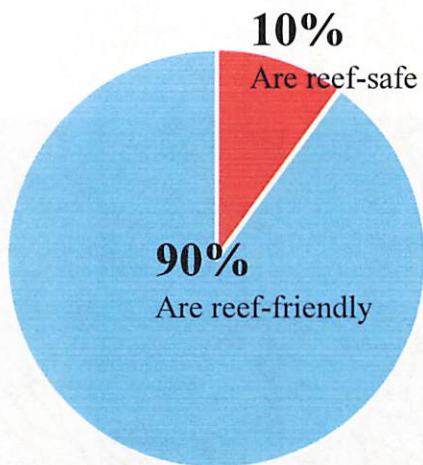


Figure 18. Zack's Deli on Maui sell 20 different sunscreen products. 10% of the sunscreen products sold at Zack's Deli are **reef-safe**.

WHALERS GENERAL

There are 4 Whalers General locations on the island of Maui, Hawai'i. At the time of this survey, Whalers General sold 35 different sunscreen products. 100% of the sunscreen products sold at Whalers General meet 2021 Hawai'i Legislation. 11.4% (n=4) of the sunscreen products sold at Whalers General are reef-safe.

Whalers General Locations:

3750 Wailea Alanui Dr Kihei, Hawai'i 96753	2580 Kekaa Dr space no m-1 Lahaina, Hawai'i 96761
2463 S Kihei Rd Kihei, Hawai'i 96753	816 Front St #A Lahaina, Hawai'i 96761

11.4% of the sunscreen products sold at Whalers General are **reef-safe**

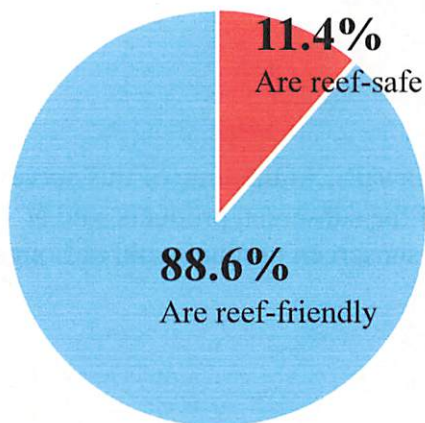


Figure 19. Whalers General locations on Maui sell 35 different sunscreen products. 11.4% (n=4) of the sunscreen products sold at Whalers General Maui locations are **reef-safe**.

PHARMACIES

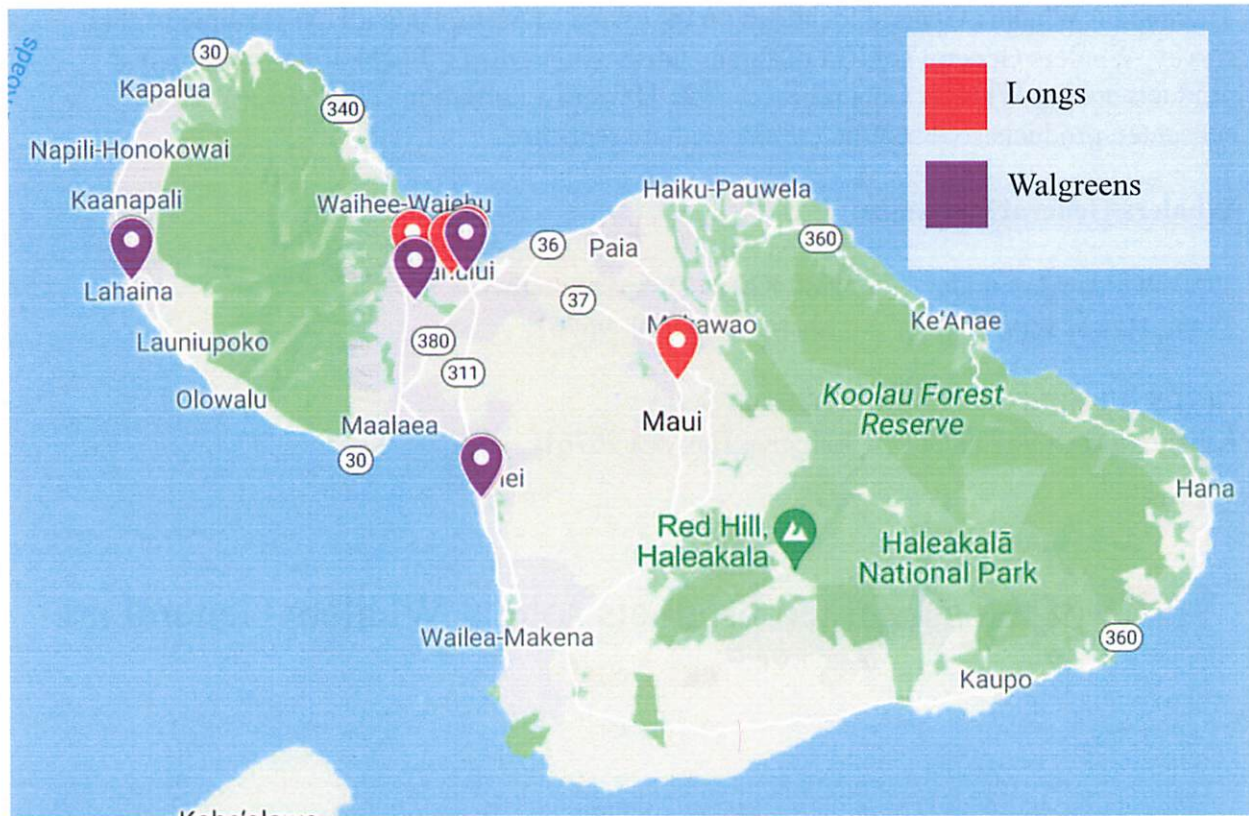


Figure 20. Map of pharmacies surveyed, November 2021. Maui, Hawai‘i.

LONGS DRUGS

There are 8 Longs Drugs locations on the island of Maui, Hawai‘i. At the time of this survey, Longs Drugs sold 82 different sunscreen products. 100% of the sunscreen products sold at Longs Drugs meet 2021 Hawai‘i Legislation. 30.4% of the sunscreen products sold at Longs Drugs are **reef-safe**.

Longs Drugs Maui Locations:

1215 S Kihei Rd
Kihei, Hawai‘i 96753

55 Kiopaa St
Makawao, Hawai‘i 96768

41 E Lipoa St
Kihei, Hawai‘i 96753

135 Kehalani Village Dr
Wailuku, Hawai‘i 96793

1221 HI-30
Lahaina, Hawai‘i 96761

70 E Kaahumanu Ave
Kahului, Hawai‘i 96732

275 W Kaahumanu Ave
Kahului, Hawai‘i 96732

1900 Main St
Wailuku, Hawai‘i 96793

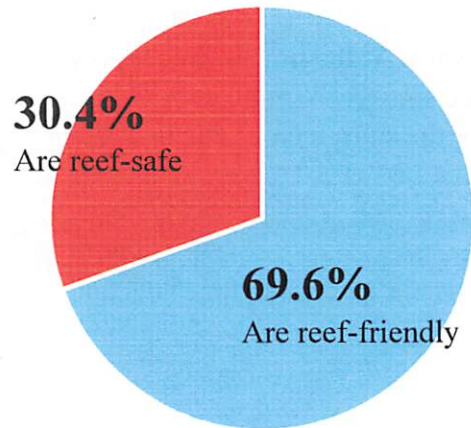


Figure 21. Longs Drugs locations on Maui sell 82 different sunscreen products. 30.4% percent (n=25) of the sunscreen products sold at Longs Drugs Maui locations are **reef-safe**.

30.4% of the sunscreen products sold at Longs Drugs are **reef-safe**



Figure 22. Sunscreen options available for sale at Longs Drugs stores, November, 2021. Maui, Hawai'i. Photo: Kihei Charter School

WALGREENS

There are 4 Walgreens locations on the island of Maui, Hawai'i. At the time of this survey, Walgreens sold 41 different sunscreen products. 100% of the sunscreen products sold at Walgreens meet 2021 Hawai'i Legislation. 29.3% (n=12) of the sunscreen products sold at Walgreens are **reef-safe**.

Walgreens Maui Locations:

10 E Kamehameha Ave
Kahului, Hawai'i 96732

342 Keawe St
Lahaina, Hawai'i 96761

700 Waiale Rd
Wailuku, Hawai'i 96793

2180 Main St Ste 102
Wailuku, Hawai'i 96793

29.3% of the sunscreen products sold at Walgreens are
reef-safe

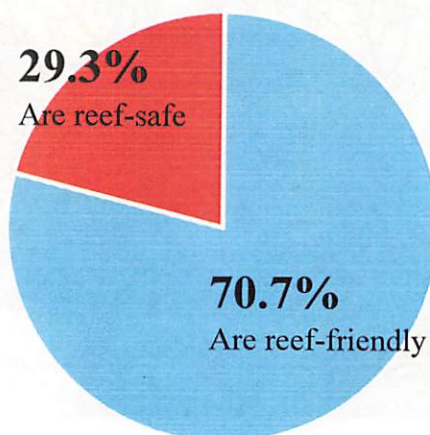


Figure 23. Walgreens locations on Maui sell 41 different sunscreen products. 29.3% (n=12) of the sunscreen products sold at Walgreens Maui locations are **reef-safe**. November 2021.

RECREATIONAL SPORTS STORES

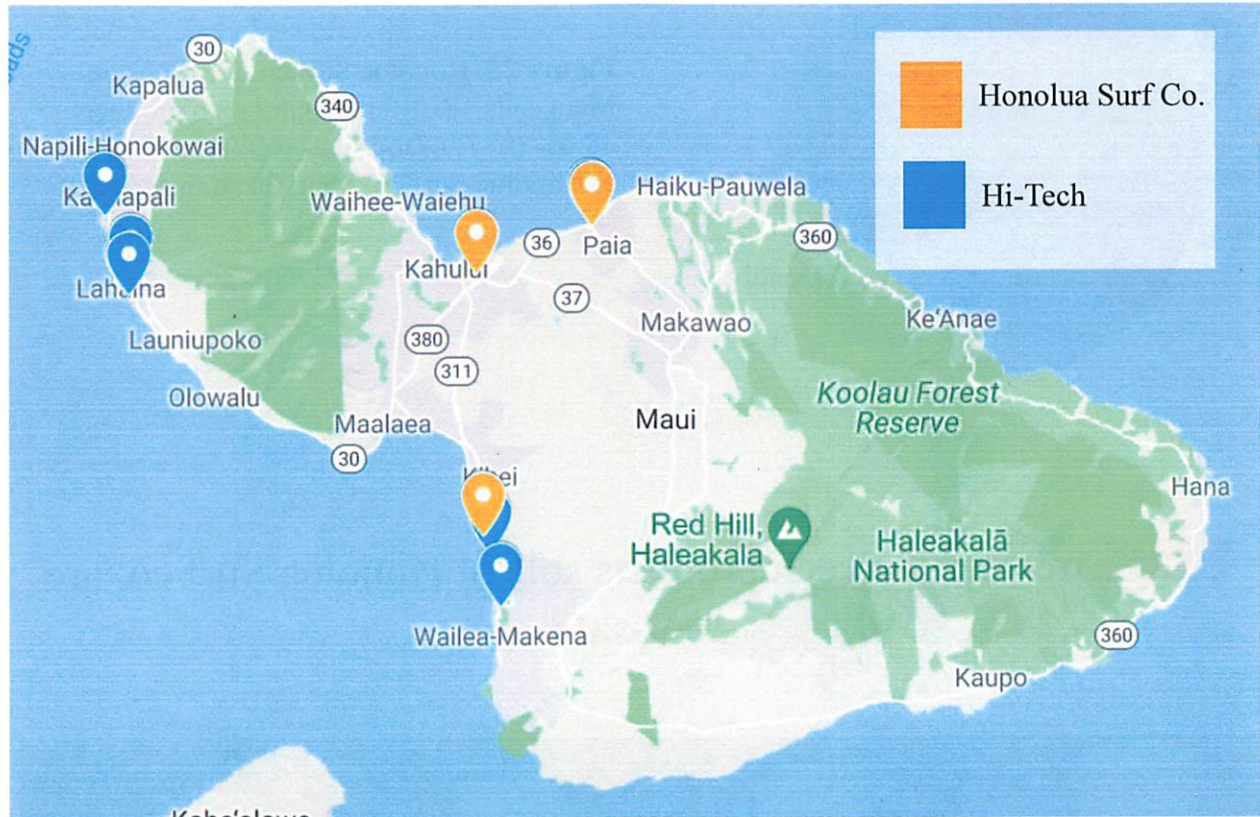


Figure 24. Map of recreational stores surveyed, November 2021. Maui, Hawai'i.

HONOLUA SURF CO.

There are 7 Honolua Surf co. locations on the island of Maui, Hawai'i. At the time of this survey, Honolua Surf co. sold 18 different sunscreen products. 100% of the sunscreen products sold at Honolua Surf co. meet 2021 Hawai'i Legislation. 38.8% (n=7) of the sunscreen products sold at Honolua Surf co. are **reef-safe**.

Honolua Surf co. Maui Locations:

2411 S Kihei Rd
Kihei, Hawai'i 96753

3750 Wailea Alanui Dr B47
Wailea, Hawai'i 96753

2435 Kaanapali Pkwy E1
Lahaina, Hawai'i 96761

115 Hana Hwy
Paia, Hawai'i 96779

42 Ulupono St # 107
Lahaina, Hawai'i 96761

754 Front St
Lahaina, Hawai'i 96761

845 Front St
Lahaina, Hawai'i 96761

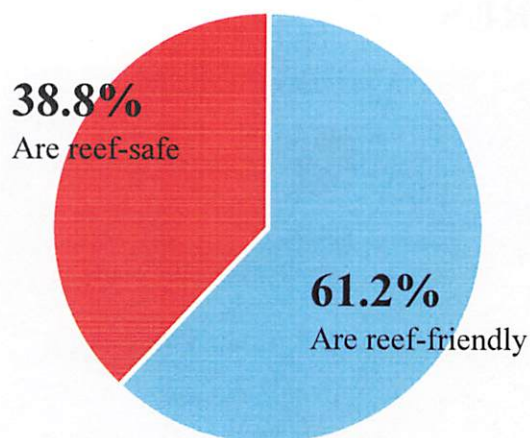


Figure 25. Honolua Surf co. locations on Maui sells 18 different sunscreen products. 38.8% (n=7) of the sunscreen products sold at Honolua Surf co. Maui locations are **reef-safe**.

38.8% of the sunscreen products sold at Honolua Surf co. are **reef-safe**



Figure 26. Sunscreen options available for sale at Honolua Surf co. stores, November, 2021. Maui, Hawai'i. Photo: Kihei Charter School.

HI-TECH

There are 3 Hi-Tech locations on the island of Maui, Hawai'i. At the time of this survey, Hi-Tech sold 11 different sunscreen products. 100% of the sunscreen products sold at Hi-Tech meet 2021 Hawai'i Legislation. 81.8% percent (n=9) of the sunscreen products sold at Hi-Tech are **reef-safe**.

Hi-Tech Maui Locations:

2021 S Kihei Rd
Kihei, Hawai'i 96753

58 Baldwin Ave
Paia, Hawai'i 96779

425 Koloa St Shop
Kahului, Hawai'i 96732

81.8% of the sunscreen products sold at Hi-Tech are **reef-safe**

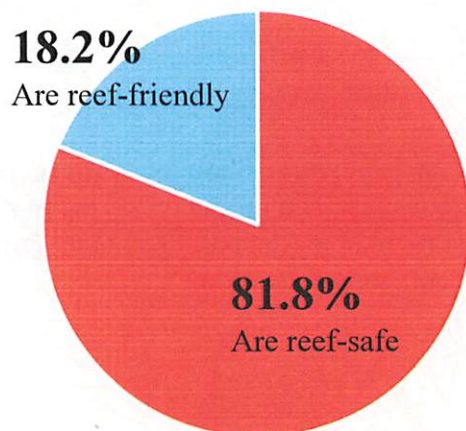


Figure 27. Hi-Tech locations on Maui sells 11 different sunscreen products. 81.8% (n=9) of the sunscreen products sold at Hi-Tech Maui locations are **reef-safe**.

MAUI DIVE SHOP

There are 2 Maui Dive Shop locations on the island of Maui, Hawai'i. At the time of this survey, Maui Dive Shop sold 9 different sunscreen products. 100% of the sunscreen products sold at Maui Dive Shop meet 2021 Hawai'i Legislation. 77.7% (n=7) of the sunscreen products sold at Maui Dive Shop are **reef-safe**.

Maui Dive Shop Maui Locations:

1455 S Kihei Rd
Kihei, Hawai'i 96753

101 Maalaea Rd SLIP 74
Wailuku, Hawai'i 96793

77.7% of the sunscreen products sold at Maui Dive Shop are **reef-safe**

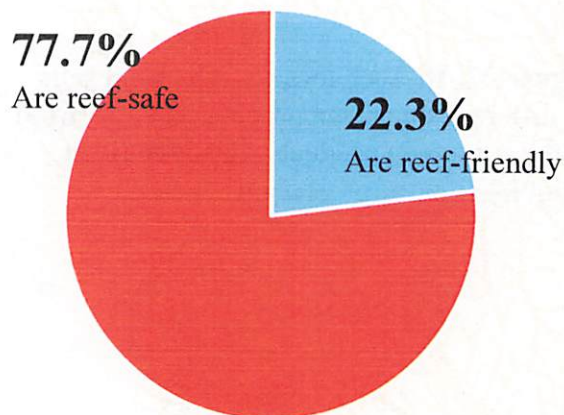


Figure 28. Maui Dive Shop locations on sell 9 different sunscreen products. 77.7% (n=7) of the sunscreen products sold at Maui Dive Shop locations are **reef-safe**.

AUNTIE SNORKEL

There is one Auntie Snorkel location on the island of Maui, Hawai'i. At the time of this survey, Auntie Snorkel sold 3 different sunscreen products. 100% of the sunscreen products sold at Auntie Snorkel meet Hawai'i Legislation. All products, or 100% (n=3) of the sunscreen sold at Auntie Snorkel are **reef-safe**.

Auntie Snorkel Maui Locations:

The Rainbow Mall, 2439 S Kihei Rd #101a
Kihei, Hawai'i 96753

100% of the sunscreen products sold at Auntie Snorkel are **reef-safe**



Figure 29. Auntie Snorkel locations on Maui sells 3 different sunscreen products. All products, or 100% (n=3) of the sunscreen sold at Auntie Snorkel are **reef-safe**.

BOSS FROG'S

There are 7 Boss Frog's locations on the island of Maui, Hawai'i. At the time of this survey, Boss Frog's sold 1 sunscreen product. 100% of the sunscreen products sold at Boss Frog's meet 2021 Hawai'i Legislation. All products, or 100% (n=1) of the sunscreen sold at Boss Frog's are **reef-safe**.

Boss Frog's Maui Locations:

2395 S Kihei Rd Kihei, Hawai'i 96753	300 Ma'alaea Rd (Building 2, Shop #2N) Wailuku, Hawai'i 96793
2463 S Kihei Rd A-15 Kihei, Hawai'i 96753	150 Lahainaluna Rd Lahaina, Hawai'i 96761
1770 S Kihei Rd, Kihei Hawai'i 96753	156 Lahainaluna Rd Lahaina, Hawai'i 96761
1215 S Kihei Rd, Kihei Hawai'i 96753	

100% of the sunscreen products sold at Boss Frog's are **reef-safe**



Figure 30. Boss Frog's locations on Maui sell 1 sunscreen product. All products, or 100% (n=1) of the sunscreen sold at Boss Frog's are **reef-safe**.

BIG BOX STORES

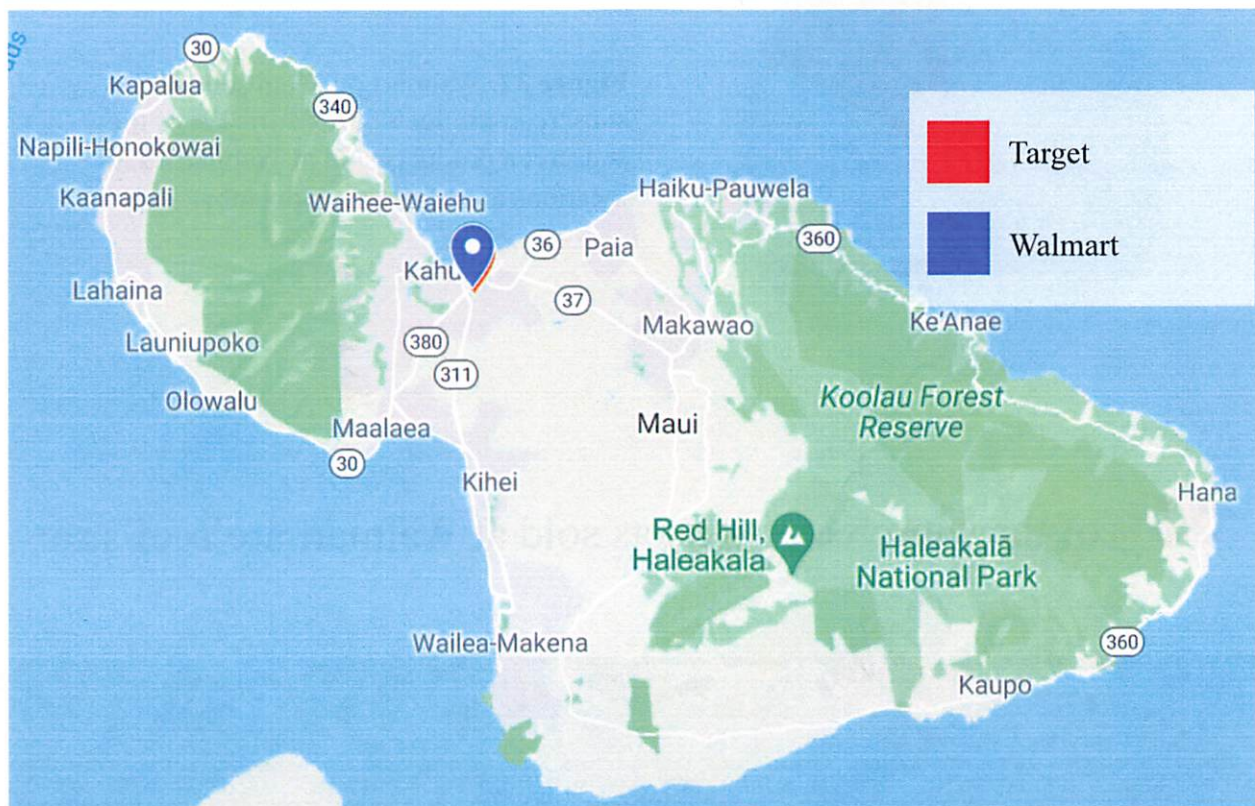


Figure 31. Map of big box store surveyed, November 2021. Maui, Hawai'i.

WALMART

There is one Walmart on the island of Maui, Hawai'i. At the time of this survey, Walmart sold 69 sunscreen products. 100% of the sunscreen products sold at Walmart meet 2021 Hawai'i Legislation. 17.3% (n=12) of the sunscreen products sold at Walmart are **reef-safe**.

Walmart Maui Location:

101 Pakaula St
Kahului, Hawai'i 96732

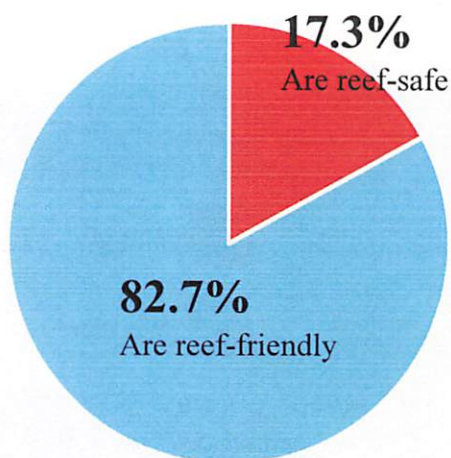


Figure 32. Walmart on Maui sells 69 sunscreen products. 17.3% (n=12) of the sunscreen products sold at Walmart Maui locations are **reef-safe**. November 2021.

17.3% of the sunscreen products sold at Walmart are **reef-safe**



Figure 33. Sunscreen options available for sale at Walmart, November, 2021. Maui, Hawai'i. Photo: MOC Marine Institute.

TARGET

There is one Target on the island of Maui, Hawai‘i. At the time of this survey, Target sold 68 sunscreen products. 100% of the sunscreen products sold at Target meet Hawai‘i Legislation. 36.7% (n=25) of the sunscreen products sold at Target are **reef-safe**.

Target Maui Locations:

100 Ho‘okele St
Kahului, Hawai‘i 96732

36.7% of the sunscreen products sold at Target are **reef-safe**

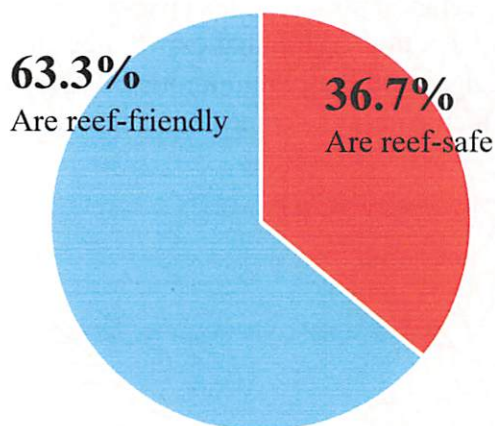


Figure 34. Target on Maui sells 68 sunscreen products. 36.7% (n=25) of the sunscreen products sold at Target Maui locations are **reef-safe**.

STUDENT LEARNING OUTCOMES

Through collaborative and community-based approaches to scientific research, we identified that when big ideas and complex concepts are presented in ways students can relate to through their lived experiences, they tend to grasp the material more profoundly.

Seventy-one percent of students involved in this project completed a voluntary post-survey. Below are some of their responses:

- 55% of students were not aware of the impacts that non-reef-safe sunscreen has on coral reef ecosystems before this project.
- 80% responded they plan to either use **reef-safe** sunscreen, tell people about the harmful effects of chemical-based sunscreen, or both.
- 33% of students stated that writing testimony in support of Bill 135 was the most rewarding aspect of this project.
- 16% said protecting the coral reefs was the most rewarding aspect of this project.
- 16% said research and data collection was the most rewarding aspect of this project.
- 18% said the entire project was rewarding.
- 17% said that the most rewarding aspect of this project was learning about coral reefs

Engaging students in research that serves to protect local ecosystems have the capacity for increasing students' overall efficacy towards environmental action. Youth that experience an increase in efficacy have the potential to become change agents in their communities. These hands-on learning experiences could also increase the effectiveness of science education as a whole.

STUDENT QUOTES

QUESTION: Has this project inspired you to learn more and do more to protect coral reefs?

"Yes, it has. I want to make a difference and help our planet. I care so much about animals and saving the planet, so I'm really glad that I got to learn about how the sunscreen that we use can impact future generations. I want to continue making this place better."

- Lili'u Kaahumanu, 7th-grade

"Yes since I know the huge effect sunscreen has on the coral reefs I want to educate people on this subject." - Madilyn Hays, 7th-grade

"Yes, I will now help inform other people, I will learn more about this issue, and I will do my best to wear sun shirts and other things so I don't have to wear sunscreen in the ocean, and if I do it will be reef safe." - Hannah Wick, 7th-grade

"Yes it has, before I had a little knowledge about non-reef safe sunscreen, but now I have learned a lot about this topic. This project has inspired me to show people how bad non-reef safe sunscreen is and it has also inspired me to save the reefs." - Sophia Peterson, 7th-grade

QUESTION: How did you feel when you found out that the Maui County Council passed Bill 135?

"I was happy because it helps the environment and hopefully soon the whole world will ban non-safe sunscreen ingredients." - Mason Hu, 7th-grade

"I really liked it and it put it into perspective that we can change things."
- Annalise Eller, 7th-grade

"I felt proud and like I was a part of history." - Waiaulia Smith, 7th-grade

"I felt very rewarded and very happy. It is one of those feelings when you're proud to be part of something." - Jessica Rosado, 7th-grade

"I felt proud that we did something that could help preserve the coral reefs around Maui and hopefully lead other islands and cities to do the same." - Hana Freet, 7th Grade

DISCUSSION

Data collected during the in-store surveys was based on inventory at the time of survey. An area for further investigation could be collecting data on all products available at the store, in-stock, or not. We have also recognized that surveying stores at hotels and resorts could prove insightful to understanding the availability and accessibility of **reef-safe** sunscreen products and any education and information available to visitors regarding the safety of different sunscreen products.

The use of non-regulated labels, Reef Friendly, **Reef Safe**, and Reef Conscious can be a point of confusion for consumers. Through our research, we identified many sunscreens containing chemical ingredients labeled reef-friendly and reef-conscious. **Reef-safe** was most commonly used to describe mineral-based sunscreen products. An area for further investigation could be the community's understanding of these terms.

There is little information about beachgoer's use of sunscreens on Maui, the prevalence of petrochemicals in sunscreens used by beachgoers, or public awareness of the effects of petrochemicals. An area of opportunity for further investigation is the development of effective education and outreach strategies to increase the general public's awareness of the impacts of non-reef-safe sunscreen.



Figure 35. Photo of 7th-grade students from Kihei Charter School on field trip to MOC Marine Institute, Maui, Hawai'i. November 2021. Photo: MOC Marine Institute.

LITERATURE CITED

Adler, B.L., DeLeo, V.A. Sunscreen Safety: a Review of Recent Studies on Humans and the Environment. *Curr Derm Rep* 9, 1–9 (2020). <https://doi.org/10.1007/s13671-020-00284-4>

Danovaro, R., L. Bongiorni, C. Corinaldesi, D. Giovannelli, E. Damiani, P. Astolfi, L. Greci, and A. Pusceddu. (2008). Sunscreens cause coral bleaching by promoting viral infections. *Environmental health perspectives* 116:441-447.

Downs, C. A., DiNardo, J. C., Stien, D., Rodrigues, A.S., and Lebaron, P. *Chemical Research in Toxicology* 2021 34 (4), 1046-1054
DOI: 10.1021/acs.chemrestox.0c00461

Hawai'i Tourism Authority. (2019). Hawai'i Visitor Statistics Released for 2019. Retrieved from: <https://www.hawaiiitourismauthority.org/media/4166/2020-01-29-hawaii-visitor-statistics-released-for-december-2019.pdf>

Speight, J. E. (2020). *Petrochemical*. Petrochemical - an overview | ScienceDirect Topics. Retrieved November 15, 2021, from <https://www.sciencedirect.com/topics/engineering/petrochemical>.



Data Collection Form

Sunscreen Assessment

APPENDIX A: DATA COLLECTION FORM

APPENDIX B: IN-PERSON SUNSCREEN SURVEY



Sunscreen Survey

 jmiller@kiheicharter.org (not shared) [Switch account](#)

What is your home zip code? *

Your answer

What age range best represents you? *

- ☐ Under 18
- ☐ 18 - 22
- ☐ 22 - 26
- ☐ 26 - 30
- ☐ 30 - 40
- ☐ 40 - 50
- ☐ 50 - 60
- ☐ 60 - 70
- ☐ 70 +

What type of sunscreen are you using today? *

- ☐ Reef-safe
- ☐ Reef-friendly
- ☐ Reef-conscious
- ☐ None of the above
- ☐ Not wearing sunscreen

Did you purchase your sunscreen on Maui? *

- ☐ Yes
- ☐ No
- ☐ Unknown

If you bought your sunscreen on Maui, where was it purchased? *

- ☐ Safeway
- ☐ Whole Foods Market
- ☐ Times Market
- ☐ Foodland
- ☐ Costco
- ☐ ABC Store
- ☐ Ross
- ☐ Surf shop
- ☐ Snorkel/Dive Shop
- ☐ Hotel/Resort Store
- ☐ Other small convenience store
- ☐ N/A

Why did you purchase this brand of sunscreen? *

- ☐ Price
- ☐ Good for the reef
- ☐ It was the only option
- ☐ This is the one that I always purchase
- ☐ Other

May we have your email address to share our project report once it is finished?

Your answer

[Submit](#)

[Clear form](#)

APPENDIX C: IN-STORE SUNSCREEN DATA

Table 4. Sunscreen products available for sale at Safeway stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 100 - 6 Oz	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion SPF 50 - 6 OZ	No	Yes
Coppertone Sport Spray SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray Spf 100	No	Yes
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	Yes	Yes
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	No	Yes
Coppertone Waterbaby Spf 50	No	Yes
Coppertone Kids Spray Spf 50	No	Yes
Coppertone Sport Spray Spf 70	No	Yes
Coppertone Dc Face Ltn Spf 50	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free SPF 30	No	Yes
Neutrogena Pure & Free Sunscreen Baby Spf 50	Yes	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 45	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 55	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 30	No	Yes
Neutrogena Sheer Zinc Sunscreen Protection Dry Touch Broad Spectrum SPF 50	Yes	Yes

Table 4. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection SPF 70	No	Yes
Neutrogena Ultra Sheer Sunscreen Face & Body Stick SPF 70	No	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Signature Care Sport Sunscreen Lotion Water Resistant Non Greasy SPF 50	No	Yes
Signature Care Sport Sunscreen Lotion Water Resistant Non Greasy SPF 30	No	Yes
Signature Care Sunscreen Lotion Ultra Dry Touch Water Resistant Light SPF 70	No	Yes
Signature Care Sunscreen Lotion Ultra Dry Touch Water Resistant Light SPF 50	No	Yes
Aveeno Active Naturals Sunscreen Lotion Protect + Hydrate Broad Spectrum SPF 70	No	Yes
Aveeno Baby Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Alba Botanica SPF 70 Clear Sunscreen Spray	No	Yes
Alba Botanica Sunscreen Tropical Fruit Kids Clear Spray Broad Spectrum SPF 50	No	Yes
Alba Botanica Sunscreen Clear Spray Nourishing Coconut Broad Spectrum SPF 50	No	Yes
ALL Good Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Mineral Sport Sunscreen SPF 30	Yes	Yes

Table 5. Sunscreen products available for sale at Whole Foods Market stores in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Alba Botanica SPF 50 Clear Sensitive Sunscreen Spray	No	Yes
Alba Botanica Sunscreen Tropical Fruit Kids Clear Spray Broad Spectrum SPF 50	No	Yes
Alba Botanica Sunscreen Clear Spray Nourishing Coconut Broad Spectrum SPF 50	No	Yes
Alba Botanica Sensitive Mineral Sunscreen SPF 33	Yes	Yes
ALL Good Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Spray Sunscreen SPF 30	Yes	Yes
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Mineral SPF 30	Yes	Yes
Sun Bum Mineral Spray SPF 30	Yes	Yes
Goddess Garden Mineral Sunscreen Spray SPF 30	Yes	Yes
Babo Botanical Sheer Mineral Sunscreen Spray	Yes	Yes
Babo Botanical Clear Zinc Sport Stick Sunscreen SPF 30	Yes	Yes
Pacifica Mineral Broad Spectrum Sunscreen SPF 30	Yes	Yes
Pacifica Mineral Sunscreen Spray SPF 30	Yes	Yes
The Seaweed Bath SPF 40 Sport Sunscreen	No	Yes
The Seaweed Bath SPF 30 Sport Sunscreen	No	Yes
Mineral Sport Spray SPF 30 365 Whole Foods Market	Yes	Yes
Mineral Sunscreen Lotion SPF 30 365 Whole Foods Market	Yes	Yes
Hydrating Facial Sunscreen Lotion SPF 30 365 Whole Foods Market	Yes	Yes
Thinkbaby Broad Spectrum Sunscreen SPF 50	Yes	Yes
Thinksport Broad Spectrum Sunscreen SPF 50	Yes	Yes

Table 5. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Think Broad Spectrum Sunscreen SPF 30	Yes	Yes
Badger Clear Zinc Broad Spectrum Sunscreen SPF 40	Yes	Yes
MyChelle Solar Defense Broad Spectrum Sunscreen SPF 50	Yes	Yes
MyChelle Solar Defense Broad Spectrum Sunscreen SPF 30	Yes	Yes
MyChelle Solar Defense Broad Spectrum Sunscreen SPF 28	Yes	Yes
Cocokind Broad Spectrum Sunscreen SPF 32	Yes	Yes
Raw Love All Natural Mineral Sunscreen	Yes	Yes
Kokua Sun Care Zinc Sunscreen SPF 50	Yes	Yes

Table 6. Sunscreen products available for sale at Hawaiian Moons stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Alba Botanica Soothing Sunscreen Lavender Broad Spectrum SPF 45	No	Yes
Alba Botanica Hawaiian Sunscreen green tea Broad Spectrum SPF 45	No	Yes
Alba Botanica Sensitive Mineral Sunscreen SPF 33	Yes	Yes
Goddess Garden Mineral Sunscreen Spray SPF 30	Yes	Yes
Babo Botanical Sheer Mineral Sunscreen Spay	Yes	Yes
Babo Botanical Clear Zinc Sport Stick Sunscreen SPF 30	Yes	Yes
Thinkbaby Broad Spectrum Sunscreen SPF 50	Yes	Yes
Thinksport Broad Spectrum Sunscreen SPF 50	Yes	Yes
Think Broad Spectrum Sunscreen SPF 30	Yes	Yes
Badger Clear Zinc Broad Spectrum Sunscreen SPF 40	Yes	Yes
MyChelle Solar Defense Broad Spectrum Sunscreen SPF 50	Yes	Yes
Raw Love All Natural Mineral Sunscreen	Yes	Yes
Kiss My Face Broad Spectrum SPF 30	Yes	Yes
Kiss My Face Kids Spray SPF 30	Yes	Yes
Kiss My Face Broad Spectrum Kids SPF 30	Yes	Yes
Kiss My Face Broad Spectrum Baby SPF 50	Yes	Yes
Maui Surfer Honey Natural Sunscreen SPF 30	Yes	Yes
Derma-E Sun Defense SPF 30	Yes	Yes
Derma-E Sun Defense Kids Spray SPF 50	No	Yes

Table 7. Sunscreen products available for sale at Times Supermarket stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	Yes	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray SPF 50	No	Yes
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	No	Yes
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	Yes	Yes
Coppertone Waterbaby SPF 50	No	Yes
Coppertone Kids Spray SPF 50	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 55	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 30	No	Yes

Table 7. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces Weightless SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Alba Botanica Soothing Sunscreen Lavender Broad Spectrum SPF 45	No	Yes
ALL Good Kids Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Spray Sunscreen SPF 30	Yes	Yes
Land Shark SPF 50, 6.5 oz.	No	Yes
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Mineral SPF 30	Yes	Yes
Sun Bum SPF 30 Broad Spectrum	No	Yes
Sun Bum SPF 50 Broad Spectrum	No	Yes
Cetaphil Sheer Mineral Sunscreen Broad Spectrum SPF 30	Yes	Yes
Cetaphil Sheer Mineral Sunscreen Broad Spectrum SPF 50	Yes	Yes

Table 8. Sunscreen products available for sale at Foodland stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 100 - 6 Oz	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes

Table 8. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	Yes	Yes
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	No	Yes
Coppertone Kids Spray Spf50	No	Yes
Neutrogena Sheer Zinc Sunscreen Protection Dry Touch Broad Spectrum SPF 50	Yes	Yes
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection Spf 30	No	Yes
Neutrogena Sensitive Skin Mineral Sunscreen Lotion Spf 60+	Yes	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 30	No	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces Weightless SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Spray SPF 30	No	Yes

Table 8. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Red Gecko All Natural Sunscreen SPF 30	Yes	Yes
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Mineral SPF 30	Yes	Yes
Sun Bum Mineral SPF 50	Yes	Yes
Sun Bum SPF 15 Broad Spectrum	No	Yes
Sun Bum SPF 30 Broad Spectrum	No	Yes
Sun Bum SPF 50 Broad Spectrum	No	Yes
Sun Bum SPF 70 Broad Spectrum	No	Yes
Sun Bum SPF 15 Sunscreen Spray	No	Yes
Sun Bum SPF 30 Sunscreen Spray	No	Yes
Sun Bum SPF 50 Sunscreen Spray	No	Yes
Sun Bum SPF 70 Sunscreen Spray	No	Yes
Maui Vera Mineral Sunscreen SPF 30	Yes	Yes
Coola Classic Body Sunscreen SPF 30	No	Yes
Coola Classic Sunscreen Spray SPF 50	No	Yes

Table 9. Sunscreen products available for sale at ABC Stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 100 - 6 Oz	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	No	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free Spf 30	No	Yes
Neutrogena Pure & Free Sunscreen Baby Spf 50	Yes	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 55	No	Yes

Table 9. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 30	No	Yes
Neutrogena Sheer Zinc Sunscreen Protection Dry Touch Broad Spectrum SPF 50	Yes	Yes
Neutrogena Sheer Zinc Kids Broad Spectrum SPF 50	No	Yes
Neutrogena Ultra Sheer Sunscreen Face & Body Stick Spf 70	No	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 50	No	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 30	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Spray SPF 30	No	Yes
Aveeno Protect + Hydrate Broad Spectrum SPF 30	No	Yes
Aveeno Protect + Hydrate Broad Spectrum SPF 60	No	Yes
Aveeno Baby Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Aveeno Active Positively Mineral Sensitive Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Aveeno Ultra-Calming Daily Moisturizer Mineral Sunscreen SPF 30	Yes	Yes

Table 9. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Red Gecko All Natural Sunscreen SPF 30	Yes	Yes
Raw Elements Face and Body SPF 30	Yes	Yes
Raw Elements Face Stick SPF 30	Yes	Yes
Maui Vera Mineral Sunscreen SPF 30	Yes	Yes

Table 10. Sunscreen products available for sale at Zack's Deli stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 50	No	Yes
Red Gecko All Natural Sunscreen SPF 30	Yes	Yes

Table 11. Sunscreen products available for sale at Whalers General stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 45	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 55	No	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 30	No	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes

Table 11. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces Weightless SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Spray SPF 30	No	Yes
Maui Vera Mineral Sunscreen SPF 30	Yes	Yes

Table 12. Sunscreen products available for sale at Longs Drugs stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 100 - 6 Oz	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Foam SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray Spf 100	No	Yes
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	Yes	Yes
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	No	Yes
Coppertone Waterbaby Spf 50	No	Yes
Coppertone Kids Spray Spf50	No	Yes

Table 12. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Signature Care Sport Sunscreen Lotion Water Resistant Non Greasy SPF 50	No	Yes
Signature Care Sport Sunscreen Lotion Water Resistant Non Greasy SPF 30	No	Yes
Signature Care Sunscreen Lotion Ultra Dry Touch Water Resistant Light SPF 70	No	Yes
Signature Care Sunscreen Lotion Ultra Dry Touch Water Resistant Light SPF 50	No	Yes
Aveeno Active Naturals Sunscreen Lotion Protect + Hydrate Broad Spectrum SPF 70	No	Yes
Aveeno Protect + Hydrate Broad Spectrum SPF 30	No	Yes
Aveeno Baby Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Aveeno Active Positively Mineral Sensitive Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Aveeno Ultra-Calming Daily Moisturizer Mineral Sunscreen SPF 30	No	Yes
ALL Good Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Spray Sunscreen SPF 30	Yes	Yes
Aloe Up Kids Sport Spray Sunscreen SPF 50	No	Yes
Aloe Up Spray Sunscreen SPF 30	No	Yes
Aloe Up Sport Performance Spray Sunscreen SPF 30	No	Yes
Raw Elements Face and Body SPF 30	Yes	Yes
Raw Elements Face Stick SPF 30	Yes	Yes
Land Shark SPF 30, 6.5 oz.	No	Yes
Land Shark SPF 50, 6.5 oz.	No	Yes
Hawaiian Blend Sensitive Skin SPF 50	No	Yes
Hawaiian Blend Essentials SPF 30	No	Yes
Hawaiian Blend Extreme Sport SPF 30	No	Yes
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes

Table 12. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Coppertone Sport Spray Spf 70	No	Yes
Copperton Dc Face Ltn Spf 50	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free Spf 30	No	Yes
Neutrogena Pure & Free Sunscreen Baby Spf 50	Yes	Yes
Neutrogena Ultra Sheer Dry Touch Sunblock Lotion SPF 55	No	Yes
Neutrogena Sheer Zinc Sunscreen Protection Dry Touch Broad Spectrum SPF 50	Yes	Yes
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection Spf 70	No	Yes
Neutrogena Ultra Sheer Sunscreen Face & Body Stick Spf 70	No	Yes
Neutrogena Invisible Daily Defense Sunscreen Lotion Spf 60	No	Yes
Neutrogena Sensitive Skin Mineral Sunscreen Lotion Spf 60+	Yes	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 50	No	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 30	No	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Spray SPF 30	No	Yes

Table 12. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Mineral SPF 30	Yes	Yes
Sun Bum Mineral SPF 50	Yes	Yes
Sun Bum SPF 30 Broad Spectrum	No	Yes
Sun Bum SPF 50 Broad Spectrum	No	Yes
Sun Bum SPF 70 Broad Spectrum	No	Yes
Coola Classic Body Sunscreen SPF 30	No	Yes
Coola Classic Sunscreen Spray SPF 50	No	Yes
CVS Health Zinc Sheer Lotion SPF 30	Yes	Yes
CVS Health Baby Broad Spectrum Lotion SPF 50	Yes	Yes
Babyganics Mineral Sunscreen SPF 50	Yes	Yes
Babyganics Mineral Sunscreen Spray SPF 50	No	Yes
Babyganics Mineral Sunscreen Stick SPF 50	Yes	Yes

Table 13. Sunscreen products available for sale at Walgreens stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	Yes	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Foam SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 30	No	Yes
Coppertone Glow Sunscreen SPF 30	No	Yes
Coppertone Glow Sunscreen SPF 50	No	Yes

Table 13. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Bare Republic Mineral Sunscreen Spray SPF 30	Yes	Yes
Bare Republic Mineral Sunscreen Spray SPF 50	Yes	Yes
Bare Republic Mineral Face Sunscreen SPF 70	Yes	Yes
Bare Republic Mineral 'Clearscreen' Spray SPF 50	No	Yes
Bare Republic Mineral Baby Sunscreen Lotion SPF 50	Yes	Yes
Bare Republic Mineral Sunscreen Sheer Zinc Oxide SPF 30	Yes	Yes
La Roche-Posay Face & Body SPF 60	No	Yes
Cera VeHydrating Sunscreen Broad Spectrum SPF 30	Yes	Yes
Blue Lizard Australian Sunscreen Sensitive Face Mineral-Based Sunscreen SPF 30	No	Yes
Blue Lizard Australian Sunscreen Kids Mineral-Based Sunscreen SPF 30	No	Yes
Blue Lizard Australian Sunscreen Sport Mineral-Based Sunscreen SPF 30	No	Yes
Blue Lizard Australian Sunscreen Active Mineral-Based Sunscreen SPF 30	No	Yes
Blue Lizard Australian Sunscreen Sensitive Mineral-Based Sunscreen SPF 30	Yes	Yes
Walgreens Hydrating Broad-Spectrum Sunscreen SPF 30	No	Yes
Walgreens Sensitive Skin Broad-Spectrum Sunscreen SPF 50	No	Yes
Walgreens Sport Broad-Spectrum Sunscreen SPF 30	No	Yes
Walgreens Sport Broad-Spectrum Sunscreen SPF 50	No	Yes
Walgreens Sport Spray Sunscreen SPF 30	No	Yes
Australian Gold Botanical Mineral Sunscreen SPF 50	Yes	Yes

Table 14. Sunscreen products available for sale at Honolua Surf co. stores in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Mineral SPF 30	Yes	Yes
Sun Bum Face Broad Spectrum SPF 50	No	Yes
Sun Bum Face Mist SPF 45	No	Yes
Sun Bum Face Broad Spectrum SPF 70	No	Yes
Sun Bum Mineral Spray SPF 30	Yes	Yes
Sun Bum Mineral SPF 50	Yes	Yes
Sun Bum SPF 15 Broad Spectrum	No	Yes
Sun Bum SPF 30 Broad Spectrum	No	Yes
Sun Bum SPF 50 Broad Spectrum	No	Yes
Sun Bum SPF 70 Broad Spectrum	No	Yes
Sun Bum SPF 15 Sunscreen Spray	No	Yes
Sun Bum SPF 30 Sunscreen Spray	No	Yes
Sun Bum SPF 50 Sunscreen Spray	No	Yes
Sun Bum SPF 70 Sunscreen Spray	No	Yes
Vertra Broad Spectrum Sunscreen SPF 50	Yes	Yes

Table 15. Sunscreen products available for sale at Hi-Tech stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Baby Bum Mineral SPF 50	Yes	Yes
Sun Bum Face Broad Spectrum SPF 50	No	Yes
Sun Bum Mineral Spray SPF 30	Yes	Yes
Sun Bum SPF 15 Broad Spectrum	No	Yes
Maui Vera Mineral Sunscreen SPF 30	Yes	Yes
Raw Love All Natural Mineral Sunscreen	No	Yes
Salt and Stone Broad Spectrum Sunscreen	Yes	Yes
One Love Body and Soul Sunscreen	Yes	Yes
TropicSport SPF 30 Mineral Sunscreen	Yes	Yes
Mama Kuleana	Yes	Yes

Table 16. Sunscreen products available for sale at Maui Dive Shop stores in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Clear Sunscreen Spray	No	Yes
Broad Spectrum SPF 15		
Hawaiian Tropic Silk Hydration Sunscreen Lotion Faces	No	Yes
Weightless SPF 30		
Red Gecko All Natural Sunscreen SPF 30	Yes	Yes
Raw Elements Face and Body SPF 30	Yes	Yes
Raw Elements Face Stick SPF 30	Yes	Yes
Raw Elements Baby + Kids Broad Spectrum	Yes	Yes
Raw Elements Baby + Kids Stick	Yes	Yes
Raw Love All Natural Mineral Sunscreen	Yes	Yes
Yea Bah Natural Sunscreen SPF 30	Yes	Yes

Table 17. Sunscreen products available for sale at Auntie Snorkel stores in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Maui Vera Mineral Sunscreen SPF 30	Yes	Yes
Hawaiian Sol Sunscreen SPF 30	Yes	Yes
Maui Surf and Soul	Yes	Yes

Table 18. Sunscreen products available for sale at Boss Frog's stores in Maui, Hawai'i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Hawaiian Sol Sunscreen SPF 30	Yes	Yes



Table 19. Sunscreen products available for sale at Walmart in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 15	No	Yes
Banana Boat Hair & Scalp Defense Sunscreen Spray Broad Spectrum SPF 30 - 6 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 15	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Light As Air Lotion Spf 50 - 6 OZ	No	Yes
Banana Boat Light As Air Spray Spf 50	No	Yes
Banana Boat Simply Protect Sensitive SPF 50	No	Yes
Banana Boat Simply Protect Baby SPF 50	Yes	Yes
Banana Boat Kids Mineral Foam SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Simply Protect Mineral Enriched Sensitive SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Spray SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 30	No	Yes
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	Yes	Yes

Table 19. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	No	Yes
Coppertone Waterbaby Spf50	No	Yes
Coppertone Kids Spray Spf50	No	Yes
Coppertone Glow Sunscreen SPF 30	No	Yes
Coppertone Glow Sunscreen SPF 50	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free Spf 30	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free Spf 50	No	Yes
Neutrogena Sheer Zinc Kids Broad Spectrum SPF 50	Yes	Yes
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection Spf 70	No	Yes
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection Spf 50	No	Yes
Neutrogena Invisible Daily Defense Sunscreen Lotion Spf 60	No	Yes
Neutrogena Sheer Hydro Boost Sunscreen Lotion Spf 50	No	Yes
Neutrogena Sport Face Sunscreen Lotion Spf 70	No	Yes
Neutrogena Pure & Free Baby Sunscreen Stick Spf 50	Yes	Yes
Hawaiian Tropic Dark Tanning Sunscreen Lotion Broad Spectrum SPF 4	No	Yes
Hawaiian Tropic Sheer Touch Sunscreen Lotion Ultra Radiance Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Spray Clear Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen 50 SPF	No	Yes
Hawaiian Tropic Silk Hydration Sunscreen Lotion Weightless SPF 30	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes
Hawaiian Tropic Matte Effect Spf 30 Lotion	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 50	No	Yes

Table 19. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Hawaiian Tropic Island Sport Sunscreen Spray SPF 30	No	Yes
Hawaiian Tropic Island Sport Sunscreen Spray SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Lotion Broad Spectrum SPF 50	No	Yes
Hawaiian Tropic AntiOxidant+ Sunscreen Spray SPF 30	No	Yes
Aveeno Protect + Hydrate Broad Spectrum SPF 30	No	Yes
Aveeno Protect + Hydrate Broad Spectrum SPF 60	No	Yes
Aveeno Baby Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Aveeno Kids Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Aveeno Kids Natural Protection Sunscreen Stick SPF 50	Yes	Yes
ALL Good Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Spray Sunscreen SPF 30	Yes	Yes
Land Shark SPF 50, 6.5 oz.	No	Yes
Hawaiian Blend Sensitive Skin SPF 50	No	Yes
Hawaiian Blend Essentials SPF 30	No	Yes
Australian Gold Botanical Mineral Sunscreen SPF 50	Yes	Yes
Australian Gold Botanical Plant-Based Sunscreen SPF 50	No	Yes
Australian Gold Botanical Plant-Based Sunscreen SPF 30	No	Yes
Australian Gold Botanical Sunscreen Spray SPF 50	No	Yes
Australian Gold Botanical Instant Bronzer Spray SPF 8	No	Yes
Australian Gold Botanical Instant Bronzer Spray SPF 15	No	Yes
Australian Gold Botanical Instant Bronzer Spray SPF 30	No	Yes

Table 20. Sunscreen products available for sale at Target in Maui, Hawai‘i, October 2021

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 50 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Sunscreen Lotion Broad Spectrum SPF 30 - 8 Oz	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 30	No	Yes
Banana Boat Ultra Sport Performance Clear Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Banana Boat Kids Mineral Sunscreen Lotion Broad Spectrum SPF 50 - 6 Oz	Yes	Yes
Banana Boat Kids Sport Tear & Sting Free Sunscreen Lotion Spray Broad Spectrum SPF 50 - 6 Oz	No	Yes
Banana Boat Kids Mineral Foam SPF 50	Yes	Yes
Banana Boat Kids Mineral Enriched SPF 50	No	Yes
Banana Boat Sport Mineral Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Banana Boat Sport Mineral Sunscreen Spray Broad Spectrum SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 50	No	Yes
Coppertone Sport Sunscreen High Performance Lotion Broad Spectrum SPF 30	No	Yes
Coppertone Sunscreen Lotion Water Babies Pure & Simple SPF 50	Yes	Yes
Coppertone Water Babies Sunscreen Lotion Spray Broad Spectrum SPF 50	No	Yes
Neutrogena Clear Face Liquid-Lotion Sunscreen Break-Out Free Spf 30	No	Yes
Neutrogena Sheer Zinc Sunscreen Protection Dry Touch Broad Spectrum SPF 50	Yes	Yes
Neutrogena Sheer Zinc Kids Broad Spectrum SPF 50	Yes	Yes
Neutrogena Beach Defense Sunscreen Lotion Water + Sun Protection Spf 70	No	Yes
Neutrogena Ultra Sheer Sunscreen Face & Body Stick Spf 70	No	Yes
Neutrogena Invisible Daily Defense Sunscreen Lotion Spf 60	No	Yes
Hawaiian Tropic Sheer Touch Lotion Sunscreen Ultra Radiance Broad Spectrum SPF 15	No	Yes

Table 20. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Hawaiian Tropic Island Sport Sunscreen Lotion Broad Spectrum SPF 30	No	Yes
Aveeno Baby Natural Protection Sunscreen Lotion Broad Spectrum SPF 50	Yes	Yes
Alba Botanica Sunscreen Tropical Fruit Kids Clear Spray Broad Spectrum SPF 50	No	Yes
Alba Botanica Hawaiian Sunscreen green tea Broad Spectrum SPF 45	No	Yes
ALL Good Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Mineral Sport Sunscreen SPF 30	Yes	Yes
ALL Good Kids Spray Sunscreen SPF 30	Yes	Yes
Raw Elements Face and Body SPF 30	Yes	Yes
Raw Elements Face Stick SPF 30	Yes	Yes
Land Shark SPF 30, 6.5 oz.	No	Yes
Land Shark SPF 20, 6.5 oz.	No	Yes
Hawaiian Blend Sensitive Skin SPF 50	No	Yes
Hawaiian Blend Essentials SPF 30	No	Yes
Hawaiian Blend Extreme Sport SPF 30	No	Yes
Hawaiian Blend Extreme Sport SPF 30	No	Yes
Hawaiian Blend Extreme Sport Spray SPF 30	No	Yes
Hawaiian Blend Extreme Essentials Spray SPF 30	No	Yes
Hawaiian Blend Extreme Sensitive Spray SPF 50	No	Yes
Hawaiian Blend Broad Spectrum Lip Protection SPF 45	No	Yes
Sun Bum Mineral SPF 30	Yes	Yes
Sun Bum Baby Bum Stick Mineral SPF 50	Yes	Yes
Sun Bum Face Broad Spectrum SPF 50	No	Yes
Sun Bum Face Mist SPF 45	No	Yes
Sun Bum Face Broad Spectrum SPF 70	No	Yes
Sun Bum SPF 30 Broad Spectrum	No	Yes
Sun Bum SPF 50 Broad Spectrum	No	Yes

Table 20. Continued

Sunscreen Brand	Reef-Safe	Meets HI Legislation
Sun Bum SPF 50 Sunscreen Spray	No	Yes
Sun Bum SPF 70 Sunscreen Spray	No	Yes
Bare Republic Mineral Sunscreen Spray SPF 30	Yes	Yes
Bare Republic Mineral Sunscreen Spray SPF 50	Yes	Yes
Blue Lizard Australian Sunscreen Kids Mineral-Based Sunscreen SPF 30	No	Yes
Blue Lizard Australian Sunscreen Active Mineral-Based Sunscreen SPF 30	Yes	Yes
Blue Lizard Australian Sunscreen Sensitive Mineral-Based Sunscreen SPF 30	Yes	Yes
Babyganics Mineral Sunscreen SPF 50	Yes	Yes
Babyganics Mineral Sunscreen Spray SPF 50	No	Yes
Babyganics Mineral Sunscreen Stick SPF 50	Yes	Yes
Pacifica Mineral Sunscreen Broad Spectrum Sunscreen SPF 50	Yes	Yes
Target Brand Mineral Sunscreen Spray SPF 30	Yes	Yes
Target Brand Mineral Sunscreen Spray SPF 50	Yes	Yes
Target Brand Mineral Sunscreen Lotion SPF 30	Yes	Yes
Target Brand Mineral Sunscreen Lotion SPF 50	Yes	Yes
Target Brand Sunscreen Sport Spray SPF 15	No	Yes
Target Brand Sunscreen Sport Spray SPF 30	No	Yes
Target Brand Sunscreen Sport Spray SPF 50	No	Yes
Target Brand Sunscreen Sport Broad Spectrum SPF 50	No	Yes
Target Brand Sunscreen Kids Spray SPF 50	No	Yes
Target Brand Sunscreen Kids Mineral Broad Spectrum SPF 50	Yes	Yes

APPENDIX D: EXAMPLES OF MARKETING AND BRANDING

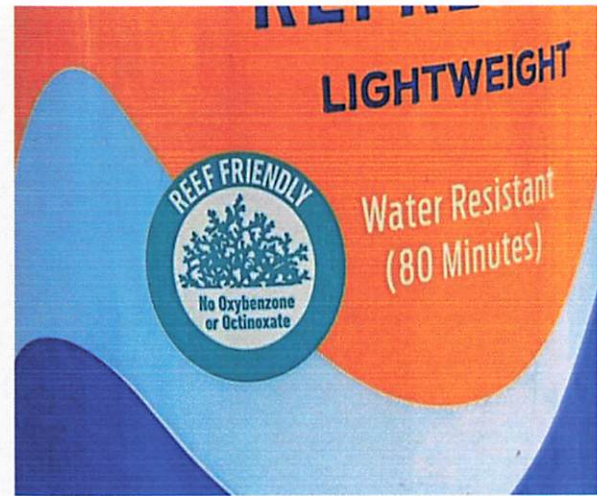


Figure 36. (Left) Hawaiian Tropic broad spectrum sunscreen marketed as reef-friendly. Walmart, Maui, Hawai'i. (Right) Banana Boat Sport spray sunscreen marketed as reef-friendly. Foodland, Maui, Hawai'i.



Figure 37. (Left) Hawaiian Tropic broad spray sunscreen marketed as reef-friendly. Times, Maui, Hawai'i. (Right) Target brand broad spectrum sunscreen marketed as reef-conscious. Target, Maui, Hawai'i.

APPENDIX E: REEF-SAFE / MINERAL-BASED SUNSCREEN PRODUCTS AND PRICING

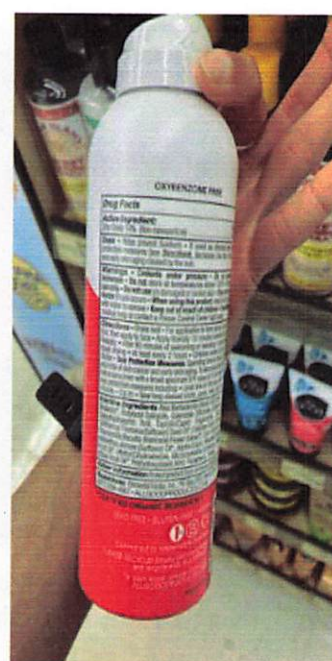
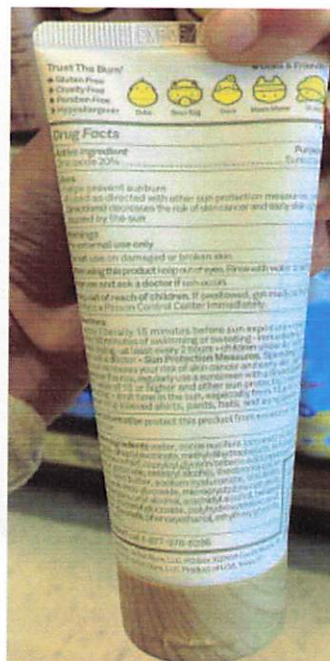


Figure 38. (Left) Baby Bum Mineral Sunscreen (~\$14.99). (Center) Red Gecko Broad Spectrum Sunscreen (~\$16.99). (Right) All Good Kid's Sunscreen Spray (~\$16.99).

APPENDIX E: CONTINUED

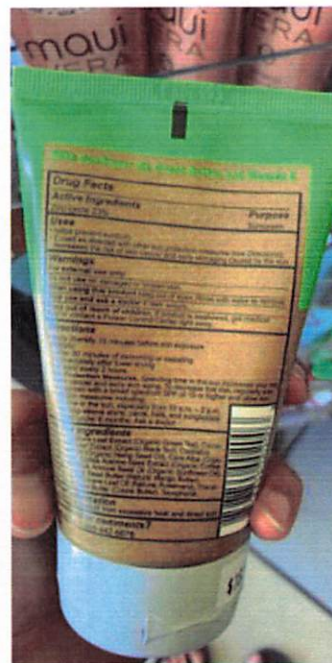
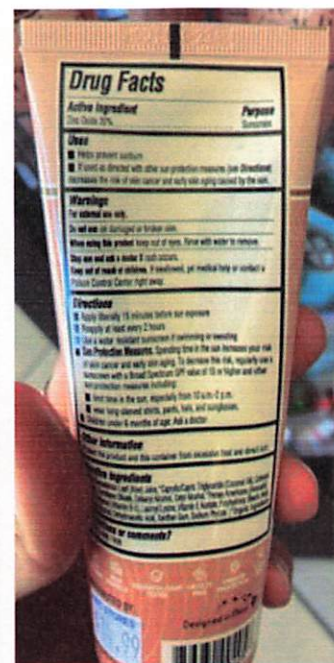
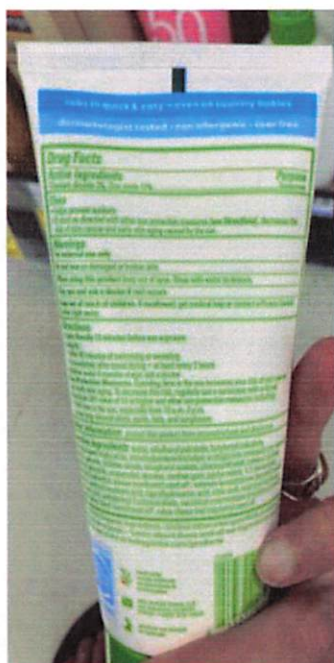


Figure 39. (Left) Babyganics Mineral Sunscreen (~\$12.99). (Center) Maui Vera Broad Spectrum Sunscreen (~\$14.99). (Right) Raw Elements Broad Spectrum Sunscreen (~\$18.99).

APPENDIX F: REEF-FRIENDLY SUNSCREEN PRODUCTS AND PRICING



Figure 40. (Left) Banana Boat Simply Protect Spray Sunscreen (~\$10). (Center) Alba Sensitive Spray Sunscreen (~\$11.49). (Right) Neutrogena Ultra Sheer Sunscreen (~\$13.99).

APPENDIX F: CONTINUED

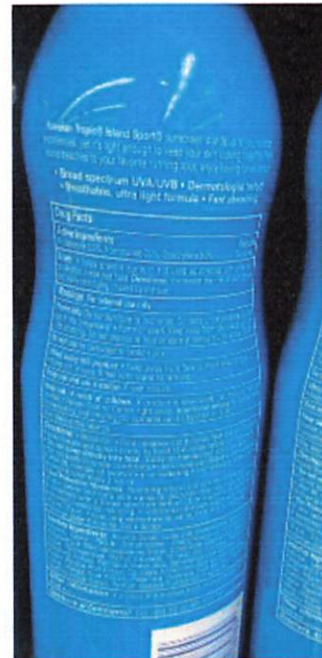


Figure 41. (Left) Banana Boat Simply Sport Spray Sunscreen (~\$12.29). (Center) Hawaiian Tropic Broad Sheer Touch Spectrum Sunscreen (~\$12.49). (Right) Hawaiian Tropic Island Sport Sunscreen (~\$12.99).

County Clerk

RECEIVED

From: Jonathan Menton <konamenton@gmail.com>
Sent: Monday, December 13, 2021 3:21 PM
To: County Clerk
Subject: Sunscreen Ordinance 5306

2021 DEC 13 PM 3:53

OFFICE OF THE
COUNTY CLERK

You don't often get email from konamenton@gmail.com. [Learn why this is important](#)

Aloha!

I believe it is our kuleana to support Sunscreen Ordinance 5306. Non-mineral sunscreen is a threat to the marine environment, and we should not wait until it's too late to be good stewards of the environment!

Mahalo,
Susan Menton

County Clerk

From: jpalmer10@hotmail.com
Sent: Monday, December 13, 2021 4:05 PM
To: County Clerk
Subject: Maui Sunscreen Ordinance 5306

RECEIVED

2021 DEC 13 PM 4: 28

OFFICE OF THE
COUNTY CLERK

You don't often get email from jpalmer10@hotmail.com. [Learn why this is important](#)

Dear Maui County Council Members,

I strongly support Sunscreen Ordinance 5306. We are aware that multiple stressors threaten the marine ecosystem, but this non-mineral sunscreen threat is something we can address immediately unlike other issues that take time. FDA has placed these products in Non-GRASE until the sunscreen industry can prove their products are safe and effective. Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of prevention.

Mahalo for your kokua

John Palmer Reef Education Volunteer
Kahalu'u Bay Education Center
Kailua Kona Hawaii



RECEIVED

2021 DEC 16 AM 8:24

OFFICE OF THE
COUNTY CLERK

Council of the County of Maui
Agenda- Dec. 17, 2021

RE: J.1. County Communications NO. 21-560

Aloha Council Members:

December 15, 2021

In 2018 members of the Hāna community came together to form Ke Ao Hāli'i (KAH, "protective blanket of clouds", save Hana coast) with a goal of establishing conservation status for the open space lands from Mokae to Maka'alae. The Hāna community and their supporters are now poised to have established conservancy for over 150 acres of contiguous, coastal lands.

Phase 1, Ke Ao Hāli'i's land conservation efforts started with the purchase of 27 acres at Mokae, overlooking Hāmoa Beach in 2020 with support from the State of Hawaii Legacy Land Conservation Program and Maui County's Open Space Fund. The Mokae parcel is now permanently designated as protected open space under a conservation easement co-held by Hawai'i Island Land Trust (HILT) and Maui County, and managed by KAH.

Phase 2, On November 30, 2021 Ke Ao Hāli'i completed purchase of an additional 30 acres from Hana Ranch Partners, with contributions from the State of Hawaii Legacy Land Conservation Program (\$1.6 million), and Maui County's Open Space Fund (\$1.5 million). Similar to the Mokae property, this land is now permanently protected by a conservation easement co-held by HILT and Maui County.

Phase 3, Ke Ao Hāli'i's next goal is acquisition of the 40 additional coastal acres at Mokae II, located between the Mokae lands acquired in 2020 and the recently acquired Maka'alae lands. The State of Hawaii Legacy Land Conservation Program and Maui County's Open Space Fund have awarded KAH the funds to complete this purchase, however, the State budget shortfalls limited the amount the actual funds available to complete this project by an amount of \$669,300. Ke Ao Hāli'i is working to raise these remaining funds to complete the purchase in early 2022 and is asking for help from Mayor Victorino and the Maui County Council.

Phase 4, Upon completion of the third phase, Hana Ranch Partners has committed to donating 54 acres previously protected with conservation easements at Maka'alae (lands fronting Pōhakuloa and Opau Bays).

This final acquisition will establish over 150 contiguous acres of undeveloped open lands makai of Hana Highway from Haneo'o Road to Waiohonu Stream. These treasured lands will be the collective responsibility of Hana residents. The land is to be



managed by Ke Ao Hāli'i with help of the Hāna community and supporting partners through the implementation of a land management plan intended to preserving the conservation values of the land.

I have included with this letter our Masterplan parcel acquisition spread sheet and a map; Mokae & Maka'alae Acquisition, indicating parcel groups and funding sources.

We ask that you please support to amend Appendix A, Part II of the FY 2022 budget as outlined.

Mahalo Nui Loa,

Robin Rayner,
Member
Ke Ao Hāli'i Board of Directors

Ke Ao Hali'i - Save Hana Coast - Land Acquisitions											
November 15, 2021											
Funding Cycle	Land Parcels	TMK Numbers	Acres	Land Use	Asking Price	Appraised Value	Purchase Price	Maui County Open Space FD	State of HI LLCP	Other Donors	estimate time to completion
FY2019	Mokae Parcel I	(2) 1-4-010:004	27	AG	\$3,000,000	\$2,800,000 { \$103,704 }	\$2,800,000	\$726,879 * match-26%	\$2,118,000 FY19	\$0	Completed 3/20/2020
	Mokae/ Hamoa	(2) 1-4-007:001	1.316	AG	\$0	\$205,360	\$0	\$0	\$0	\$205,360	Completed 2020
FY2021	Maka'alaie Parcel group	(2) 1-4-012:002 (2) 1-4-010:030, 032 & 034	30.34	AG	\$4,950,000	\$3,081,700 { \$109,750 }	\$3,081,700	\$1,500,000 match-50%	\$1,581,700 FY20 & 21	\$71,000	Completed 11/30/2021
FY2021	Mokae II Parcel group	(2) 1-4-010:008 , 009 010 & 012	32.71	AG	\$6,426,750	\$3,763,300 { \$115,051 }	\$3,763,300	\$1,900,000 match-50%	\$1,194,000 ** FY21	\$740,000 ***	Pending 12/30/2021
FY2021	Kāki'o Parcel	(2) 1-4-010:014	7.02	AG	na	\$338,500	\$200,000	\$200,000 match-59%	\$0	\$138,500	Pending 3/30/2022
	Maka'alaie Conservation Lands	(2) 1-4-010:033, 029, 028, 027 & 017 (2) 1-4-012:001, 021 & 022	53.59	AG/C	\$0	estimated \$1,735,726 { \$32,389 }	\$0	\$0	\$0	\$1,735,726	at project Completion
TOTALS	Hana Maui		151.976		\$0	\$11,924,586	\$9,845,000	\$4,326,879	\$4,893,700	\$2,150,586	

NOTE: { } indicate cost per acres

* includes an additions \$44,879 for closing costs

Mokae II Parcel group:

** Full funding for this project; \$1,863,300, was awarded by BLNR- LLCP, however

State budget for LLCP FY21 fell short of the necessary funding by \$669,300.

Thus, \$1,194,000 is all the funding available for this project in LLCP FY 21 budget.

Application for LLCP FY22 grant cycle has been submitted and will be reviewed late 2022

*** includes \$669,300 shortfall from LLCP Grant award FY21 + 71,000 due diligence

KAH's fund raising efforts to meet the \$669,300 shortfall to purchase the Mokae II Parcel group:

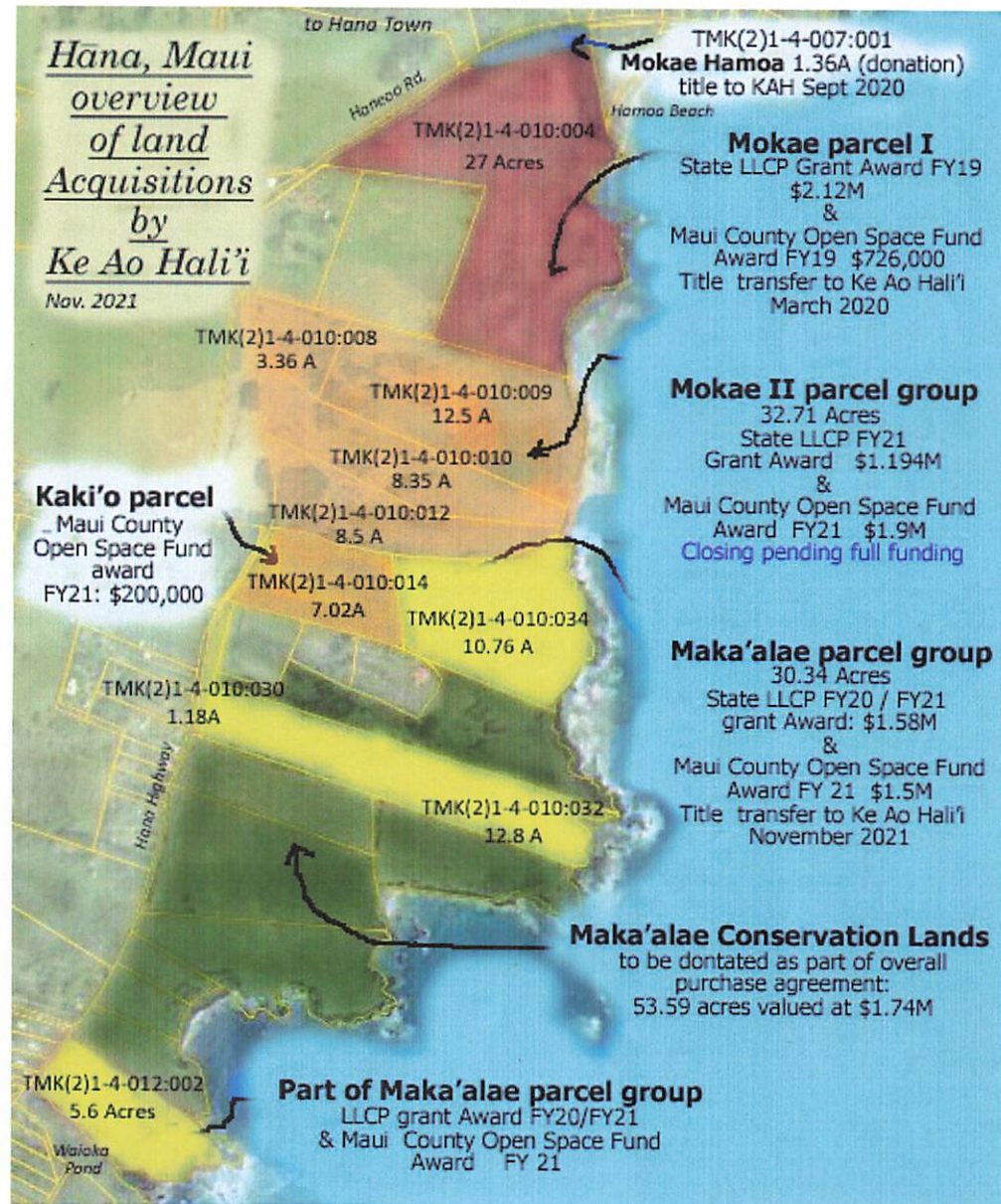
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* \$14,000 from KAH private funding effort, and still ongoing

Hāna, Maui
overview
of land
Acquisitions
by
Ke Ao Hali'i

Nov. 2021



County Clerk

From: robin@hanahawaii.net
Sent: Friday, December 17, 2021 8:39 AM
To: County Clerk
Subject: FW: submitted for council meeting on Friday 12.17.2021, item J.1, NO 21-560
Attachments: Masterplan parcel groups Nov. 2021- county.xlsx; Mokae & Makaalae Aquisition- November 2021_edited-7.jpg; letter to County Council 12.17.2021.docx

You don't often get email from robin@hanahawaii.net. [Learn why this is important](#)

Aloha County Clerk,

I sent this testimony on Wednesday, but just realized the Masterplan parcel document has 2 sheets. Please include only the second sheet. The first sheet is very out of date now.

Mahalo,

Robin

From: robin@hanahawaii.net <robin@hanahawaii.net>
Sent: Wednesday, December 15, 2021 5:12 PM
To: 'county.clerk@mauicounty.us' <county.clerk@mauicounty.us>
Cc: scott crawford (scott@aloha.net) <scott@aloha.net>
Subject: submitted for council meeting on Friday 12.17.2021, item J.1, NO 21-560

Please provide Council members with the written testimony attached here.

I also would like to testify at the meeting.

Mahalo,

Robin Rayner

808-248-4950

RECEIVED
2021 DEC 17 AM 8:40
OFFICE OF THE
COUNTY CLERK



Council of the County of Maui
Agenda- Dec. 17, 2021

RE: J.1. County Communications NO. 21-560

Aloha Council Members:

December 15, 2021

In 2018 members of the Hāna community came together to form Ke Ao Hāli'i (KAH, "protective blanket of clouds", save Hana coast) with a goal of establishing conservation status for the open space lands from Mokae to Maka'alae. The Hāna community and their supporters are now poised to have established conservancy for over 150 acres of contiguous, coastal lands.

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Robin Rayner,
Member
Ke Ao Hāli'i Board of Directors

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*** includes \$669,300 shortfall from LLCP Grant award FY21 + 71,000 due diligence

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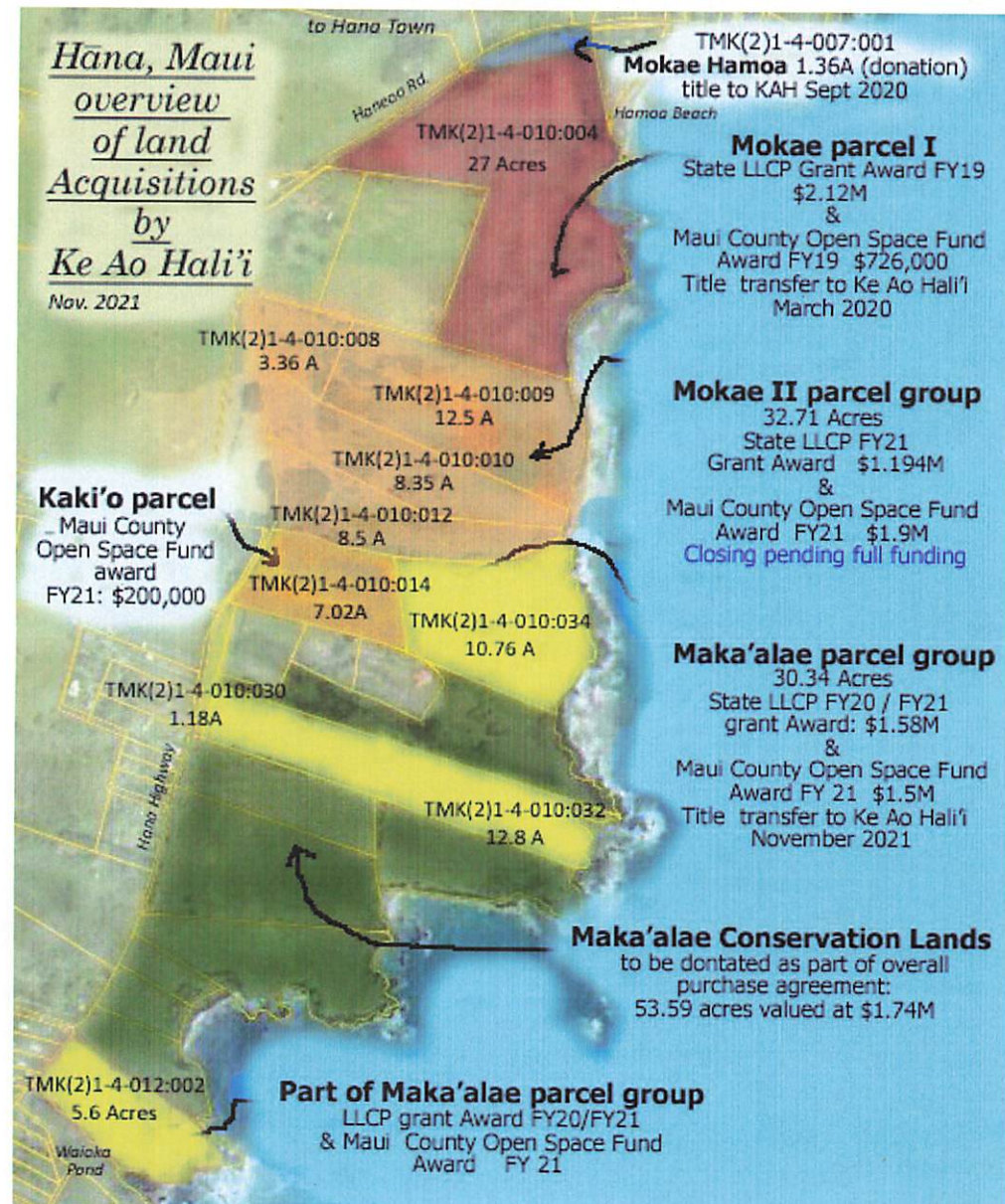
* \$100,000 grant solicited by HILT and awarded to KAH for the purpose of completing the Mokae II purchase

* \$18,679 from Legacy Land separate funding source to complete Mokae II

* \$14,000 from KAH private funding effort, and still ongoing

Hāna, Maui
overview
of land
Acquisitions
by
Ke Ao Hali'i

Nov. 2021



County Clerk

RECEIVED

From: Lynn Ryan <lynnr8@gmail.com>
Sent: Tuesday, December 14, 2021 1:25 AM
To: County Clerk
Subject: Support for Ordinance 5306

2021 DEC 14 AM 7: 58

OFFICE OF THE
COUNTY CLERK

You don't often get email from lynn8@gmail.com. [Learn why this is important](#)

To Maui County Council members

I am writing in support of ordinance 5306. The non mineral sunscreen threat is something we can address immediately. The assurance of safety for all rests on the industry.

Our coral reefs face Assault thru increasing ocean temperatures, and increasing levels of trash and micro-plastics from improper disposal and stormwater runoff. Without addressing these types of global threats to coral reefs, our marine ecosystems will still continue to face peril.

But right now we can do something effective, Yes on ordinance 5306. Until the sunscreen industry can Prove that their products are safe for humans and Marine life, say no to non mineral sunscreens.

Sincerely,

Lynn Ryan RN

75-6016 Ali'i Dr #134

Kailua Kona HI 96740

Lynn8@gmail.com

Sent from my iPhone

County Clerk

From: Ann and John Seed <annandjohnseed@gmail.com>
Sent: Tuesday, December 14, 2021 1:52 PM
To: County Clerk
Subject: Sunscreen Ordinance 5306

RECEIVED

2021 DEC 14 PM 2:25

OFFICE OF THE
COUNTY CLERK

You don't often get email from annandjohnseed@gmail.com. [Learn why this is important](#)

Maui County Council Members:

We are in favor of passage of Sunscreen Ordinance 5306. Hawaii's coral reefs are a precious resource and it is our (and your) responsibility to protect them.

Mineral based sunscreens, those with only zinc oxide and/or titanium oxide as active ingredients, have been deemed safe and effective by the FDA. Sunscreens containing cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, padimate O, sulisobenzene, oxybenzone, and avobenzone have not been deemed safe and effective by the FDA because of inadequate data to support safety.

We urge you to act responsibly by voting in favor of Sunscreen Ordinance 5306.

Sincerely,

Ann and John Seed



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

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COUNTY CLERK

CC 21-556
Mayor's Veto on Residential Workforce Housing Policy
Applicant Selection Priority
Friday, December 16, 2021

Aloha and Happy Holidays Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

We strongly support Mayor Victorino's veto of Bill 111. We testified throughout the process and shared the thoughts of our Affordable Housing & Rentals Committee, comprised of affordable housing developers, nonprofit developers and housing experts, who said this new list just isn't the solution.

We testified on another matter before the Affordable Housing Committee on Monday and our thoughts can be echoed here. It is imperative that Councilmembers work with for- and non-profit developers, who actually build houses, to get their feedback on proposed changes to better understand if they are feasible before passing bills, as it is critically important that we work together to solve our housing crisis. Why waste time and money on an effort that the builders are saying is redundant to what they are required to do and therefore unnecessary?

For these reasons, those stated by Mayor Victorino in his veto memo, those in our previous testimony, and our interest in focusing on getting units built, we support the Mayor's veto of Bill 111 and urge you to uphold his decision.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

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COUNTY CLERK

Bill 149
West Maui Community Plan Update
Friday, December 16, 2021

Aloha and Happy Holidays Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

Given what we are hearing from members in the West Maui community, we are deeply concerned with the West Maui Community Plan update being up for second and final reading today. As we mentioned in our last testimony, we strongly feel it would be valuable to send this bill back to committee for additional public input to ensure it is the best version possible before passage. This updated plan is extremely important to the West Maui community, and we believe it is best not to rush and give the community more time to ring in on amendments and the final version.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

County Clerk

From: Cynthia Urry <cwurry@yahoo.com>
Sent: Wednesday, December 15, 2021 7:00 AM
To: County Clerk
Subject: Sunscreen Ban

RECEIVED

2021 DEC 15 AM 8:14

OFFICE OF THE
COUNTY CLERK

You don't often get email from cwurry@yahoo.com. [Learn why this is important](#)

To the County Clerk of Maui ,

I strongly support Sunscreen Ordinance 5306. We are aware that multiple stressors threaten the marine ecosystem, but this non-mineral sunscreen threat is something we can

address immediately unlike other issues that take time. FDA has placed these products in Non-GRASE until the sunscreen industry can prove their products are safe and effective.

Non-Mineral sunscreen products have questionable effects on the health of humans and marine life. The Precautionary Principle states that the burden of proof for potentially

harmful actions by industry or government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favor of

prevention.

It's bad enough there are so many factors like global warming and our severe storms runoff are damaging our reefs, we need to do our part .

Please save our reefs now before it's too late!

Mahalo ,

Cyndy Urry
resident

County Clerk

From: Ann Zadeh <annzadeh@gmail.com>
Sent: Wednesday, December 15, 2021 7:30 PM
To: County Clerk
Subject: Agenda Item #CR 21-137 Maui County Commission on Persons with Disabilities- Rainey Dock Matthews

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Dear Maui County Council,

Knowing Rainey Dock Matthews personally and having worked with her both in her role as a member of the Mayor's Committee on Persons with Disabilities and a member of the Tarrant Transit Alliance in Fort Worth Texas, where I served in elected office as the City Council Representative for District 9 from 2014 until 2021, I can assure you that she will be an incredible member of the Maui County Commission on Persons with Disabilities. Her passion and dedication are unparalleled and her lived personal experience has only heightened her dedication to the work to improve the lives of those living with disabilities. Her experience in Fort Worth serving on the Mayors Committee on Persons with Disabilities provides her with experience that is aligned with the Mission and Vision of the Maui County Commission on Persons with Disabilities. You could not find a more perfect candidate for this work and you are lucky to have her. We truly miss her here in Fort Worth, Texas.

Sincerely,
Ann

Ann Zadeh, AICP

Executive Director, Community Design Fort Worth
<https://www.designfortworth.org/>

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