

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀNA 'OHAWAI'I



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**Testimony COMMENTING on HB0918
RELATING TO LABELING**

REPRESENTATIVE SCOT Z. MATAYOSHI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

February 5, 2025; 2:00 pm; Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") offers comments on this
3 proposed measure.

4 **Department Testimony:** The Environmental Management Division Wastewater Branch (EMD-
5 WWB) provides the following testimony on behalf of the Department.

6 The Department understands the intent of this measure. However, rather than adding a
7 new chapter in Chapter 342D, Hawai'i Revised Statutes (HRS), it may be more appropriate to
8 place the act within the Hawai'i Department of Agriculture (HDOA) because on page 6, line 19
9 through page 7, line 18, it implicates the Federal Insecticide, Fungicide, and Rodenticide Act
10 (FIFRA) and requires that all covered products registered with the U.S. Environmental Agency
11 (EPA) pursuant to FIFRA obtain approval for the product labels with HDOA and/or EPA. .

12 **Offered Amendments:** None.

13 Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

FEBRUARY 5, 2025
2:00 PM
CONFERENCE ROOM 329 & VIDEOCONFERENCE

HOUSE BILL NO. 918
RELATING TO LABELING

Chair Matayoshi, Vice Chair Chun and Members of the Committee:

Thank you for the opportunity to testify on House Bill no. 918 relating to labeling. The bill establishes labeling requirements for certain premoistened nonwoven disposable wipes and establishes penalties.

The Department provides the following comments specific to the Department and its regulatory authority. While the Department does have regulatory authority over products that are defined as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it does not have jurisdictional authority to regulate products under the Federal Hazardous Substances Act (FHSA) or Hawaii Revised Statutes (HRS) Chapter 342D. The Department believes that the United States Environmental Protection Agency (U.S. EPA) Region 9 has regulatory authority over FSFA.

Products falling under FIFRA authority include disinfecting wipes, sanitizing wipes, and antibacterial wipes if they are not intended to be used in, on, or around the human body.

If the labeling requirements are to be delegated to the Department, changes to HRS §149A-15 would be required to effectuate the specific labeling requirements for the Department to initiate regulatory action.



The Department also recommends the removal of the United States Environmental Protection Agency in Section 1(f) as the Department has the authority to deny pesticide licensing if label changes are not made. Involving or requiring a federal agency to approve products which comply with State statutes for labeling is not feasible.

Suggested non-substantive suggested changes to Section 1(e) are listed below:

“(1) The Federal Hazardous Substances Act, 15 United States Code sections 1261 to 1278; and

(2) The Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code sections 136 to 136y.”

Thank you for the opportunity to testify on this measure.

**DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-16

February 4, 2025

The Honorable Scot Matayoshi, Chair
The Honorable Cory M. Chun, Vice Chair
and Members of the Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Matayoshi and Vice Chair Chun:

SUBJECT: House Bill 918 - Relating to Labeling

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following testimony in strong support of HB 918, Related to Labeling.

ENV operates and maintains the City's wastewater infrastructure, which consists of nine (9) wastewater treatment plants, 72 wastewater pump stations, and 2,100 miles of sewers.

Unlike toilet paper, which breaks down when it gets wet, most or perhaps all of the types of wipes included in HB 918's definition of "Covered Product" are made of synthetic materials that do not break down. When these products are flushed down the toilet, they clog our sewers. These clogs have led to sewage spills in the community, which jeopardize health and safety for both the public and the environment. These clogs also pose hazards for the professionals responsible for maintaining the City's sewers, and removing the clogs and in some cases repairing the damage they cause create a financial liability for the City and ENV.

Our toilets are not trash cans. HB 918 promotes the proper disposable materials that should not be flushed.

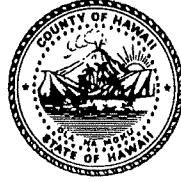
Should you have any questions, please feel free to contact me at (808) 768-3486.

Sincerely,

For Roger Babcock, Jr., Ph.D., P.E.
Director Designate

C. Kimo Alameda, Ph.D.
Mayor

William V. Brillhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 4, 2025

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Scot Z. Matayoshi, Chair
Rep. Cory M. Chun, Vice Chair
Hawai'i State Capitol
Honolulu, HI 96813

Re: Testimony in Support of House Bill (HB) 918 Relating to Labeling, which establishes labeling requirements for certain premoistened nonwoven disposable wipes. Establishes civil penalties.

Dear Chair Matayoshi, Vice Chair Chun and Committee Members,

The County of Hawai'i Department of Environmental Management is pleased to submit testimony in **support of House Bill 918**, which will establish "do not flush" labeling requirements for premoistened nonwoven disposable wipes and establish civil penalties.

Disposable wipes are a significant and growing problem for wastewater treatment facilities. Unlike toilet paper, which readily breaks down, these wipes do not disintegrate. As a result, they:

- **Clog equipment:** Wipes accumulate in screening equipment, pumps, and conveyance lines, causing significant blockages. This leads to:
 - **Increased maintenance costs:** Frequent repairs and replacements of equipment are necessary, significantly increasing operational expenses.
 - **Reduced system efficiency:** Blockages disrupt the flow of wastewater, impacting the overall treatment process.
 - **Health and safety risks:** Plant operators are often required to manually remove wipes from equipment, posing potential health and safety hazards.

The labeling of disposable wipes will:

- **Raise public awareness:** Clearly inform consumers about the negative impacts of flushing wipes on the wastewater system.
- **Encourage responsible disposal:** Promote proper disposal methods, such as discarding wipes in the trash.
- **Reduce the burden on wastewater treatment facilities:** Minimize the frequency and severity of equipment blockages, leading to cost savings and improved operational efficiency.

We urge the legislature to pass **House Bill 918** to protect our wastewater infrastructure, safeguard public health, and ensure the long-term sustainability of our communities.

Thank you for your consideration.

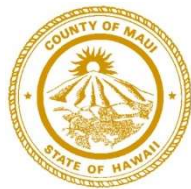
Best Regards,

Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda
Gene Quiamas, Acting Hawai'i County Solid Waste Division Chief
Tanya Buckley, Acting Hawai'i County Recycling Coordinator

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

LATE

TO: Representative Scot Z. Matayoshi, Chair
Representative Cory M. Chun, Vice Chair
Committee on Consumer Protection & Commerce

FROM: Richard T. Bissen, Jr., Mayor
Shayne Agawa, Director of Department of Environmental Management

DATE: February 4, 2025

SUBJECT: **SUPPORT OF HB918, RELATING TO LABELING**

Thank you for the opportunity to testify in **SUPPORT** of this important measure which establishes labeling requirements for disposal wipes and associated penalties.

We **SUPPORT** this measure for the following reasons:

1. Disposable wipes do not break down in sewer systems leading to clogs and/or blockages in pipes and pumps which may lead to sewer spills.
2. Disposable wipes significantly increase maintenance costs for wastewater treatment facilities, pump stations, and collection systems.
3. Studies have shown that across the nation hundreds of millions of dollars were spent on additional operating costs which averages out to roughly \$30,000-\$100,000 a year per utility.

Mahalo for your consideration.



**TESTIMONY OF TINA YAMAKI, PRESIDENT OF THE RETAIL MERCHANTS OF HAWAII
FEBRUARY 5, 2025
HB 918 RELATING TO LABELING.**

Good afternoon, Chair Matayoshi and members of the House Committee on Consumer Protection and Commerce. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

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

HB 918 establishes labeling requirements for certain premoistened nonwoven disposable wipes and establishes civil penalties.

While consumer education and environmental protection are important, this requirement is not easy for Hawaii to fulfill this mandate.

Hawaii does NOT produce wipes, meaning all such products sold in the state are manufactured elsewhere and subject to federal and industry standards. Imposing a separate labeling requirement for Hawaii would place an undue burden on retailers and distributors, potentially limiting product availability or increasing costs for consumers. Having labels manually stuck onto each individual product post production is cost prohibitive for many retailers with having to have employees manually stick on labels and there is a human factor of error. We would also like to point out that the majority of retailers are already short-staffed.

Furthermore, major wipe manufacturers already comply with industry guidelines for labeling and disposal instructions. Having to mandate labeling only for Hawaii may also result in manufacturers and distributors deciding not to ship products like baby and other cleaning wipes to Hawaii.

Rather than creating a unique requirement for Hawaii, a more effective approach would be public education campaigns to inform consumers about the environmental impacts of improper disposal.

Given that Hawaii is a small market relative to national and global distribution, enforcing a state-specific labeling rule may prove impractical and unnecessary. I urge the committee to reconsider this measure and explore alternative solutions that do not create regulatory burdens on businesses and consumers.

Mahalo for this opportunity to testify.

February 5, 2025

Representative Scot Z. Matayoshi, Chair
Committee on Consumer Protection & Commerce
House of Representatives
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

RE: Comments by INDA, the Association of the Nonwoven Fabrics Industry Supporting HB 918

Dear Chair Matayoshi and Committee Members:

On behalf of INDA, the Association of the Nonwoven Fabrics Industry, thank you for the opportunity to provide input on HB 918. We urge the committee to advance this legislation, which mirrors legislation passed in seven states to date and addresses the important issue of improper disposal of non-flushable wipes by consumers and is in line with legislation passed into law in California, Illinois, New Jersey, Michigan, Colorado, Washington, and Oregon.

INDA's member companies include almost all wipes fabric makers, wipes manufacturers, and many brand owners operating in North America. INDA and its members recognize that municipal wastewater treatment facilities are having difficulties with consumers flushing certain wipes that were not designed nor labeled to be disposed of in the toilet and we are committed to being a part of the solution to that challenge. Formal [forensic studies of sewer systems](#) in New York City, Jacksonville, Florida, and [California](#) have repeatedly shown that 98-99 percent of the materials clogging such sewer systems are hygiene products not labeled as flushable. As such, we support the objective of addressing wipes that are causing problems in wastewater treatment systems.

Given that the inappropriate consumer disposal of non-flushable wipes is a primary source of sewer system challenges, our industry has made a concerted effort to work cooperatively with wastewater treatment stakeholders throughout the country to jointly develop legislation that focuses on mandating enhanced Do Not Flush labeling of non-flushable wipes to enhance consumer understanding of proper disposal habits.

This industry-wastewater collaboration to date has been productive and has led to the enactment of Do Not Flush labeling laws in the previously mentioned states. These measures have enjoyed such strong support throughout numerous states because they represent the collaboration of and consensus among wastewater and industry stakeholders and are broadly recognized as a common-sense solution to address the problem at hand as documented by these forensic studies.

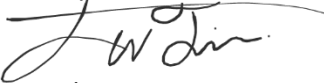
One minor request we would like to highlight is to ensure that the bill aligns with the other states in all respects, including process. For example, the bill currently requires a 6-month deadline for products to apply the label following approval by the Department of Agriculture. No other state with "do not flush" rules requires this because labels must be approved in all fifty states, in addition to the US EPA, which can take many months. Applying a 6-month deadline will complicate this process unnecessarily and potentially put manufacturers in conflict with other states. If the committee or the author is looking for model legislation,

we encourage you to look to [Oregon](#), though there is a great deal of consistency across the states that require these labels.

Our industry is also working with wastewater and environmental stakeholders to support similar federal labeling standards, which has resulted in the introduction of the bipartisan WIPPES Act (Wastewater Infrastructure Pollution Prevention and Environmental Safety Act, S.1350/H.R. 2964) in Congress, which passed out of the U.S. House last year and is awaiting reintroduction in the 119th Congress.

In closing, INDA and the wipes industry support this legislation and we look forward to continuing to work with you on this important issue.

Sincerely,



Wes Fisher
Director of Government Affairs
INDA, Association of the Nonwoven Fabrics Industry
wfisher@inda.org
919-459-3726



February 5, 2025

The Honorable Scot Z. Matayoshi, Chair
House Committee on Consumer Protection & Commerce
State Capitol, Conference Room 329 & Videoconference

LATE

RE: House Bill 918, Relating to Labeling

HEARING: Wednesday, February 5, 2025, at 2:00 p.m.

Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 918, which establishes labeling requirements for certain premoistened nonwoven disposable wipes. Establishes civil penalties.

Despite being labeled as "flushable" or "disposable", many wipe products do not break down as easily as toilet paper. These wipes can lead to clogs and significant damage to plumbing systems or sewer infrastructure. In multi-family buildings like condominiums, plumbing repairs can be very costly and impact multiple units. As such, HAR supports clear labeling to consumers to "Do Not Flush".

Mahalo for the opportunity to provide testimony on this measure.

