MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 19, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, NOVEMBER 19, 2021, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of November 19, please come to order. It is approximately 9:03 this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK JAMES G.M. 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: Aloha kakahiaka kakou my Maui hikina. For the record, I am at the Hana Cultural Center, with my EA Dawn Lono. Aloha, everybody.

CHAIR LEE: Aloha. Clerk, Mr. Clerk, one second. You may not have seen it in the chat, but the morning greeting comes from Samoa, we actually did not have this before, its Talofa lava, and that means hello to you.

COUNCILMEMBER SINENCI: Ai, Talofa lava.

CHAIR LEE: Same to you.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha, and talofa lava to you Madam Chair, my colleagues and everyone else joining us for today's Council meeting. For the record, I'm transmitting out of my office in the County Building and there is no one with me. Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Councilmembers. Talofa lava, that's a song I want to sing, talofa lava to all of you. I'm in the County Building on the 8th floor with Kate Griffiths, and soon to be Stacey Moniz, my staff.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Talofa lava and aloha kakahiaka, my Maluuluolele. I'm here broadcasting live and direct from the West Maui District Office with my EA Angela, who is more than six feet away.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Talofa lava everyone I'm in Kula, and I, there's no one in this room. I think my husband is probably on the first floor, but that's it. Looking forward to a good meeting.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And talofa lava to all my fellow colleagues. I am in my home, working in my work space and I am alone.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Moloka'i nui ahina. I am at the Moloka'i District Office alone on my side of the office and talofa lava kakou.

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

CHAIR LEE: Talofa lava my dear colleagues and to the listening and viewing public. I am home in my office by myself with my, my little baby dog about seven feet away listening to every word we're talking about. Looking forward to a great meeting with all of you, and I'm sure Member King will be along shortly.

Mr. Clerk.

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, GABRIEL JOHNSON, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ, AND CHAIR ALICE L. LEE.

EXCUSED: COUNCILMEMBER KELLY T. KING.

(Councilmember King was not present when the roll was called; however, she arrived at 9:20 a.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 Corporation Counsel Moana Lutey and First Deputy Corporation Counsel Richelle Thomson.

CHAIR LEE: Our opening remarks Members, will be provided by Councilmember Tasha Kama, Pro Tem Kama.

OPENING REMARKS

The opening remarks were offered by Councilmember Tasha Kama.

CHAIR LEE: Pro Tem Kama, thank you for those insightful and warm remarks. Now I ask that you join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Now Members, 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.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on ceremonial resolutions. The first person we have signed up to testify on ceremonial resolutions is Keisa Lu. To be followed by Jordan Hocker.

CHAIR LEE: Good morning.

PRESENTATION OF ORAL TESTIMONY

MS. KEISA LU:

Good morning, everyone. Mahalo, my name is Keisa Lu and I'm here to speak on agenda item "E. RECOGNIZING HUNGER AND HOMELESSNESS AWARENESS WEEK". Apologies for not having a, a completely written out thing like I normally do. I did submit written testimony on this agenda item. I support this with reservation. As we continue to move, I'm asking that as we continue to move towards holistic solutions.

Now we operate a housing first model, but it does feel a lot more like housing only. The support is focused on housing, which of course right now is inadequate. For example, when I spoke with Ka Hale A Ke Ola, they said that they have a 90-day program. And when I asked them if that was sufficient to get someone through the program and into permanent housing they said no, that takes really an average about six months. So when we talk about our housing first model, there's I'm giving you one example how it's not adequate.

But the other thing that we're missing is the understanding that as humans we need to be able to move out of traumatic situations and understand that houselessness and hunger is traumatic. And it requires a level of emotional intelligence, emotional safety, compassion, aloha, and trauma-informed decisions, which again are lacking currently.

Now watching the interactions between the residents and our governing bodies and whoever else is involved, I see that and seeing that we fund, and see what we fund and how we fund services. I believe it's not enough to have services available the way that we and the way that we offer those services is not helping enough.

So as we recognize that this is an issue here on, in our County, I am going to ask our entire community, everyone on this call, the Council, the Mayor, and everyone who lives in Maui County to refuse, to stop using the phrase "refuser of services" as a way or an excuse not to care about our community. Because it's incredibly inaccurate. It places the blame on the victims when clearly there are a lot of things that get in the way of being able to take services, and when those services are provided, it's always, it's not always enough.

I urge leadership to stop spreading that phrase, to stop using that when you talk about our houseless community in the media or with community members. Stop using that. Stop. They are not jackasses. They are not people who are refusing water that's being given to them. The path is difficult. The water is not there. Stop.

CHAIR LEE: Can you.

MS. LU: I'm going to leave, I'm going to leave this now. Yes, absolutely. I urge our community and leadership to start recognizing that just providing shelter is not enough. That these are humans. They are ours. They are part of our community. Mahalo for your time.

CHAIR LEE: Thank you.

Member Johnson, you have a question?

COUNCILMEMBER JOHNSON: Yes, thank you, Chair. Good morning, Ms. Lu. And I just want to appreciate you for all your tireless efforts to help those folks that we just were, you were speaking on. So my clarifying question is you mentioned that we can do better with a holistic approach. Can you speak on that? Like what specifically do you mean as far as a more holistic approach when it comes to helping people who are houseless.

MS. LU: It's systematic or systemic issue. One of the things that we can work on is diversifying the services that are being provided. Especially when it comes to the housing, you know, we're talking about housing first or shelter. Right now we have very limited shelters. They aren't 24-hours. They are limited spaces. You know, they aren't always helpful for what is needed. So on a larger scale, I would suggest managed encampments.

Because one of the things that happens, especially when those sweeps happen, or clean-ups happen. Manage, we don't, the services, service providers don't have a way to contact the people they are trying to help. So every time that happens it starts over again, and we have to find them again. And so if we have managed encampments,

we at least have a space where we can start that process and continue to keep those touch points because the other thing I would say is that the touch points need to happen, and they need to happen compassionately. They need to happen with people who are trauma-informed, and do, not only are they informed, but they actually act in that way. It's one thing to just take the training, it's another thing to actually do that type of work. So, you know, in order to do all that, you have to do that.

So the other thing I would also say is to stop moving people, because all we're doing is creating more work on our already strained resources. It's expensive and it doesn't help combat the situation that we currently have. So those are a few ideas that I would think would help.

COUNCILMEMBER JOHNSON: Thank you so much, Ms. Lu. Thank you, Chair. I have no further questions.

CHAIR LEE: Any more questions, Members? If not, thank you very much, Ms. Lu.

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: The last testifier we have signed up to testify on ceremonial resolutions is Jordan Hocker.

MS. JORDAN HOCKER:

Hello, Council and Members. Aloha mai Council Chair and Vice-Chair Rawlins-Fernandez. My name is Jordan Hocker, I'm here on my own time and my own behalf. I'd like to begin with gratitude for this resolution. I'd like to thank Gabe Johnson for this. I have truly seen a cohesiveness between this resolution and the work that you and your office are doing. So I really support that, and I support this resolution.

I do need to state for consideration for this body, the amount of unpaid hours that myself and other unpaid volunteers are putting in the time away from our families, the times out of our routine that we are putting in to figure out where we are failing our unsheltered residents. Keisa does not get paid for the forty plus hours a week that she does. I don't get paid for figuring out where the holes are.

I really am here to urge all Members of this government and this body to really, to be listening to address the biases that prevent care from actually reaching our unsheltered members. I really truly worry about lip service with a . . . addressing hunger and homelessness that doesn't follow through with respect for our unsheltered residents.

I have been before this body multiple times to share my own experience with homelessness and to ask you folks at what point in my experience of chronic illness and not being able to work and thus facing eviction at an earlier point in my life, was I not worthy of respect or was I unable to reach your hearts? Was it with . . . and I ask these questions, was it when the eviction notice happened, was it when I needed to sleep in my car, was it when I was living out of my car.

The other day I was sitting in a parking lot in Makawao waiting for a doctor's appointment, and I saw MPD be called for an unsheltered resident. And they called one of the outreach services, which I'm sure folks are familiar with. There's really only one funded entity that has outreach funds. And I listened to that process, and I listened to her speak with him.

And you know I come from a background of hospitality, I worked and managed restaurants for about a decade. And when someone would come into my restaurant, I had things to offer them, right, and I was happy that they were there, because it was my job to make sure that they knew everything we offered, and they had the best experience possible.

And so as I'm sitting there listening to this, I don't hear an offering of services. I don't hear, you know, someone, this person said this is what I need, and they said well unless you take our whole program, we can't help you with this. And the person didn't want to move down to Kahului, because it's not as safe there to be out of the studio. They wanted to remain Upcountry, because it's safer . . . And I'll just, I have two more sentences.

In that experience, I realized this isn't catered towards them. It's catered towards the establishments that are providing services and it's catered towards the Federal funding and the funding that the County is doing. We need a new model that caters towards people, that delivers them dignity and respect and reminds them that we are all humans, and it doesn't matter whether we're struggling or not? We are on equal playing-field. So I support this resolution, thank you folks so much today for letting me speak.

CHAIR LEE: Thank you. Any questions for Ms. Hocker? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do have one, couple of other individuals signed up to testify on ceremonial resolutions. The next person signed up to testify is Faith Chase. To be followed by Lisa Darcy.

(Councilmember King arrived at the meeting at 9:20 a.m.)

MS. FAITH CHASE:

Good morning, Chair. Good morning, Council. Speaking to the homeless awareness week. The resolution in paragraph 5 is incorrect. We did not have a Point In Time Count in 2020 or 2021, so if that could be corrected. I think I've come to this body with my thoughts enough, and I will not waste your time. I'm, I'm grateful for all the organizations that are named in the last paragraph. I don't think our Mayor has done enough. I don't think as the previous testifier said, this lip service will, will change any, any behavior or his courses, his course of action he's taken over the last couple years on this issue. But please make that correction.

CHAIR LEE: Thank you for pointing that out. Mr. Clerk. Any questions, Members.

Okay, Mr. Clerk. And when you come back on could you speak a little louder please.

DEPUTY COUNTY CLERK: Oh, yes, apologies Chair. Oh, Chair before I proceed to the next testifier, Councilmember King is present.

CHAIR LEE: Oh yes, welcome, Member King.

COUNCILMEMBER KING: Mahalo and talofa lava, I'm assuming that's a, that's the greeting for the day and nice to be here with you all. Thank you for excusing me for the first few minutes so I could join the ICLEI webinar for a few minutes. Happy to be here now and, and listening to the testimony.

CHAIR LEE: Great.

COUNCILMEMBER KING: And also, I guess I have to say that I am in my new district office. We don't have any, any testifiers here with us but I do have staff Ellen McKinley and Daniel Kanahele in the next room.

CHAIR LEE: Wonderful. Okay, now we know where to go when we're in South Maui.

COUNCILMEMBER KING: Right.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair the next individual we have signed up to testify is Lisa Darcy. To be followed by Tamara Koller.

CHAIR LEE: Can't hear you. You're muted Lisa. Lisa, you want to try turning off your video and turning on you mike. Now you look like you're frozen.

COUNCILMEMBER KING: Lisa your microphone looks muted.

MS. LISA DARCY:

How's that? Okay, did that work?

CHAIR LEE: Yes, it did.

MS. DARCY: Yay, thank you. Aloha, Council. My name is Lisa Darcy, I'm the founder of Share Your Mana. I am a commissioner on the Healing Solutions for Homelessness. I am not a paid lobbyist. And I thank you very much for being able to be here today. I'm in a car in Phoenix. I am with another individual. Thank you for the resolution. I originally was going to testify on CR 21-117, which is the housing for human right, and I believe that they are so closely related there's no sense in being on both.

I'm grateful for resolutions, and I'm grateful for this, the housing as a human right to put it forward. I think it's really, really important, and two things that I see that are, that are missing from both of these are naming the groups and they are. And I did put some of this forward to the, to the Council earlier, in earlier testimony regarding naming mental illness as a vulnerable group and acknowledging that Maui County has been in a crisis for over 20 years, like an actual dedicated crisis that's just been acknowledged by the Department of Justice. And the fact that it is not named, and we are still afraid to say mental illness is something that adds to the stigma, and it does not bring forward healing and healthy solutions. And I think it gets ignored.

And I really want to put a very, very strong push in to recognize how many times I've been in doctor's offices with individuals when they got their diagnoses. And whether it's cancer, diabetes, or schizophrenia, there's always been a great relief when an illness is named, because now you can actually treat it. And although it may be something that is difficult and uncomfortable and nobody wants to hear the word schizophrenia, I think it's probably the meanest disease on the planet. At least it becomes treatable and until we acknowledge and put this forward, we will always stumble.

So thank you for putting this, and, and grappling with it, and trying to move it forward. I would encourage you to be bold, be very bold, name the things we see, then we can really start to really chip away at the very significant issues that Maui County faces. And I thank you very much for your, your work and I thank Keisa Lu and Jordan who have been really supporting and taking forward a lot of the work that I've been bringing forward to the community. And they have taken it to an entirely different level and really, I really hope you listen to, to their, to their testimony so, and incorporate their suggestions. Mahalo.

CHAIR LEE: Thank you, Lisa. Members, do you have any questions for Ms. Darcy. If not, have a great time in Phoenix.

MS. DARCY: Thank you, bye. Thanks again.

CHAIR LEE: Bye.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last individual we have signed up to testify on ceremonial resolutions is Tamara Koller.

MS. TAMARA KOLLER:

Good morning, Council. My name is Tamara Koller and I am testifying on the ceremonial resolution of hunger and homelessness awareness week. I realize that resolutions don't have an effect of law, but I think it's important, particularly if, where you recognize and appreciate and acknowledge the love, dedication and hard work provided by so many caring individuals. Those . . . groups and organizations. I want to talk specifically about individuals in the community that realize that this homelessness is, is affecting other members, not their particular situation. I don't believe it's been recognized. I believe the Administration and the Mayor continues to say that some of these other groups are helping.

But when I hear individuals telling me that they went with somebody to meet with some of these groups, particularly the one that gets all of the funding, and they are told that if you are an advocate here, I'm not going to help this person. That's totally unacceptable. And as a County that, you know, you get, you provide funding to that organization, we know that Amazon leader has provided a lot of funding to that organization.

And I think you really need to recognize other people in the community. Lisa's group, Keisa, Jordan, Maya, these are just some names of individuals that have been out there working with individual homeless, and to help them get services. It's very frustrating. I, I, and I listen to them, I listen to other people, and as a former County worker, and administrator at the hospital, it disturbs me. I don't like to see what I'm, what I'm reading in the press constantly, over and over, about these people refusing. And they're not worth anything, they are jackasses. I mean that is, that's totally unacceptable.

And I'm hoping that you Members on the Council can, you know, work to help make this better for the rest of the residents. It is a dire situation. And I'm sorry this is my first time ever testifying in front of a group, but I really appreciate what all of you do. And thank you very much.

CHAIR LEE: Thank you for your testimony. Members, are there any questions? If not, thank you very much, Ms. Koller.

Mr. Clerk.

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

CHAIR LEE: Members, are there any objections to closing public testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 21-179

RECOGNIZING NOVEMBER 2021 AS FAMILY COURT AWARENESS MONTH IN MAUI COUNTY

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "RECOGNIZING NOVEMBER 2021 AS FAMILY COURT AWARENESS MONTH IN MAUI COUNTY".

COUNCILMEMBER SINENCI:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Moved by Member Johnson, seconded by Member Sinenci to adopt the resolution as stated by the Member and Mr. Clerk.

Did you want the resolution read out, read in its entirety?

COUNCILMEMBER JOHNSON: That would be, that would be my preference, Chair. Mahalo.

CHAIR LEE: Alright, Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Any discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair and thank you, Mr. Deputy Clerk. Domestic violence, divorce, paternity, and custody issues affect many individuals and families in Maui County. Established in 2020 Family Court Awareness Month is an opportunity for survivors of domestic violence, or post-separation abuse, to amplify their voices while raising awareness of shortcomings in the family court system.

By supporting the Family Court Awareness Month, Maui County would join 200 other cities and counties nationwide to stand with local and national advocacy groups highlighting the importance of protecting children and other vulnerable individuals in the family court system. I ask for the Members full support of this resolution. Thank you, Chair.

CHAIR LEE: Thank you, any more discussion Members? If not, all those in favor of adopting the resolution, 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. Resolution adopted.

Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I would like to recognize Breana Pakele, the TRO Program Coordinator at Women Helping Women to receive and speak to this resolution. Mahalo.

CHAIR LEE: Ms. Pakele.

MS. BREANA PAKELE: Hi, good morning, Councilmembers and everyone present today. My name is Breana Pakele, I'm the Temporary Restraining Order Coordinator at Women Helping Women and I have been with the agency for about six years or so. I would like to express my gratitude to the Maui County Council for recognizing hunger and homelessness week, as well as deeming November as Family Court Awareness Month.

During the shutdown in March of 2020, the Second Circuit Court, Women Helping Women, and other agencies throughout Maui County have made some outside the box changes that not only eliminated interruption of services, but created safer, more efficient means for victims to obtain protective orders. Through conversation, this partnership was able to allow TRO petitions to be faxed to the courthouse, removing that barrier of a victim having to physically go there and process documents that way. And they were also able to appear via Webex for their court hearings, which eliminates that fear of being present within the courtroom.

Many see additional challenges through custody and divorce hearings with much more support is needed. This is where great ideas are needed for safety and support for our victims and especially for the children that continue to live in fear, despite all of these drawn-out custody hearings. The voices of our children need to be heard and truly listened to. And there needs to be a more deeper understanding of domestic violence and how its present in the system. Having judges and court staff and advocates who

truly understand the dynamics of domestic violence, and the unseen effects our systems play on victims is vital to their success.

Last year in 2020 our agency had processed 439 TROs from January to December, and that number continues to grow larger each year. Violence is ever changing, and ongoing education is a huge need for everybody. For many victims court isn't the end of their journey, many need additional ongoing support to help them process and heal from abuse, to regain their sense of self and lead better lives.

Having the programs here at Women Helping Women include court advocacy and support allows us as advocates to support and guide these victims through the difficult court process. The TROs that are filed, which can be as many know intimidating and a very fearful thing to go through alone. As many know, the court system is often used as another tool for the abuser to continue to maintain power and control over their victim. It's important that these types of cases are recognized and treated in a manner different from any ordinary custody or divorce case.

Our agency is very, very proud to be able to provide the assistance and support that we do to all the victims of domestic violence through TRO processing, court advocacy, shelter services, assistance through our transitions program and more. And I just wanted to say thank you, Councilmembers, for highlighting the importance of two very critical issues and systems, and while domestic violence continues to be a pandemic in itself, we are hopeful and we continue to, you know, do our work in Maui County and for our victims. That's all. Mahalo.

CHAIR LEE: Thank you, Ms. Pakele. Any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Fantastic, impressive. That's a lot of TRO's and I think this pandemic has brought about many interesting circumstances that bring out these hidden solutions. So once the pandemic and this, the courts go back in session, would they be allowed to continue to have online hearings with the, with the courts or will it go back to normal in-person. Do you know?

MS. PAKELE: I don't think they've gotten that far yet. But as of now they are planning on continuing for some time.

COUNCILMEMBER SUGIMURA: That's good. Tasha Kama has an item that maybe it could fit into this, too, where it's a community court system. Where the court then goes into community settings that makes it easier for people. So I wonder if this could be added

to that list. But thank you very much for your good work and continue on. Thank you for testifying.

MS. PAKELE: Thank you.

CHAIR LEE: Member Sugimura, adding what? Adding a person to the list?

COUNCILMEMBER SUGIMURA: No, no, no, they're already on the list. But thank you. No.

CHAIR LEE: Okay. Any other comments or questions? If not, thank you very much, Ms. Pakele.

MS. PAKELE: Thank you.

CHAIR LEE: Anybody else to talk on this item?

Member Johnson.

COUNCILMEMBER JOHNSON: No, she was beautiful. I just leave it as it was. Thank you so much.

CHAIR LEE: Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record that is RESOLUTION 21-179.

RESOLUTION
NO. 21-180

RECOGNIZING HUNGER AND HOMELESSNESS AWARENESS WEEK
NOVEMBER 13-21, 2021

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "RECOGNIZING HUNGER AND HOMELESS *[SIC]* AWARENESS WEEK NOVEMBER 13-21, 2021".

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Seconded by Member Sugimura. Pardon me. Oh, there must have been some feedback. Moved by Member Johnson, seconded by Member Sugimura to adopt the resolution regarding homeless awareness week.

Discussion. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. May I please request the Deputy Clerk to read the resolution in its entirety.

CHAIR LEE: Yes, Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Member Johnson. Any discussion?

COUNCILMEMBER JOHNSON: Yes, thank you, Chair. Before I get into my discussion, I kind of want to speak to what Faith Chase was, was asking in her testimony. So can we call upon David Raatz from OCS to clarify that specific data point.

CHAIR LEE: Sure, David.

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair Lee, and Councilmember Johnson. We were able to access the 2020 Point In Time Report on Bridging The Gap Hawaii website, btghawaii.org so we've, we've confirmed the accuracy of that reference in the resolution. Thank you, Chair.

CHAIR LEE: Alright. Thank you.

COUNCILMEMBER JOHNSON: Alright, so.

CHAIR LEE: Thank you, Member Johnson for getting that clarification.

COUNCILMEMBER JOHNSON: Okay, so thank you so much. So as reported in the 2020 Maui County Point In Time Count that was taken on the night of January 22, homeless individuals in Maui County, there was 789, including 170 homeless children. Our low and moderate income residents continue to struggle with the high cost of living

and the shortage of affordable housing in Maui County. These issues have only been exacerbated by the pandemic.

In the spirit of aloha, local organizations are working diligently to educate the public about the problems of hunger and homelessness. By recognizing November 13-21 as Hunger and Homeless *[sic]* Awareness Week, the County would join a national call to action and bring us one step closer to eradicating housing and food insecurity in Maui County.

If the body would allow, I would also like to make a substitution in the list of recipients for CARE Hawai'i, replacing Dr. Tina McLaughlin and Dr. Dennis McLaughlin with Tyler Neroes, Homeless Outreach Team Lead. I ask the Members full support of this resolution as amended. Thank you, Chair.

CHAIR LEE: Thank you. Any more discussion?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just wanted to quickly express my sincere gratitude to Councilmember Gabe Johnson and his office staff, and all the volunteers have been alongside his staff whenever there has been sweeps and to address our situation. There, it brings to light their humanitarian efforts and it really shares with the rest of our communities, puts that, that face to, to those of our unsheltered, brings it right into our living rooms. So with that, I just wanted to mahalo the volunteers out there. Thank you, Chair.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I appreciate this also, Member Johnson. Well said. And taking into consideration what Lisa Darcy, her testimony where she said there's some missing people who should get certified copies of the resolution, I wonder if we were able to confirm that or add it for, to this when we, when we finalize the certification? Do you know, do you know the additional organizations we are missing?

CHAIR LEE: I don't know.

Member Johnson.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER JOHNSON: I'm sorry I don't.

COUNCILMEMBER SUGIMURA: Okay, I guess we'll just have to, I'll reach out to her and find out for, you know, future resolutions, because I'm sure there will be. But thank you for doing this. And yeah, it's a problem that I think is all in our hearts and minds and thank you.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. In reference to Member Sugimura's question, I think about that all the time. And I know that in Kihei, St. Theresa Church has their feeding every day, 365 days a year, and they don't stop because it's a holiday and they're still doing it. Also I know that Good Shephard, every Sunday serves a hot meal to people and that's been going on for like, what is this, for about 18 years.

But these, these are our unsung heroes that are out there, but they don't do the big, glorious kind of stuff, and I'm not sure how to address that in the resolution? But I did hear Member Sinenci's heartfelt mahalo to the people who have not been mentioned, and who know who they are. So I want to be able to echo that too. So, thank you, Chair. Thank you, Member Johnson.

CHAIR LEE: Thank you, Pro Tem Kama. I think I saw other hands up.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Johnson. I wanted to echo the sentiment of my colleagues. I know, you know, there's sometimes feeling that resolutions without the force and effect of law is just, you know, words. But our words shape our thoughts, and our thoughts can become our actions.

I also looked up the Point In Time County Report online and, and there is a 2021. I just, I think it was taken on January 26. But it's just one night, you know? And, and it's like a snapshot. And, and similar to a resolution, it doesn't give you the full picture, or the full action, but the one night is to like spur us to action just like the resolution is to spur us to action. So you know, sometimes we need to start somewhere and again like Member Kama said, it's been going on for so many years. People have been trying, but my hope is that this resolution will bring things together. So thank you so much, Member Johnson, and everyone for supporting.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I would like to say mahalo to my colleague, Mr. Johnson, for this resolution. And plenty, plenty mahalo to all of the organizations who are, you know, working on addressing these challenges as it relates to homeless, and to folks like Lisa Darcy and Faith Chase, you know, Keisa and Jordan, keep up the good work. And I had an experience with, with Lisa going out to meet with some homeless in Paia, boy it's a lot of work and to see what you guys do every day. We're very blessed to have all of you addressing this issue and doing your best helping keep our homeless, you know, safe, and helping meet their needs. So just want to say thank you from the bottom of my heart. Thank you, Madam Chair.

CHAIR LEE: Thank you, Member Molina.

Member King, them Member, Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. And of course I want to echo the mahalo to all the individuals and organizations who have been working so hard as volunteers to help the situation out there with the homeless and the hungry. And I just wanted to say along with our great mahalos is that I hope that we as a Council can use this as a springboard for action for getting more of the resources to these organizations when we get to the next budget session.

Because the process is so difficult for some of the smaller nonprofits that they end up just giving, throwing their hands up and giving up on that, the application for the grant money that we have out there. We're going to be getting some ARPA monies, so I just want to say that I think this Council will take action and will try to help get some more resources into more hands. Because I hear from the testimony, and I've heard from just talking to folks on the ground, is the frustration of filling out those grant applications. Sometimes they feel like it's not even worth it, but we want you to have those resources. I just want you to know and, you know, I'm willing to, to help however I can. That's all I wanted to say, and, you know, just, we just have to keep working together, find ways to work together to help the folks out there. Thank you Chair.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo to my colleague Member Johnson for introducing this resolution. Mahalo to everyone out there, who has and continue to address the symptoms of a core problem. And it's all of our kuleana as elected officials. And I'm proud of the work that we're doing, and we continue to do to address this at the core.

This is a systemic problem and at one point, the system was aina momona, shared abundance. The system that we're in now allows for wealth inequality. The fact that hunger, homelessness, and poverty in the wealthiest country, while billionaires exist is a failure of systems. The continuation of treating this as an issue of a failure of the individual or thinking that charity is the answer is just complacency on our part and allowing this system to continue.

So I mahalo again Member Johnson, and mahalo to all the Members on this Council for all of your work for addressing this systemic problem at the core. And I hope that other elected officials will see this problem as a systemic problem and fix this at the core and not just address the symptoms. Mahalo, Chair.

CHAIR LEE: Thank you, Vice-Chair. I, too, want to thank you, say a thank you to Member Johnson for offering this wonderful resolution and for all the comments made by all of the Members. I agree that this is a systemic problem. However, unfortunately the Council doesn't have control over the entire system.

So for what we do have control over, last budget session, the Council wisely, the Budget Committee wisely introduced the initiative that allows for nonprofits, especially new nonprofits to have an advance instead of having to be subject to the total reimbursement system, which makes it really hard for any new nonprofit.

And I think maybe in the upcoming session, we need to really identify some very good umbrella nonprofit agencies, because they can do the paperwork. They know how to handle the red tape, unlike the, the people in the field, you know? They're, they're the ones that need to be free to do the work and not be stymied and, and held back by paperwork, which other nonprofits could probably handle.

So I know we all want to do more, and I think we will, especially in the budget deliberations. So thank you, Members. Thank you, Member Johnson. And I hope that everybody listening that's involved with the homeless and the hungry know that, that we are their resource, and we, they can depend on us. Any more questions or comments?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to recognize Deb Lynch, President of Board of Director for A Cup of Cold Water as well as Scott Hansen, Executive Director at Maui Rescue Mission, who, who I have invited to receive the resolution on behalf of the many organizations that help and support our hungry and homeless.

CHAIR LEE: Okay, one, I need to check with the Clerk. Mr. Clerk, shall we take the vote now or later?

COUNCILMEMBER JOHNSON: Whop, my mistake. I jumped the gun.

DEPUTY COUNTY CLERK: The body can take the vote now and then have the speakers after.

CHAIR LEE: Alright, if you don't mind.

COUNCILMEMBER JOHNSON: I beg your pardon.

CHAIR LEE: No problem. 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, all "ayes", no "noes", motion carries. Nine "ayes", it's unanimous.

Now, would you like to, Member Johnson, introduce the, those who you invited to receive the resolution.

COUNCILMEMBER JOHNSON: Sure, sorry, I get excited when we talking about this topic cause it's such a passion of mine. So Chair, I would like to recognize Deb Lynch, President Board of Directors for A Cup of Cold Water and then Scott Hansen, the Executive Director at Maui Rescue Mission who I have invited to receive this resolution on behalf of many organizations who help and support our homeless and hungry.

MS. DEB LYNCH: First of all, well, thank you all so much for all your hard work that you do. Thank you, Member Johnson, you're really a great asset and thank you all Councilmembers because I know you are all very concerned about the issues of the unsheltered people here.

Most of you probably all know who A Cup of Cold Water, we've been around for about seven years, and we are 100 percent volunteer and accept no government money. We go out a few times a week, the pandemic of course limited some of our activities at

times. And we bring water, food, hygiene, first aid, clothes, blankets, towels, a lot of compassion directly to the people, unsheltered people, we look for them.

In listening to your numbers, so far this year even with the times when we had to suspend our runs, we've served almost 2,200 different individuals. Some of them are the same individuals, yes. But in 2020 our numbers were just over 4,000. So there are many people out there. Maui people that are unsheltered hide a lot so when the point count, Point Count In Time happens there are times that they don't catch everybody.

One thing that A Cup of Cold Water does besides bringing things is we are a great conveyor of information to the unsheltered and likewise getting information back from them on what their concerns are. An example was when the Salvation Army had the vaccination clinic, we were able to share that information with the unsheltered as they wanted to go get vaccinated.

We hear back from people who are looking for shelter, saying yes, that unfortunately with some of the shelter placements with their funding they are restricted with how they can accept people with certain situations going on in their lives. And that does make it very difficult for some of the people who are unsheltered who would like to become sheltered, and they can't get in because of restrictions.

So A Cup of Cold Water as in, as in like Maui Rescue Mission, we're sort of the bridge between living on the streets and opportunities for people to get services and shelter. They call us dusty boots on the ground. The other thing that we like to do at Cup of Cold Water is invite people to come out on one of our runs. They're not long, they're just a few hours. Come see the people, meet them. See what they need. We also would love to have other organizations and ministries come as guest riders also, if they have a service or something that they would like to offer to the unsheltered this way they get to meet them, they get to have a real conversation with them, really talk. So again, I want to thank you all so much for passing this resolution.

CHAIR LEE: Thank you. And we have Mr., who's next?

COUNCILMEMBER JOHNSON: Mr. Hansen.

CHAIR LEE: Mr. Hansen. Mr. Hansen.

MR. SCOTT HANSEN: Yes, aloha, good morning. Thank you, Council. I appreciate the invite. I have spoken to you guys before, but I just wanted to touch on a couple important aspects of Maui Rescue Mission. We are mobile, we bring as you probably

remember a trailer with shower and laundry capabilities to four different locations four days a week. And we're mobile so that we can get to people that can't get to us.

There's some issues that most homeless people encounter either they have had trauma in the past, they have struggles with mental health issues. Many of them have transportation issues, they can't get to the resources that they need to get to. And then there's also issues with their pride, asking for help. They feel like they can dig themselves out of the hole that they're in by themselves sometimes and they just need a friend to come along and say, you know, you need a little bit of help and we're here to help you. So that's why we're mobile.

We realize that many people can't get to the resources they need to, need to get to. So what we've done is, we've been able to collaborate with a lot of other agencies, and individuals, some volunteers that are very dedicated, and we've created a mobile resource center in four different locations a week that they can get to. We're really big into collaborating, cause we can't do it all. So we have Malama I Ke Ola Health Center, for example, they come out. We are not health professionals, we can't offer health insurance, but they can. So that's why we create the environment to allow the collaborations to occur. And we're willing to collaborate with anybody. We appreciate the collaboration of the, the County as well.

So what makes it so helpful and, and so successful is that the resources are right there. So even though someone comes, thinking they only need a shower, we invite them to also sit down and maybe get SNAP benefits if they don't have it? Or get help with their EBT, or just talk to us, and discuss what issues they are having. Cause the other aspect of what we do is we try to fill in any gaps we can possibly fill in, which means that we don't have very many boundaries of how we can help people.

And we do it with the utmost dignity and respect. So when people come onto the property wherever we are set up, the first thing we do is we try to notice them coming and we welcome them. We say hi, how are you doing? What can we help you with today? What do you need help with? If they say nothing, if they just are checking it out, then that's fine.

One of the other things that has made our outreaches so inviting is we've been able to collaborate with different, mostly volunteers, but other agencies that will provide food. So we serve during lunchtime, and we noticed in the past some of our guests would leave to go get lunch, and that makes it harder for us to build a relationship with them, it makes it harder us, for us to get the resource help to them that they need. They might be on the list for SNAP benefits, and they need to get lunch and then they miss their opportunity. So that has provided a great way to keep them onsite that we can help them.

So I just want, you know, a couple of the testifiers mentioned the dignity piece, and not just walking up to people and saying, you know, do you need shelter, I can help you get shelter. I just want to give you a quick example of why that doesn't, doesn't work.

We had a gentleman who recently became homeless, was living in his car. And our, one of our outreach workers . . . approached him basically every week, at least once a week, a couple times a week. She would go to where he parked his car and she would talk to him and say, hey, we can help you, come to the shower, get, get a shower, get your clothes washed, there are resources. It took almost six months before he finally was able to let down his guard and convince himself to come for help. Since that, he got his car stolen, he got his phone stolen. His car had all his things in it. He got lower and lower and lower in the situation.

We've come to find out he is a veteran. So we hooked him up with veteran services. He has received our compassion and our help, and he went from a very angry man to now he is a very grateful man and loves to come to tell us how grateful he is for us. We, he's applied for, he might even have gotten his HUD voucher so he's in line to get housing. And we've just been able to help him with so many resources. And it's because we took the time over and over to say hey, we're here to help. We love you, we care about you, you're important, and when you're ready for help, we're here. Rather than just say, we have help, do you want it? And when he said no, we just left him and never approached him again.

They're humans, the people we deal with are humans. So we create a very, very open door. Anyone can receive our services without giving us their actual name if they don't want to until it's time to actually apply for something where it makes sense that they give us their name. And we love to collaborate. So it starts with compassion, collaboration, and that, we have seen leads to success. We've seen many people get back up on their feet. We've sent people to the mainland to reconnect with family or to get into a rescue mission or something on the mainland to help them. So those two items, I think if we can adopt them across the board, I think we'd see a lot of change happening. Thank you so much for, for listening to my speech.

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

Member Johnson.

COUNCILMEMBER JOHNSON: Hard to summarize what all was just said there but I just want to thank all of you for doing what you do. I really appreciate it; we all appreciate it. Mahalo.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, apologies. I wanted to verify the vote count for that resolution. We were unable to see Councilmember Paltin. We were unsure how she voted, if she was present for that vote.

CHAIR LEE: Apparent, were you present for the vote, Member Paltin?

COUNCILMEMBER PALTIN: I might have accidentally muted my camera, but if it's okay, I'd like to vote yes.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so the vote should be unanimous.

DEPUTY COUNTY CLERK: Thank you, Chair. Thank you. For the record then, that is RESOLUTION 21-180.

SET THE CONSENT CALENDAR

DEPUTY COUNTY CLERK: Chair, the next item on the agenda is setting the Consent Calendar.

CHAIR LEE: Members, at this time we will set the Consent Calendar. As a reminder, the calendar can still be adjusted even after it is set. Are there any requested changes to the Consent Calendar at this time?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, item No. 21-526 please to be removed.

CHAIR LEE: Okay. What is that again, 25.

COUNCILMEMBER SUGIMURA: 21-526.

CHAIR LEE: 21-526.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Any others, Members?

Member King.

COUNCILMEMBER KING: So Chair, are we going to be allowed to remove any of the grants or contracts? Do we do that now? From No. 21-520.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order, Chair.

CHAIR LEE: Yes, Member, I mean, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member King, you would just remove the entire item from the Consent.

COUNCILMEMBER KING: Oh, right now? Okay. Okay, so I would like to remove 21-520.

CHAIR LEE: 21-520, did you say?

COUNCILMEMBER KING: Right.

CHAIR LEE: Okay.

COUNCILMEMBER KING: So we can do referral of grants and--

CHAIR LEE: Alright, any other requests? If that, so are there any objections to setting the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: The Consent Calendar is set.

Mr. Clerk, please proceed with testimony. And Members we are going to take a break at 10:30.

DEPUTY COUNTY CLERK: 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 remain 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 Lu. To be followed by Jason Economou.

CHAIR LEE: Good morning, Ms. Lu.

PRESENTATION OF ORAL TESTIMONY

MS. KEISA LU [testifying on Committee Report No. 21-117 and Bill No. 135 (2021)]:

Good morning. Aloha, my name is Keisa Lu and I'm here to testify on two agenda items today. Agenda item "M.", Bill 135, and agenda item "K." CR 21-117. And I'll start with Bill 135 really quickly. I just wanted to say mahalo to Councilmember King for bringing this forward and for the rest of the Council for pushing it forward. And I apologize for not being able to stay on top of this particular bill. I have been a little bit preoccupied, but I am in absolute in full support of this. I love that it's changed as well, to have a little bit more stringent things on here for us. So I'm very happy, and I just want to mahalo everyone here for, for pushing that forward. And I am, of course, in full support.

So the other one that I will be talking about a little bit, again I didn't have time to put together a written testimony for me to say right now. So it is going to be on the fly CR 21-17 *[sic]*. You know, I, again, am in support of this. This resolution I understand that it is aspirational in nature, but again it's part of that work of moving forward, changing mindsets about what adequate housing means, what, what that looks like here on Maui and what we need to do to help move things forward. A couple of things

that I just wanted to highlight that the community, the committee noted which was the right to adequate housing means not only a physical dwelling but housing that is affordable, habitable, accessible, culturally appropriate, and secure. And that's a really important designation that we need here on our island.

I am happy that it's expanded to include individuals dealing with mental health. What I've seen is that I have yet to meet a houseless individual who doesn't struggle with some type of mental or physical health, and it is very much a part of this population. So acknowledging that like Lisa Darcy said is incredibly helpful in terms of making sure those services are provided. So I mahalo for too.

And I also want to thank you for pointing out that there's a clear priority now. And that when we move forward, that it is responsive and effective. And this is really important, because the reality is we are in a crisis. And I want to highlight this one thing in particular, why, why it is a crisis. We do have people dying in the streets on Maui especially, but in Maui County.

And I want to tell you two stories before I get off today. The first one is, you know, in my written testimony I explained how I am helping a houseless individual, and how I needed to drop them off on the streets in order for them to qualify for homeless verification form even though it was well-known they were from Amala and that they were houseless. That day that I did that, they had just found out that one of their friends who was also houseless had passed on the streets. And I was, had a lot of feelings of guilt at that time, because I had to drop them at a time of trauma.

The second thing I want to say is that I personally know of somebody who passed, again, on the streets, who was from Amala. This person showed up at the sweep or cleanup with, what's it called, those bracelets, the hospital bracelets. And I recognized them immediately and I said oh what are you doing here? And they said well I was worried that my stuff was going to get taken, so I'm here. So they checked themselves out early from the hospital, to go check on their things at Amala. And it wasn't long after that they were admitted to the hospital again, after attempting to get into a shelter. You know, they weren't able to do that. They were, had to go into, to the hospital because they had gotten so sick, and they ended up passing.

So when we talk about the fact that this is a crisis, I need you to understand that we are losing our people because of the way that we're doing things right now. And I'm going to say it one more time, because I need you to hear it. We are losing our people, good people, because of our system right now. So, as much as I am happy that this is moving forward, I need you to continue to recognize . . . we have to push forward, because it is a crisis. Mahalo. And one last thing is I did hear Chair Lee say that you

are a resource, and we can depend on you. And I will be using that quite a bit. So mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Jason Economou. To be followed by Genesis Young.

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI [testifying on Committee Report No. 21-117 and Bill Nos. 118 (2021), 135 (2021), & 136(2021)]:

Good morning, Chair Lee and Council. Thank you for this opportunity to testify. My name is Jason Economou and I'm testifying on behalf of the Realtors Association of Maui and our 1,900 members. I have a few items, but I'll try and keep it brief. The items that I will be testifying on are Committee Report 21-117, Bill 118, Bill 135, and Bill 136.

Regarding Committee Report 21-117. So RAM voiced concerns over the original proposal that Councilmember Johnson had put forth, but we did support the concept. And this resolution that you ultimately came up with is a concise and thoughtful regulation of that concept and we support it. I'm heartened by this Council's focus on meeting the housing needs of our community and I recognize that this resolution is a valuable step towards meeting those needs. I know things aren't perfect and it'll take some time to solve the housing needs of our community. But, you know, I, I really have the utmost respect for this Council and especially for, for Councilmember Johnson as Affordable Housing Chair, really taking aggressive action to provide housing. So thank you for that.

Regarding Bill 118, RAM would like to commend the Council, and particularly Vice-Chair Rawlins-Fernandez on this approach to helping families maintain the dream of homeownership and to preserve their ancestral homes for future generations. Our board is in full support of tax relief measures like this, and I encourage more innovative approaches such as this. It's really great legislation. So thank you for that ʻāina kūpuna legislation, well-done.

Regarding Bill 135, the sunscreen ban. You know, RAM fully recognizes the importance of maintaining a healthy ecosystem for our islands and we thank you for taking this step to ensure that our children, and our grandchildren can grow up to see the natural beauty that makes Maui such a special place. So thank you,

Councilmember King, for, for really bringing this forward in your Committee. And thank you to rest of the Council for supporting this thus far. I really am encouraged by this action that you're taking, and RAM is, is really excited to see where you go next with, with preserving our environment for the future.

And finally with Bill 136, regarding registration numbers for TVR's in the apartment zoning districts. So initially RAM had opposed Bill 136, because we did not agree with the registration number system that was envisioned by the initial legislation. Notwithstanding we appreciate that the Planning Commission, the Department of Planning, and the Council recognized our concerns, and adapted the legislation to its current form.

So this legislation appears to balance the importance of vested property rights of the owners with the County's very reasonable desire to curb illegal transient accommodations. And we greatly appreciate that you took the time to strike that balance and that rather than infringing upon any property rights, you, you found a way forward that recognized the importance for honoring a permitted use that is explicitly allowed in zoning and also finding a way to monitor activities and ensuring that people are paying the appropriate taxes and providing for our County and our State.

So with all that being said, I think that was maybe under three minutes for all of those. And I'm very pleased that RAM could be in support of these very important measures. So thank you very much for that.

CHAIR LEE: Thank you, Mr. Economou for that very efficient testimony. Let's see, any Members have questions? Are there any questions? If not, thank you very much.

MR. ECONOMOU: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Genesis Young. To be followed by Jeff Bagshaw.

MR. GENESIS YOUNG [testifying on Committee Report No. 21-130 and Bill Nos. 118 (2021), 135 (2021), & 136(2021)]:

Aloha all, thank you. Can you hear me?

CHAIR LEE: Yes.

MR. YOUNG: So I want to testify in support of Bill 135, banning sunscreen, other than the mineral sunscreens, which are the safe ones. This will protect our reefs and will be good for the regeneration of our reefs to a degree. One more factor which will help with our tourism industry having pristine reefs, more closer to that anyway, and will help our residents, and help fishing, and the beauty of Maui.

And it's great and I just want to say thank you for, for doing this and I fully support it and hopefully this means that I'll no more be walking through someone spraying sunscreen on them or having this drift over me when I'm sitting on the beach myself. Hopefully, I don't think they make the titanium dioxide and zinc in the spray form, although I know they make it in forms . . . so it's not white, so you can put it on your skin, it's not white, I've been using it all of my life and it works just great. So I just wanted to support that and thank the efforts on this.

And of course, the next issue is to let's enforce it and make sure that we inform all our tourists, all our residents with good signage and good information campaigns about this. Because the ordinance only goes so far, we need enforcement and information. So thank you.

And then second is Bill 136, adding the TMK's to transient vacation rentals. I support this. I think it's good to be able to identify them. What I don't understand is why it's only in the Apartment District. Maybe I'm missing something, but it seems like if you're trying to figure out which ones have TMK's, where they are, if you don't have it on all of them, then you're still trying to figure out which one is which. So if it was just all of them, all TVR's have to have the TMK's applied I think that that would be less discriminatory because then everyone would have the same burden to put those in their advertisements, as I'm worried about that. And I also think that just then when you go to figure it out, if they don't have a TMK, well there's something wrong there and you can ask them to put one on. Otherwise, you'd have to still figure out whether or not, you know, you look at them, it doesn't have it on, well is it in apartment zone is it not, it doesn't make any sense. Just have them all do it, seems simple, seems easy and it seems equitable too.

So, yeah, and I just also wanted to say I support CR 21-130, the moratorium and support Bill 118, the ʻāina kūpuna bill. And thank you guys for all the good work you're doing. And I'm complete.

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

Mr. Clerk is it 10:30? Almost.

DEPUTY COUNTY CLERK: I have 10:28, Chair.

CHAIR LEE: Okay, one more testifier.

DEPUTY COUNTY CLERK: Then the next testifier is Jeff Bagshaw. He will be followed by Kawehi Kina.

CHAIR LEE: Mr. Bagshaw.

MR. JEFF BAGSHAW [testifying on Bill No. 135 (2021)]:

Aloha, Maui County Council. Mahalo for having the courage to address the issues in Bill 135, which I am in support of. My name is Jeff Bagshaw. I am in favor because this bill will remove environmentally hazardous materials that have been plaguing our island for decades. It does what we have been unable to do with thousands of hours of outreach and education. It recognizes that relying on consumers to make the right choices has not been enough, especially in the face of advertising campaigns and green-washing marketing. It stops the problem where it begins, in the store. It's very difficult to correct the issue when people arrive at the beach. And that only reaches a minority through that education. And it, it makes it clear that we're not fooled, that reformulating and renaming a compound does not make it safe for the environment.

This bill also, it does not only protect our reefs, but it protects our food sources for our community. This is an issue of environmental justice because one consumer's choice of using toxic sun protection products should not override the rights of others to foods without benzines.

There may be dermatologists who have a vested interest in the industry or make their own sun care products defending chemical sunscreens. But a credible dermatologist who do not have a interest in the industry will tell you that mineral products are actually more effective at protecting against UVA and UVB rays.

Between 2009 and 2018 the National Cancer Institute recorded a rise in skin cancer rates of 1.4 percent annually. Yet these products have been on the market since 1978. So if they are so effective, why are skin cancer rates still rising?

They may claim that people want, people need more choices, they may not use mineral sun blocks because they are pasty looking. And there's even been claims that people have sensitivity to it. Zinc oxide is used to treat diaper rash. So the number of people who may have sensitivity to mineral sun blocks is very small.

I'd like the industry to explain why, why people, we hear about numbers that people may get skin cancer and yet we don't hear numbers from the industry about how many people are affected by second hand benzine contamination or from these products themselves. We don't know what the costs are to our shoreline protection, our food resources, when we talk about loss of sales in the stores. I think those should be compared.

I'll just say that I'll just close by saying that we have always had choices that have worked for thousands of years. Cover up. Go out, don't, seek shade between ten and two, use mineral sun blocks. All the major manufacturers already make mineral sun blocks, they're just not as profitable. So thank you for Bill 135. Mahalo.

CHAIR LEE: Members, questions? If not, thank you very much. Now at this time, Mr. Clerk, let's take a 15-minute break. Okay. So we'll be back at what time, Mr. Krueger, because my clock is off. Fifteen minutes.

DEPUTY COUNTY CLERK: I have 10:32, so it would be 10:47.

CHAIR LEE: 10:47, Members. See you then. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:32 A.M., AND WAS RECONVENED AT 10:50 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of November 19 please reconvene.

Mr. Clerk, testimony.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Kawehi Kina. To be followed by Dr. George Martin.

CHAIR LEE: Hi.

MS. KAWEHI KINA [testifying on Bill Nos. 118 (2021) & 135 (2021)]:

Aloha, everyone. My name is Kawehi Kina, I'm here to testify on Bill 118 and 135. As a kanaka, I am the sixth generation to live on my family aina in Waihee and so I fully support Bill 118.

And then on Bill 135, history has shown that there has been a lot of changes and, that are really negative changes to our ecosystem, our oceans, our waters, and so I fully

support Bill 135 to start beginning that healing process for our, our reefs and our oceans. So, mahalo.

CHAIR LEE: Well, thank you for your testimony. Members, do we have any questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Dr. George Martin. To be follow by the individual calling in from the phone number ending with these last four digits 6475

DR. GEORGE MARTIN [testifying on Bill No. 135 (2021)]:

Mahalo, Chair Lee and distinguished Members of the Council. I hope you can hear me well. It's good to see familiar faces. I've lived on Maui for 32 years and I want to provide testimony in opposition to Bill 135, which prohibits the sale, distribution, and even use of non-mineral sunscreens without prescription.

So as you know I'm George Martin. I'm American Board certified in both dermatology and internal medicine, and practice dermatology in Kihei, where I practiced for 32 years. I am representing two bodies of dermatologists who are all in favor of this position: the Hawaii Dermatologic Society and the Academy, the American Academy of Dermatology Association. I am not a paid lobbyist.

I'm a very concerned citizen, waterman who loves the ocean, loves the reef and I'm also treat thousands of skin cancers. So as I mentioned, I practice dermatology since 1989. I've treated over 20,000 patients and 30,000 skin cancer. My wife and I and children have lived on Maui, we've taught our children the beauty of the ocean and the reefs, we fight for its safety.

I'm also President and founding member of DASIL International Society of Dermatologist, and I lecture all over the world on skin cancer and photo protection on the use of sunscreens. I've also been involved since 1986 on sunscreen research and development. I've developed reef-safe sunscreen products that will launch in 2022, 80 percent of them are mineral and I understand the value of mineral sunscreens. I also understand the value of chemical sunscreens which outperform mineral sunscreens and where they fit.

Here is the crux of the matter, if, if mineral sunscreens worked as well as chemical sunscreens, we would have no chemical sunscreens. With one exception when you

wear a mineral sunscreen and you apply proper amounts, you kind of look like Marcel Marceau and hence the uptick, the use of mineral sunscreens is not what it should be. And I will tell you that as someone who's treated over 20,000 patients, many of whom, who don't use it.

I'm asking the following, and this is important Chairman, Chairperson Lee, and also Councilmembers. I want you to do the following. I want you to defer voting on this bill and wait until the release of the findings of the FDA sunscreen safety monograph and the National Academy of Sciences Ad Hoc Task Force on Sunscreen Guidance, both of which are to be released in early 2022. This Council is too far in front of the science on the matter to make an informed decision. We all are well-intended, but the truth is in the evidence and the science, and it is forthcoming.

I want you to heed the guidance of Hawaii's own State Toxicologist, Diana Felton who is on record in writing who feels it's not appropriate to ban all chemical sunscreen ingredients. Has our Council consulted with her? After all, the entire State shares this issue.

Lastly, I want you to establish an independent task force. Currently the Council is relying basically where chemicals were poured into a tank at a thousand times the concentration measured anywhere in the State, and it killed reef. That is not good science. I implore you to, to dial in on good science because this is a matter of life and death for humans who are protected by chemical sunscreens better than mineral and our coral reefs. We can find the balance, trust me.

CHAIR LEE: Thank you, Dr. Martin. Questions, Members? Did, Dr. Martin, did you send in your testimony in writing?

DR. MARTIN: Yes, I have testimony from myself, the Academy of Dermatology, the Hawaii Dermatology Association. And I want you to pay attention to two very important scientific papers that debunk the current study on oxybenzone and octinoxate, which tested at one thousand times the measurable level of any of the bays and oceans in Hawaii, including Hanauma Bay on a busy day.

So that would be like Chairman Lee giving you a kilogram of Tylenol, you'd be dead in two to three days, as opposed to giving you two Tylenol pills, one gram to take away your headache or maybe your fever. You see at low dose, safe, Tylenol, and a thousand times the dose, it will kill you. And as someone who is in internist, managed Tylenol overdoses, it does kill at high does. And yet it's one of the safest medicines we know.

COUNCILMEMBER KING: Chair . . . going beyond the question.

DR. MARTIN: Okay. Can the Council defer this until we have better science?

CHAIR LEE: We will, we will discuss it when the item comes up. Okay.

DR. MARTIN: Thank you so much. Thank you.

CHAIR LEE: Members, do you have any questions for the testifier?

Oh, I saw Member Sugimura, then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: I'm just wondering if the Council would like to have Dr. Martin stay on as a resource when we discuss this.

COUNCILMEMBER KAMA: Sure.

DR. MARTIN: --I represent the American--

COUNCILMEMBER PALTIN: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Chair, if we are going to do that, then I think we should bring, we should ask Mr. Bradshaw to, Bagshaw to also come on. But I'm not really comfortable with this, because we're at second reading. We've had chances for this testimony in the past, and we haven't had it.

DR. MARTIN: I was only made aware of this, Kelly. It's good to see you again, it's been 25 years since we've seen you. But you had my full support in your election so congratulations. All I'm asking is not to make a decision.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Okay. Dr., Dr. Martin, the question is would you be available later when we do take up this matter? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Yes. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, so if you asked if there were objections then I would raise my hand. I object.

CHAIR LEE: Okay. Are there any other objections? One, two, three, four, five. How many would like Dr. Martin to be a resource?

COUNCILMEMBER SUGIMURA: I would.

COUNCILMEMBER KAMA: I would.

CHAIR LEE: So there's four, five of us.

COUNCILMEMBER SUGIMURA: Five of us.

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: Chair my yes vote would be contingent upon we have the other person, Mr. Bradshaw *[sic]* as well if, if this were to go forward.

CHAIR LEE: Okay, okay.

COUNCILMEMBER MOLINA: Anyway, just wanted to share that. Thank you.

CHAIR LEE: Okay, Member Paltin.

COUNCILMEMBER PALTIN: Oh I wasn't voting either way, I just thought we did committee work not on the Council floor, that's why I recommitted the Dragon Fruit Farm issue. But, if we're changing procedures, let me know.

COUNCILMEMBER SUGIMURA: I think the Council does that often.

CHAIR LEE: Well, Member Paltin, and that's why I put it to a vote. And apparently, it's 4-4. So yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This is not new information. This is information that we did take up in committee, I remember discussing this.

CHAIR LEE: Okay, I don't recall us having an expert like Dr. Martin.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, we, we did. That's what Dr. Martin referred to. CARE Committee Chair King did have an expert on this, and we, and we did discuss this.

CHAIR LEE: Yeah, okay. But now we have, seem to have more information so that's the reason why people are willing to listen. They just willing to listen. Yeah.

Member King.

COUNCILMEMBER KING: Oh, I was just, I wanted to say is we did have a toxicologist from the Department of Health in our Committee meeting.

CHAIR LEE: But as you can see, some of us are also interested to hear more. And that's, that's the reason why we're asking if this person could be a resource person when the time comes. And yes, this is not something that we like to do, Dr. Martin, because this is second and normally final reading. So this is unfortunately, you didn't participate earlier. But Members, since there's no clear majority, I'm going to ask again, Member Paltin, you would be the fifth vote one way or the other. Don't look at me that way. Sometimes we all have to make hard decisions.

COUNCILMEMBER PALTIN: Thanks, you guys. I'm going to stick with the committee work in committee because of the around and around merry-go-round that we might get us into the, the expert that he referred to from the State Department of Health gave that information. And it's a procedural thing. Like I mean, I would have liked to just taken up dragon fruit, but you know, we got to follow a process.

CHAIR LEE: Well we also deviate from the process at times so.

COUNCILMEMBER PALTIN: Okay, then, I guess my vote is.

CHAIR LEE: You have to vote yes or no, just vote yes or no.

COUNCILMEMBER PALTIN: No thank you. I'll vote no thank you.

CHAIR LEE: Okay, so the majority says no, not having him as a resource person. So we will not call anybody else as a resource person. Okay.

DR. MARTIN: But please read the submitted data . . . and I'm happy to.

CHAIR LEE: Thank you, Dr. Martin. Thank you. Appreciate it. Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Since Mr., Mr. Martin isn't going to be a resource person, I did have a clarifying question on his testimony. And it's regarding the effectiveness of sun block. And so we heard in Committee the most effective sun block really is rash guards and clothing to protect the skin.

So my question is a two-part question. One, would you agree with that assessment that we heard in Committee? And two, clarifying your testimony, you said that the chemical sun block is more effective. And then you further explained that it's mineral sun block creates discoloration of your skin, makes your skin white because it's physically blocking the skin from the sun. And so it sounds like it's more of like an aesthetic choice for people to not want the physical block of mineral sunscreen, than the invisible block of chemical sunscreen. So the two-part question is do you agree with, that rash guards are the most effective way of blocking and protecting the skin, blocking the sun, and protecting the skin; and two, if the reason that chemical sunscreen is more effective is because people chose to have that invisible block on their skin? Mahalo.

DR. MARTIN: Okay, allow me to provide, thank you for those insightful questions. First and foremost, UV rated clothing is fantastic, I wear rash guard 24/7 when I'm in the water. So that's true. Hats are important, but there's exposed areas like the face, I've had three skin cancers on my face because I grew up without a sunscreen. And so the face needs to be covered with a sunscreen.

Regarding mineral versus chemical sunscreens. Mineral sunscreens lack effectiveness in the long wavelength ultraviolet spectrum, and I've sent a graph to that effect. At that point avobenzone, a known chemical UVA filter is far more effective at blocking UVA which are rays that not only age the skin and damage it and suppress its immunity, but also contribute to skin cancer.

And if chemical sunscreen, or if mineral sunscreens were effective, or more effective than, than chemical sunscreens, I, I think we would have a great statement for really doing away with mineral sun, chemical sunscreens for one reason exception, accepted. And that is when patients are given a chance to put on a mineral sunscreen or clear chemical sunscreen, what do you think they prefer? Nobody wants to look like Marcel Marceau with mineral sunscreen applied in adequate amounts to provide protection. And so they shy away from it, and they get sunburned. The clear chemical sunscreens that are shear and invisible, people will apply. And so we have to reach those people, it's not one size fits all.

And I have to say this, I think we need to find a balance based on science between protecting people and protecting our reefs. I really want to protect our reefs for my

children and grandchildren. And I fight for reef safety. I pick stuff off the reef. I support the Surfrider Foundation. I'm caught in the middle. I want to find a common ground, but let's get the science from the National Academy of Sciences to give you guidance, give you guidance.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Dr. Martin. And I'm sorry, I don't know who Marcel Marceau is.

DR. MARTIN: Oh, he's the guy with white face, the, the mime. He pants his face white and he's, he's the white-faced mime.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, got it.

DR. MARTIN: And, and, you know, people look like a clown with this white stuff on, it's unfortunate that people don't want to use it. So we have to find alternatives.

VICE-CHAIR RAWLINS-FERNANDEZ: Perhaps, perhaps, choosing between that, you know, people will choose to wear more rash guards.

DR. MARTIN: Oh, I hope so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Dr. Martin.

DR. MARTIN: I yell at my surfers when they come in with tan bodies, I'm like . . .

CHAIR LEE: Okay, thank you very much. Thank you.

DR. MARTIN: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Any further questions? Any other questions? If not, thank you, Dr. Martin.

DR. MARTIN: Thank you, Chairman. Thank you, Chairman.

CHAIR LEE: Alright. 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 6475. To be followed by Celeste Nip.

MR. EDWARD CHANG [testifying on Bill No. 118 (2021)]:

Good morning, Council Chair Alice Lee and Councilmembers. My name is Edward Chang, I'm testifying in favor of ʻāina kūpuna, Bill 118. First, I want to thank Councilperson Keani Rawlins-Fernandez for her hard work introducing ʻāina kūpuna Bill 118 and the Councilmembers for their support. I support the recent changes to 3.48.361 before you today. The changes add clarity.

I am third generation Chang, and fifth generation Kukahiko living in Makena. This is my home, it is also home to my children and many more family members. The Bill enables my family to plan for a continual residence in Makena. I thank you for making this possible. Thank you again. Mahalo, mahalo nui.

CHAIR LEE: Thank you so much, Ed. Members, questions? If not, thank you again.

And Mr. Clerk, who is the next one to testify?

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

CHAIR LEE: Hello, Ms. Nip.

MS. CELESTE NIP, PERSONAL CARE PRODUCTS COUNCIL [testifying on Bill No. 135 (2021)]:

Hi, good morning. My name is Celeste Nip, and I am a paid lobbyist for the Personal Care Products Council. We submitted testimony on Bill 135 in opposition. Skin cancer is really a public health concern, and this measure would limit the consumer choice to effective sunscreen products for residents and visitors. So the Personal Care Products Council respectfully requests that, I'm sorry, Bill 135 be deferred. Thank you for the opportunity to testify.

CHAIR LEE: Thank you. Members, do you have any questions? If not, may we have the next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Mike Moran. To be followed by Lynn Miyahira.

CHAIR LEE: Hey, Mike.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Committee Report Nos. 21-118 & 21-130, and Bill Nos. 133 (2021), 135 (2021), & 136 (2021)]:

Aloha, Chair, aloha Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. We're testifying on five items, and we have been questioned recently why aren't we testifying on more items, and why are we always in agreement? And I, I, my answer to this, to, first was we can only do so much, and you guys can only put up with so much testimony. And the second answer is we think this Council is doing a much better job. We do object to many things that government is doing, but seemingly this Council is, is doing a better job.

So first on 21-118, on that Hale Kaiola Project, we have been in support of that for a long time, but we firmly agree with let's get it right, let's get the people who can move into this relatively small affordable housing place, get the right people in, get the local people in. Whatever is the right process, if it has to take another month of waiting so be it, but let's get it right so we're looking at a marketing plan to make this, assure us that we get the right people in here. That certainly is the right way to go.

On 21-130, the, for transient accommodations, the moratorium on it. We have continuously supported it, we supported the prior action on it. Unfortunately that was vetoed, and now we have one that many folks are saying is a better action. So let's get this done. Let's get the pause done. It's not taking away jobs, we hear all the misinformation. It's not proposed to stop tourism today or tomorrow, it's simply taking a pause, so we can get tourism under control. So we are in support.

And the last three items are all wrapping up second and final reading. 133 the visitor accommodations control, again, a very similar action. If we're trying to control the visitor industry, we have to put some kind of control on that the County government can do. We can't limit the airlines coming in, but we can do something to adjust accommodations. Let's make sure we do that right.

Bill 135, I thought this was a done deal until the very last-minute we have people jumping in, I didn't know about this. Well, I don't know where they were that they were not aware? We have to honestly say we made a kind of a misstatement at the first reading as we weren't perfectly clear on what it is, and we said it as a good bill, but didn't think it was great. Now that it has been clarified for us, it's a great thing. This will have Maui in the forefront of doing something, and we, too, agree with the, the rash guards. Yes, wear the rash guards, and then if my face is going to be a little too white, well so what. Suck it up and help the reefs. A previous testifier said he has a product that doesn't make it white. So I'm not sure whether, which is right or wrong, but it

seems like a minimal reason to at the last-minute say let's stop taking this step. We're all in favor of it, we're saying please go forward with it.

And the last one, 136, with the registration number. We still are encountering so much confusion in our community. You guys understand it. We think we understand it. But the confusion between the permitted short-term rentals and these that are in the apartment zone that don't require a permit. So how can you identify them? Simply give them a number so that when they advertise, when they have a website, you can see they have a registration number, or a permit number. If they have no number, then the red flag goes up and says this looks like a fraudulent one. So we think this is a very practical step to take and I don't think we've had opposition to that one today, hopefully we don't.

So thank you for the opportunity to testify on these five, five items. And again, we commend this Council, and say keep up the good work. Happy weekend to all. Aloha.

CHAIR LEE: Same to you, Mike. Any questions for Mike? If not, thank you.

MR. MORAN: Aloha.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Lynn Miyahira. To be followed by Peter Landon.

CHAIR LEE: Hello, Lynn.

MS. LYNN MIYAHIRA, PUBLIC ACCESS TO SUNSCREEN COALITION [testifying on Bill No. 135 (2021)]:

Hi, aloha. My name is Lynn Miyahira and I'd like to thank the Members of the Maui County Council for the opportunity to testify. I am representing the Public Access to Sunscreen Coalition, and I am a paid lobbyist. We're a coalition of health groups, dermatologist, researchers, sunscreen manufacturers, and leading advocates for skin cancer patients. We oppose Bill 135 because it will create additional barriers for people to access sunscreens that are safe, effective, and importantly FDA approved.

And we all know that sunscreen is an important tool for sun, skin cancer prevention. And we also fully recognize the importance of preserving our coral reefs, especially here in Hawaii. But the science behind the purported link between sunscreen and coral reef damage has been called into question. The earlier studies did not fully consider

the complexity of a coral reef and were based on limited laboratory results. That made policymakers believe that by banning sun screen you would significantly improve coral health.

And please note this is very important. A study by Dr. Carys Mitchelmore contradicts earlier studies that have been done that widely promoted, you know, this ban of sunscreen because they used much higher concentrations than were actually ever found in the ocean. So, and these studies haven't been replicated. They have not been replicated. And other studies have not shown that they support these same conclusions where you see the same high concentrations.

So there's another study by Dr. Scott Dyers that says, and he uses epidemiology, he's a biologist, to assess the potential risks of UV filters to corals. And he concluded that UV filters are not a key driver of coral ecological status. Rather he found wave power, ocean temperatures, so climate change is real and it's hurting our reefs, ocean temperatures and turf algae, you know, nutrients going into our waters and, and building the wrong type of ecological systems addressed about 90 percent of the variants in his model. Just is, so to say that there is overwhelming or definitive evidence to show that UV filters are causing coral reef damage is simply not true.

And so due to all this conflicting information about sunscreens, Congress has ordered the National Academy of Sciences to review all the data and evaluate to give policymakers a better idea of what to do. So the conclusion of this, this review is expected in Spring 2022, so a few months from now, I'm hoping, and this should inform policymakers across the nation about sunscreen legislation.

So we're asking that Bill 135 be held off until this report is published. It's also important to recognize that the FDA still strongly advises the use of sunscreen. It still recognizes the public health benefits of sunscreen and yes, while the FDA is doing research on the 12 most commonly used chemical, organic . . . that they be banned from sale.

CHAIR LEE: Ms. Miyahira, can you conclude your testimony, please.

MS. MIYAHIRA: Okay, so to be, to be clear, the FDA's final order that was issued on September 24, did not recommend any changes to currently marketed sunscreens. So, again we just ask the Council that they hold off on Bill 135 until there's more definitive science. Thank you for opportunity to testify.

CHAIR LEE: Thank you, we have a question.

Member Sugimura.

MS. MIYAHIRA: Yes.

COUNCILMEMBER SUGIMURA: Lynn, could you submit, or did you submit written testimony.

MS. MIYAHIRA: Yes, I did submit written testimony an--

COUNCILMEMBER SUGIMURA: Okay, from you or is it from your organization?

MS. MIYAHIRA: --from me on behalf of the PASS, the Public Access to Sunscreen Coalition.

COUNCILMEMBER SUGIMURA: Thank you.

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

Mr. Clerk.

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

CHAIR LEE: Mr. Landon

MR. PETER LANDON, DEPARTMENT OF LAND AND NATURAL RESOURCES [testifying on Bill No. 135 (2021)]:

Hello and thank you for having me this morning. And thank you for all your hard work on this bill and for you know suffering through the testimonies for this. It seems to be a lot of people are jumping in here at the last-minute. And I, and I think the root of that is that there's something to gain in the industry via sunscreen sales and things like this. So there's a lot of opposition trying to debunk science, trying to say that you know what I mean, you're taking choices away from people that need to protect themselves.

And you know, there may be some small truths to that, but I'm here to tell you that, you know, I work in the field of ecology for the State of Hawaii. And we do work on coral bleaching monitoring and things like this. And if there was a single answer to why corals were bleaching, we would address that. But we know that it's an effect of multiple parameters working against these corals, and one of them being sunscreen chemicals.

This, this is true, this is published in scientific journals, not just one, not just one paper; right? There are many. And not only corals, we're talking about the entire marine ecosystem having negative impacts from these types of chemicals. And most of them revolve around reproduction, and that's what really sustains life; right? If we can't reproduce, we can't keep on going right. This messes with reproduction cycles in parrot fish, and limu. And you know, things like limu are, are some of the, the, the, the backbones or the basis, or the start of the food chain right.

These are just things that we cannot ignore for, you know, in the name of people's choices. You don't want to have a white sunscreen on you. You know, your choice is yours, but wear a, wear a rash guard right, like, like Mr. Moran said, suck it up, put sunscreen on your face it's not going to kill you; right? But it does kill things in the oceans; right? These are known truths.

And you know, the best thing that we can do and, and I applaud the Council is just take it off the shelf right. Make it easy for everyone, make it easy for parents, make it easy for visitors, make it easy for residents that you can just go to the store and buy something easily; right?

You're not going to hurt these corporations that are producing sunscreen, right? They'll start producing mineral-only sunscreen and selling it in Hawaii. There's no issue there, right? Like, you know, other people, local, you know, people that make, make their own sunscreen and sell it, same thing. They'll just sell mineral versions, right?

And we can put on rash guards and things of that nature. So, you know, I, I ask you please just to keep moving forward with the momentum that we had. We've listened to a lot of science, you know, nobody's popping up that's saying anything new or different. It's just that they all of a sudden have this sense of urgency that I can see kind of, you know catching people off guard. But like I said, do this for Hawaii.

CHAIR LEE: Okay, any questions, Members.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair Lee. Aloha, Mr. Landon, mahalo for your testimony. I just wanted to clarify in your testimony you highlighted the uhu, you know, for those that don't know what an uhu is and the role that it plays especially for the tourism industry. Would you clarify that.

MR. LANDON: Yeah, so, you know, uhu is the parrot fish. It's really good to eat, but the most important thing is it makes beaches right, like it consumes reef and turns that into sand. And that's, you know, a very important process that happens in, in marine ecosystems.

The sunscreens have been known to affect their reproductive cycle because these sunscreens mess with endocrine systems and uhu, some people don't know and even me, I'm not an uhu biologist, but at one point in their life they go through a sex change to, in maturity that when they become like the big producers in the reproductive entities; right? And this, the chemical sunscreens have been shown to alter that process in a negative way. Like I said, which is affecting their reproduction overall.

And this is also another species that's, you know, being considered even on Maui, you know, in the past five years was, you know, received more regulations from DLNR. Now you cannot take the terminal, the terminal, I believe it's the male, the big blue ones, because, you know, at the end of the day, that's the one that's doing the most in the way of reproduction. So yeah, like we, you know, we don't want to mess with reproduction, right? And so yeah, the uhu is a very important species in Hawaii and like I said this has been shown to negatively impact them. So hopefully that answers your question.

VICE-CHAIR RAWLINS-FERNANDEZ: Perfectly. Mahalo, Mr. Landon. Mahalo, Chair.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Dick Mayer. To be followed by Kelli Lundgren.

MR. DICK MAYER (testifying on Committee Report No. 21-130):

Good morning, Councilmembers. I would like to speak about the moratorium bill. I would like to thank the Councilmembers who voted several months ago for a moratorium on transient accommodations in South and West Maui. I also would like to thank those who were not willing to override Mayor Victorino's veto at that time. The result of your actions has produced an ordinance that is far better and more comprehensive. It will allow Maui to reduce its dependence on a single industry, a significant and long festering problem which became very apparent when the COVID pandemic struck and the lives of so many residents and small businesses were disrupted.

You now have before you an ordinance that has been reviewed by the Planning Commission, as required by law, and is in a format that will allow Maui County to now encourage economic diversification as called for in our General Plan. It will prevent an increase in the effects of overtourism. It will further allow the existing tourist industry,

which includes hotels, restaurants, and visitor activities from seeing the product which they are offering to be eroded by even more tourists and tourism. The result will be greater security for our existing employees, protections for our delicate physical environment and natural environment, future generations of Maui residents, and the preservation of a high quality of life for Maui residents now and into the future.

I have one caveat. I would like to ask that you make one change in the very last paragraph in Section 2. There is a loophole there that may allow transient accommodations to slide through. I would urge you to modify the paragraph to state that immediately, it immediately applies to all additional transient accommodations that have not yet received their final approval. I believe there's, there's a hotel there, at least one that's about to make its application and it may slide through.

I encourage you to rapidly pass this ordinance, and to support this ordinance should Mayor Victorino again mistakenly and foolishly try to veto it. I thank you.

CHAIR LEE: Thank you, Mr. Mayer. Any questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Kelli Lundgren. To be followed by Meredith Beeson.

MS. KELLI LUNDGREN [testifying on Bill No. 135 (2021)]:

Let's see. Or can you see me?

CHAIR LEE: Yes, we can.

MS. LUNDGREN: Okay, hi. Aloha. My name is Kelli Lundgren. I'm a resident of Maui, I'm also a volunteer at 'Ahihi-Kina'u Natural Area Reserve. I've been a volunteer since 2014 and I've been working with a lot of visitors to the, the reef over these years and especially with the sunscreen issue. It's been an educational setting to let people know what, what they are doing, what they could do better? And I just want to let you know that chemicals have and are being proven to be dangerous to the reefs. And so I'm going to leave that information to other people to talk about.

But I'm also going to talk about these visitors, because I talk to many of them, many people per day. Sometimes, almost everyone wants to help Hawaii's reefs. It's, it's an easy, it's an easy sell when you want to tell them about the sunscreen dangers to the beach. But the most frustrating thing for these visitors is you, it's a really difficult

process to find the right sunblock on the market here. There are so many chemical sunscreens in the stores. Even when you give them a little card to go into the store, I, I run into them in the store, and they still don't know what to buy.

So the summary here is, if you just get the sunscreen chemicals out of the stores, all these visitors will feel much better about going into the store, getting what they need, knowing it is reef safe, even though a lot of these sunscreens are saying reef safe without any type of definition of what reef safe is. But if you get just the, the minerals available in the stores, it's going to help these visitors immensely.

The other thing that I wanted to say is that, you know, can Maui's reefs wait for a deferment on this bill? I appreciate all of you putting this bill together, and I know it's a courageous thing to do. But it's good for Maui's reefs. And minerals work. I'm going to tell you right now I did just for this meeting, I put on zinc and titanium on my face for this meeting. I do not look like Marcel Marceau, okay? So, and I'm just saying I've been using it for five years now, and I have very fair skin and it works for me. I don't think there's any evidence out there that says mineral sunscreens don't work. And, and maybe there is some science that they're, they're debating right now, but I have been very happy with this. So I'm just going to say that.

And anyway, I, I just feel like if you could get these sunscreen chemicals off the islands completely, it's going to help everybody and mostly it's going to help the reefs. It's going to help the fish and the coral, it's, they have so many other stresses, they just don't need this stress. Thank you for listening.

CHAIR LEE: Questions, Members?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Aloha, Ms. Lundgren. Mahalo for your testimony. So you said that you've been, to clarify you've been using the mineral sunscreen on your face and you're using it right now, you, we can't even, I, I can't even tell. And so, is, is your implication that it's been effective for you and you didn't have skin cancer three times.

MS. LUNDGREN: Actually, I've just started using in the last five years zinc and titanium. And, and I actually about three years ago, I've had some squamous cell carcinoma, if we must know, but it's been treated, and on my arm, not on my face. So, you know, I have very fair skin. I, I probably swim in the reef two or three times a week, and I wear a rash guard or wet suit and I wear zinc and it works. And I don't get a sunburn.

And it's, it's just these products are amazingly great. And all of these manufacturers all sell mineral sunscreens. If they just filled up our stores with bare mineral sunscreens, they would still gain the revenue from this island. I can't, I don't think there's a good argument to say that you must have the chemicals because mineral doesn't work, because mineral does work in my experience.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Lundgren. Mahalo, Chair.

CHAIR LEE: Any other questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Meredith Beeson. To be followed by Rob Weltman.

MS. MEREDITH BEESON [testifying on Bill No. 135 (2021)]:

Aloha, everyone. Can you hear me?

CHAIR LEE: Yes.

MS. BEESON: Great. Okay, my name is Meredith Beeson and I'm testifying on behalf of the Maui Nui Marine Resource Council in support of Bill 135 to allow only the sale of mineral-based sunscreens to prevent consumer confusion and false manufacturing claims about what is actually reef safe. We have testified before in support of this bill and wish to just reinforce our message that this bill is needed to protect our coral reefs and our nearshore ocean water quality.

The industry has put reef safe label on products that contain chemicals that are harmful to fish, coral, and marine wildlife. The only solution is to allow only mineral-based products. Mahalo.

CHAIR LEE: Thank you. Any questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Rob Weltman. To be followed by John Simpliciano.

MR. ROB WELTMAN [testifying on Bill No. 135 (2021)]:

Aloha mai kakou. *(Spoke in Hawaiian.)* Good morning, Councilmembers. My name is Rob Weltman, I'm speaking for myself today as a longtime admirer of the coral reefs of the world. As you may know, coral is the first living organism on earth according to the kumulipo, the Hawaiian origin story. It is that . . . to Hawaiian thinking about how the elements for our environment fit together.

I just watched the 2017 movie "Chasing Coral" again and was again struck by the beauty and complexity of the coral reefs, and that how much the people of the world depend on them for their survival, also financially. And it shook me as much this time as the first time I saw the movie, to see how massive the losses of coral have been in a very short time. If you haven't watched it recently you can see "Chasing Coral" on Netflix.

The main thing destroying the reefs is global warming because of climate change. And reversing that is the biggest challenge humans have ever faced and it needs every government, every company, every organization, every individual on the planet to do their part. But what we can do here and now is to help our living coral resist and survive on its own by protecting it from sunscreen ingredients that weaken it and in some cases kill it. So please adopt Bill 135. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is John Simpliciano. To be followed by the individual calling in from the phone number ending with these last four digits 5170.

MR. JOHN SIMPLICIANO, INTERNATIONAL LONGSHORE & WAREHOUSE UNION, LOCAL 142 (testifying on Committee Report No. 21-130):

Aloha, Councilmembers. I'd like to read a statement from the ILWU, Local 142 regarding the transient accommodation moratorium. The International Longshore & Warehouse Union, Local 142 opposes the proposed bill endorsed by CR 21-130 in its current form. The bill as written, will negatively impact our members. Specifically, our union would like to see the following changes made to the bill:

1) We would object to the use of both "lodging capacity" and "structural footprint" language in the Section 19.98.040 and suggest replacing it with "transient accommodation units" so union jobs relating to redeveloping properties or expanding restaurant, lobbies, grounds, and other projects that do not increase the number of units can still proceed;

2) We request clarification that the moratorium ends upon the passage of the first piece legislation that adopts any recommendations of the temporary investigative group. The current language in Section 19.98.050 of the bill uses "implementation" of "recommendations". This is a vague and subject to different interpretation. The trigger to the, end the moratorium must be clear.

Limiting development that does not increase the unit, number of units is not consistent with the stated purpose of the moratorium. It is contrary to the Countywide Policy Plan, inconsistent with General Plan and it's, and is vague. The bill needs to allow for renovation and redevelopment that do not increase the number of units. Thank you for your consideration of this testimony.

CHAIR LEE: Any questions, Members?

Member Paltin and then Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Simpliciano. I wasn't clear you wanted to allow renovations that doesn't increase the, is that, is that what you meant? You want renovations that doesn't increase the room count?

MR. SIMPLICIANO: Yes. That is the intent.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. SIMPLICIANO: Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Simpliano *[sic]*. I have a question for the ILWU. So as you know on Lanai, we have the Four Seasons which is ILWU property. There's 100 empty positions that we cannot fill.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Yeah.

CHAIR LEE: Member Johnson, you asking for clarification on what he's testified on, okay.

COUNCILMEMBER JOHNSON: Yes, yeah. So my clarification question is how can ILWU support more hotels when you can't, when we can't fill the positions that we have for the jobs that we have now?

MR. SIMPLICIANO: I would have to defer that question to our division director. We would submit a written response to your question.

COUNCILMEMBER JOHNSON: Okay, I look forward to receiving that written response. Thank you.

MR. SIMPLICIANO: Alright, thank you.

CHAIR LEE: Any more questions? If not, thank you and Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have up to testify is the person calling from the phone number ending with these last four digits 5170. Be followed by the individual calling in from the phone number ending with these last four digits 9505.

MR. STEVEN CHANG, SR. [testifying on Bill No. 118 (2021)]:

Aloha. My name is Steven Chang, Sr. Hello?

CHAIR LEE: Hello.

MR. CHANG: Aloha. My name is Steven Chang, Sr. and I support the ʻāina kūpuna Bill 118. I think it's one of the best things that's happened in a while. I want to personally thank Keani for all her hard work and her diligence. And also, want to thank the Council for all your support.

Excuse me, I'm not a very good speaker, but I would, I would like to ask in criteria 6 if the wording can be changed from "majority owners" to "at least one owner living on Maui" if possible. Anyways again my name is Steven Chang. I lived in, in Makena all my life, I'm the third generation, my son and daughter is the fourth generation. And in the '60s and the '70s people use to say I live in the sticks and the boonies while I was growing up. And now they think I'm rich because the rich moved in for either investment or profit, so that drives up all the, the taxes.

The three houses built across me was built and sold after living in it for about a year. And the original owner of the two-story directly across me, Mr. . . . said if we let Verizon

set up on our property, my value would go down, and I said perfect. Because his value is dollar and our value is just the dirt, the aina. So I just ask that the Council help support us with that bill. And just want to tell you thank you again. God bless you.

CHAIR LEE: Thank you. Members, questions? Members, questions? No questions. If not, thank you very much, Mr. Chang.

MR. CHANG: Thank you, mahalo nui loa.

CHAIR LEE: Mahalo.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is the individual calling in from the phone number ending with these last four digits, 9505. To be followed by the person calling in from the phone number ending with these last four digits, 2320.

DR. CRAIG DOWNS [testifying on Bill No. 135 (2021)]:

Aloha, can you hear me?

CHAIR LEE: Yes.

DR. DOWNS: Great. Thank you for having me. I am to support and defend Bill 135 on, on sunscreens. My name is Dr. Craig Downs and I am one of the foremost experts on sunscreen eco toxicology in the world. And what I'm going to do is actually defend the bill against some of the comments from lobbyists.

One of the first things I, I want to state is the mineral sunscreens are the only safe and effective sunscreens recognized by the FDA. And I have just emailed a, the statement from the FDA website to Councilmember Tamara Paltin showing that all the petrochemical sunscreens like . . . Octisalate are not great. They are not safe or effective. So your bill is in complete support of what the FDA recognizes as the only safe and effective sunscreens that are out there.

The, the second comment that the, the proponents, or the opponents against this bill is that if you take away the petrochemical sunscreens, everybody is going to get skin cancer. And there is scientific papers out there right now that state that it is the petrochemical sunscreens that may actually be causing the rates increase of melanoma and other skin carcinomas because they do not protect against UV radiation like they make the claims. And so you cannot make a claim with the sunscreen that it

protects against skin cancer because there is no scientific evidence that sunscreens actually protect against skin cancer.

And so when the CDC makes a recommendation to protect against skin cancer, they tell you to wear hats, wear clothing, get in the shade, use an umbrella. They will say to use sunscreen. The lobbyists want you to think that the FDA is saying use our non-GRASE, our non-safe and effective proven petrochemical sunscreens, and that's not the interpretation. The correct interpretation of the FDA's statement is that yes, the FDA says you should use sunscreens, and the only safe and effective sunscreens are the mineral sunscreens, zinc, and titanium dioxide.

I've also heard some attacks on my scientific work. A lot of lobbyist like to quote Dr. Carys Mitchelmore, and her paper is basically an attack paper on all of the scientific papers that have published data showing that sunscreens, specifically the petrochemical sunscreens are dangerous to corals, they're dangerous to fish, they're dangerous to limu, they're dangerous to sea turtles, they're dangerous to mammals. Dr. Carys Mitchelmore is--

CHAIR LEE: Excuse me, can you please conclude your, can you please conclude your testimony?

DR. DOWNS: Sure.

CHAIR LEE: Thank you.

DR. DOWNS: Yes. So the attacks on, on the scientific work is basically attacks by the, the lobbyists. So again, thank you for having me and I do hope you, you pass Bill 135. Thank you.

CHAIR LEE: Thank you. Members, questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to clarify for the folks. Thank you for being here Dr. Downs, really appreciate your showing up. The, the acronym that you were using is G, I just want to clarify this and make sure I'm right G-R-A-S-E, GRASE, which means Generally Recognized as Safe and Effective. Is that correct? Dr. Downs, are you there?

CHAIR LEE: Mr. Clerk, is he still on the call?

DEPUTY COUNTY CLERK: Chair, actually it appears that he is no longer on the call. I don't see his phone number.

COUNCILMEMBER KING: Okay, anyway, I just wanted to clarify that acronym for people who are listening who maybe not understand the way G-R-A-S-E.

CHAIR LEE: Okay, thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is the person calling in from the phone number with these last four digits, 2320. To be followed by Faith Chase.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE [testifying on Committee Report No. 21-130; and Bill Nos. 118 (2021) & 133 (2021)]:

Aloha, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. This is Pamela Tumpap out in the field today with the Maui Chamber of Commerce, and I'm here to testify on Bill 118, 133 and CR 21-130.

Beginning with Bill 118 on the ʻāina kūpuna land, we support this bill to take care of our long-standing families in our community so that they are not taxed out of their land and paradise. We appreciate some of the thoughts that we raised were included in this bill and taken into account with the definition for descendants added, and the date revised from 80 years rolling, so that it could be rolling forward for future generations. So we deeply appreciate those considerations.

On Bill 133 regarding short-term rentals and B&B's. We think that there are many good elements in this bill and appreciate the provisions for transferring a permit to a family member or successor as that benefits all local residents who want to pass their business down to their children. We understand some of the thinking on B&B's that new owners need to take time to get to know their neighbors. We also feel though that the process is, you know, certainly incentivizes that because we didn't want anybody coming into the neighborhood . . . to operate appropriately . . .

CHAIR LEE: Pam, Pam. Can you speak louder.

MS. TUMPAP: Oh, sure, sorry. I'm literally outside, so I'm going to try to hide from the wind. So we, you know, we understand that concern. And you know, it's, it's really important to recognize that, you know, all the process that people have gone through to create

these legitimate businesses. So we want to, you know, acknowledge that there is some concern for potential hardship that can come also from the devaluing of someone's home and business at a time when they might really need to sell. So we, you know, want to revisit the permit, you know not transferring over. And ask that you work with the industry and hear their concern to address a winning solution.

And then lastly on the moratorium, you know, again we are testifying today in opposition. We're glad that the moratorium was referred to the Planning Commission and vetted by them first, and that the TIG has already been started because we feel that that's very important work. And appreciate some of the changes adopted by the Planning, you know, Department recommendations. However, we do feel that again it's so important to have more vetting on this.

And I was listening to the testimony earlier where it was said that this bill is going to allow for economic diversification and for job changes. And economic development takes time, it takes significant investment. We all understood during COVID how dependent we are on the visitor industry, and we knew that going in before COVID. And work was starting to change in terms of looking at new ways to better manage our visitor industry and to further economic development. But COVID really was a, a strong slap that said we really need to do more.

But economic development doesn't happen overnight. It takes significant investment, it . . . targeted industries that also well support our environment and our quality of life. So we really need to have processes that allow flexibility, and not hamper our goals and . . . at a time when we are still very dependent on this industry that supports so many industries. And we feel that really, there are so many things that could be done right now, really investing in the destination management action plan that has been put forward that we work with the industry and work to better manage it, but also work in ways that we continue to allow appropriate renovations and expansions.

We also feel that, again, moratoriums are very inflexible, and if you're going to go forward with the moratorium there should be a strong rationale with data that illustrates the best solution, and that, that really the moratorium is the only way to move forward, and we haven't seen that. And ultimately this is not going to stop visitors from traveling to Maui. We believe it will have negative impacts such as reduced industry revenue, reduced construction revenue, and increased costs per guests. Which could potentially lead to stays in illegal units or people going elsewhere at a time when many industries are counting on our visitor industry.

So for these reasons we ask that you defer this until compelling evidence is available, till we've brought in leading economists to talk about the, some of the potential negative impacts that might occur, and until we can address some of the key things that we need

to help shore our community and island up with economic development and other projects and programs that are creating jobs for our workforce. Mahalo for the opportunity to provide testimony today, and I hope you could hear most of that. I'm out in the wind up in Kula.

CHAIR LEE: Okay, thank you. Members, questions? If not, thank you, Pam.

MS. TUMPAP: Mahalo for the opportunity.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next, the next person we have signed up to testify is Faith Chase. To be followed by Lahela Aiwohi. Lahela Aiwohi is the last individual we have signed up to testify.

So if there are any other individuals in the meeting who have not testified, but wish to do so, please inform us in the meeting chat now. Thank you.

MS. FAITH CHASE [testifying on County Communication No. 21-530, Committee Report No. 21-130; and Bill Nos. 118 (2021), 119 (2021) & 135 (2021)]:

Aloha again, Chair. Aloha, Council. First of all I'd just like to say in regards to County Communication 21-530, that I would just encourage that the homesteaders be included in their needs as new water sources are found. I understand that the, Councilmember Shane Sinenci's bill *[sic]* 21-119 addresses that as far as Department of Hawaiian Home Land homesteaders. But I just want to make sure that they are included in that, I just like to encourage the Mayor, Councilmember Kama to remember that.

I helped a homesteader put forward a bureau of reclamation drought emergency relief project, and the needs for homesteaders and water are very real. I'd like to them to be considered before new developments, hotels, swimming pools and such.

Of course, again, I support 118, the ʻāina kupuna, thank you so much. The moratorium, I do, I know I didn't say I was going to testify on those two things, but I might as well.

I guess this is no better time, there's no better time than now to share some information that I don't think some of my friends and fellow Councilmembers now. I am indoors right now, but I always wear hats. And it's funny because I kind of wanted to make a public apology to my kanaka, who, and my, my kupuna, who I run into. I can't always

raise my hat, hat and give a Hawaiian honi, because I'm allergic to the sun. I have polymorphous light eruption and so I am, I am in absolute favor of Bill 135.

We can do this, rash guards, hats. If you look at Thailand and Greece, if you look at the old style of clothing it, it, it covers your arm, it goes up to your neck, its light linen, you know, its big hats, I mean that wasn't style, that was region-specific clothing before we had all these sunscreens. So do not listen to all these lobbyists that are rolling up . . . carry on.

And then in closing, you know, I'm kind of embarrassed because I am correct with the, with the resolution this morning. What I think needs to happen is, and just so you know, I feel like an authority on the subject. I've gone to housing homeless alliance meetings for two years. I have gone to every single Affordable Housing Committee even when it was in Councilmember Kama's, you know, purview. I'm a commissioner on the Healing Solutions for Homelessness. There's nothing about this that I haven't taken seriously. You need to say it's the Bridge the Gap report, it is not the Point In Time Report. And I would like to see that change. I don't know how that's done after you have already, you've already made the vote or something.

But it's serious to me because of this. If Catholic Charities and Family Life Center are not doing the Point In Time Count that's required every two years, even though they try to do it every year, and we didn't do it in 2020, and we didn't do it in 2021, and then that report reads it was done. I, I question that? That, that's a red flag to me. I'm already not happy with the agencies who are getting the money. That's why I'm on the commission. I don't think that they're doing their job correctly. You know, I try, I meet you in the middle. I'm on four different TIG's. I'm on the Commission for Healing Solutions for Homelessness. It needs to read Bridge the Gap report, not Point In Time Report.

You go back and you look at all the records and read, and you see the meetings, there was no Point In Time done. And I was very frustrated with that piece because during COVID people were congregating, people were gathering. It's the best time to find out. When they shut down all the bathrooms, we actually knew what our count was, and we didn't do it. And I, I was looking forward to Sharing Your Mana to maybe do that? She had, she had philanthropy support to do that, I was going to help with the database, and, but then she had to hit the ground and be crisis, you know, intervention because other, other support mechanisms were in place and she wasn't able to take that, take on that Point In Time Count sort of work like she had intended.

So that's all I got to say with that. You know, you can bring it up later or you can leave it as it is. But if you do leave it as it is, I promise you I will, I will do whatever I need to do to do a full pledged audit on the agencies that are saying that those numbers are

the numbers. And they're not the numbers. Sorry, thank you, I know it's makahiki, you know, I'm Mexican Irish, I respect my cultural, you know, hosts, but I got to lay down the truth when it's what it is. And I know that I said that off the beat and then I got corrected. I am right and I just need you guys to know that. It's important to me. Thank you for listening.

CHAIR LEE: Thank you. And we can check on that during the lunch break.

MS. CHASE: A hui hou.

CHAIR LEE: Okay, do you have a question, Member Paltin? For Faith Chase?

COUNCILMEMBER PALTIN: Did, I just was wondering it seemed as though that she was saying that the Point In Time Count wasn't done because of COVID. But we didn't have like COVID-related like shut downs or actions until like late March. Were you saying that it wasn't done for another reason, or it wasn't done because of COVID?

MS. CHASE: It wasn't done because, what, at least that's what the announce . . . the homeless alliance, which includes different agencies that participate in the . . . was that they weren't sure about safety, PPE, going out into community, it was just . . . that was the reason. That was all new to me . . . at the top of the year about what point. So yes . . . a block of the timeframe, but, but it's just an estimate based on the last time they did it.

You know and it's, and you look at the wording in the report and they're careful, you know, they cite 2019, but then they kind of lump it in with the 2020 data because they have to, probably because of, of, you know some administrative rules somewhere along the. It's just, it's just, it's because I was frustrated that they didn't do the Point In Time Count that this is important to me. You can say Bridge the Gap report, you can leave it the way it is and just say, but it's, it's the point, because I want to make sure it gets done. We're right around the corner from January. I don't want any more excuses. It needs to get done this coming year. Thank you for the question.

COUNCILMEMBER PALTIN: And, and to clarify, were you saying it only wasn't down on Maui or it wasn't done statewide, or it was done in Oahu and not in Maui?

MS. CHASE: I don't know about the rest of the State. I did hear, I did sit on some meetings, and I do know that some followed but I cannot say that for sure, but our four-island county, we didn't do it.

COUNCILMEMBER PALTIN: Okay, thank you.

MS. CHASE: Thank you.

CHAIR LEE: We'll check on that.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, sorry. Aloha, Ms. Chase. Mahalo for your testimony. So I just wanted to clarify you said that, I think that's the one, two, three, four, fifth WHEREAS clause in the resolution where it says 2020 Maui County Point In Time Count Topline Report. So instead of calling it a Point In Time Report, a Bridge the Gap Report?

MS. CHASE: Bridge the Gap, yeah, that's the, that's the, let me see, do I have it open, that's the over, that's the umbrella, Bridging the Gap, I'm sorry, Bridging, I-N-G. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Chase.

MS. CHASE: You know, I, I know that we would have experts or resources usually more available. But Thelma right now is on Oahu for the homeless convention and she, she's the liaison or that, you know that information point person right now, but I know that she's on Oahu for the homeless conference that is today and tomorrow. So, you know, she's not available, but I, an email would be able to clear this thing up, clarify this.

VICE-CHAIR RAWLINS-FERNANDEZ: And that, so you said that that's the name of the report, the title of the report.

MS. CHASE: It says Bridging the Gap Homeless Point In Time Count, and it doesn't say the report, but it says January 26, 2020. But the Point In Time is getting meshed in with the Bridging the Gap, which is the umbrella program that does the Point in Time. And so I just, to get out of this right now, and to not be incorrect, like I said, it's important to me--

CHAIR LEE: And we can, and you know Faith and Vice-Chair, we can have our staff check on this during the lunch break.

MS. CHASE: Thank you.

CHAIR LEE: Because it's just words that need to be checked.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Just words.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, non-substantive.

CHAIR LEE: And, and I'm sure Tasha Kama can give our staff Thelma's cell number and we'll handle it that way, okay.

MS. CHASE: I appreciate it. I don't mean to be botheration, but it, it's tells, it's about a bigger story. So thank you.

CHAIR LEE: Okay, alright, thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Thank you. So we have one last testifier.

DEPUTY COUNTY CLERK: Chair, several individuals have signed up.

CHAIR LEE: I thought that would happen. Okay. Let's go.

DEPUTY COUNTY CLERK: The next person signed up to testify is Albert Perez. To be followed by Clare Apana. Albert Perez, it is your time to testify.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on Committee Report No. 21-130):

Sorry, you surprised me. I thought there was one more before me. Anyway, I'm Albert Perez and I'm testifying on the visitor accommodations moratorium. You know, local resident sentiment about the visitor industry has fallen to an all-time low and our overdependence on tourism leaves us at-risk from future economic downturns as well.

This is a problem that's continuing to grow, and we need to stop making it worse. We need to pause continued expansion of the already overbuilt tourism industry. The proposal is to pause further development for two years or when solutions recommended by the Temporary Investigative Group are passed by the Council, and my understanding is that that group is already close to finishing its work.

Some people say that the moratorium would lead to more illegal vacation rentals, but that assumes a lack of enforcement and that's not acceptable policy for the County. If tourist accommodations are limited and we have strong enforcement, then Maui will return to being a premiere destination, and existing accommodations will be more

profitable with more benefits, more jobs, and a better quality of life for residents. Let's be consistent with the Maui Island Plan. This pause is a first step. There's broad public support.

I would like to suggest that Dick Mayer's proposed amendment be adopted to make sure that this ordinance applies to any application that has not received final approval. I understand that there are some hotels that are ready to submit their applications. So we don't want them slipping in. And anyway, with that amendment, I would hope that you would support this proposed ordinance. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Clare Apana. To be followed by Roberta Beatty.

MS. CLARE APANA [testifying on Bill Nos. 127 (2021), 128 (2021), 129 (2021) & 130 (2021)]:

Thank you. Good morning, Councilmembers. Thank you for the opportunity to testify again. I support what the last testifier just said wholeheartedly and hope that we will be able to do something to make the situation better.

I would like to thank you, Councilmembers, and the Mayor's Office for working together to work out the Waiale purchase. It is extremely important to us. And as I told the Mayor in the early stages, it is imperative that we proceed with pono. This is about our iwi kupuna and must come in clean and without any, any things that are unknown and unsaid.

So we have found a few things and to make the, to make the transaction better. And recently, there was a, a project that we were doing to help SHPD, because they have not been able to take care of our iwi kupuna, who have been sitting on their shelves for some decades. And the last one that I had responsibility to get ready was, happened to be in Waikapu. And in my research, I went to an archaeology firm, and they helped me to find the research and the actual SHPD number. And that turned out to be right in Waikapu in the burial preserve of A&B.

And so I contacted them and the next thing we knew we were meeting with the County. And, and I, you know, it was an opportunity to offer a chance to make this project come together in the way that we always thought as making peace in our community. And what has happened now is, I just found out that they are not going to acknowledge that

this burial, after 17 years with a SHPD number is, belongs there. And they will want to let the, whoever is then the landowners to, to take care of it. I feel that this tests my feeling that everything should be pono and aboveboard. I think that we have the same thing that we always do, which is fighting big business and corporations. And then SHPD steps in and says, we don't know why they think that it should be in that burial. And we, all we're doing is using their, the data they have in reports.

I feel that going forward Waiale, and especially with the assistance of Council and the Mayor's Office that we can get this straightened out and get this back to a place of pono. It's very easy. It's just the will to do it. A very easy thing to do. And I didn't want, I'm not really complaining, I just wanted to tell you that because you are part of the decision-making. And I want you to know that this is a work in progress to get this land to pono, to get the respect for the Hawaiian people for our burials. And--

CHAIR LEE: Clare, could you please conclude?

MS. APANA: . . . half a, half a sentence. I feel fully confident that working together, the Council, the Mayor's Office, the kanaka, Malama Kakanilua, we will get to that place and have a new beginning. Mahalo.

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

MS. APANA: Thank you.

CHAIR LEE: And can we have the last testifier.

DEPUTY COUNTY CLERK: Chair, there are two testifiers remaining. The next testifier is Roberta Beatty. To be followed by the individual calling in from the phone number ending with these last four digits 7281.

MS. ROBERTA BEATTY [testifying on Bill No. 133 (2021)]:

Hello, can you hear me?

CHAIR LEE: Yes.

MS. BEATTY: Oh, hi. Aloha everyone and thank you very much for the opportunity to check-in. I'm sorry I was so late in applying. I didn't realize how to do it until the Clerk mentioned it. So thank you for mentioning it that I could go in the group chat to give testimony.

I'm here today on my own behalf to give testimony on Bill No. 133, especially the part MCC 19.65. And this has to do with short-term vacation rental permits. I worked very hard for three years to acquire a permit for my property out in Hana, where I live. And unfortunately the specter of divorce has come up in my life and it's been quite a whirlwind. And during the time that I was applying for the permit, it's in my husband's, it, it, there was an error on the County planner's part, Mr. Ryan Quigless accidentally, or well I informed him that the permit was to be in my name, and he made an error and put it in my husband's name. And I didn't make a fuss of it at the time because we were married, but things have changed and now my husband and I are divorcing.

And it's very important to me to ask that an amendment be made, allowing for the permit to be transferred in the case of a divorce, which is what my situation is at this time. You know it's, it's just, this is what it is and I, I have a short-term vacation rental business started, it is how I make my living, I employ people out in Hana. And I do want to continue living out in Hana. I've been a resident of Maui since 1994 and I've lived out in Hana since 2013.

CHAIR LEE: Okay.

MS. BEATTY: That's it.

CHAIR LEE: Okay. Members, questions?

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Ms. Beatty for your testimony. I did read it and get your message. I tried to call you several times yesterday. And just letting you know that administrative errors can be corrected administratively. We don't need to amend the bill. And a court order would also be followed as well.

MS. BEATTY: Oh, okay. So my, my, the error will be corrected. I, I am, thank you very much for that news. Appreciate that.

COUNCILMEMBER PALTIN: It would be up to the Administration to correct their error.

MS. BEATTY: Oh.

COUNCILMEMBER PALTIN: I can't tell the Administration what to do.

MS. BEATTY: Oh, okay.

COUNCILMEMBER PALTIN: But . . . their error.

MS. BEATTY: Oh, okay, got it.

CHAIR LEE: So you're welcome. Thank you very much, Ms. Beatty. And we want to thank Member Paltin for doing the research and being able to give you a very good answer. So all you have to do now is work with the Administration. There's no need for an amendment.

MS. BEATTY: I, I will.

CHAIR LEE: Okay, thank you. Bye.

Mr. Clerk, where are you?

DEPUTY COUNTY CLERK: The last individual we have signed up to testify, Chair is the person calling in from the phone number ending with these last four digits 7281.

CHAIR LEE: 7281

MR. KENNY BARR [testifying on Bill No. 118 (2021)]:

Can you hear me?

CHAIR LEE: Yes.

MR. BARR: Okay, Alice. This is Kenny Barr calling in from Kihei. And I wanted to just speak in support of Bill No. 118. I don't really think there's any opposition to it, but I feel this obligation to tell this little story before your lunch. When I first came here from--

CHAIR LEE: Kenny, Kenny, can you speak a little, Kenny, we can't hear you.

MR. BARR: Yes. Okay, can you hear me now?

CHAIR LEE: A little louder.

MR. BARR: Can you hear me better?

CHAIR LEE: A little louder.

MR. BARR: Okay. Okay, when I first came to, can you hear me now?

CHAIR LEE: Yeah, sort of.

MR. BARR: Yeah, barely. Okay. Then I'm going to cut this really short. When I first came here from New Jersey, from Zaery Park, and I, from crowded beaches, and I went, this was back in '79 or early '80s and I went down to Po'olenalena Beach and I thought how great this is that this area is so unspoiled, uncrowded, compared to Kihei.

So as I started to get more involved in things here, I saw that Eddie Chang Sr. was fighting this, this, the Makena Surf going in next door. And, and then he was in a courtroom, and I don't remember, I don't understand why I was in the court, I mean obviously it may have gone to the Planning Commission and the Council before and he was appealing it. And I went in this courtroom, and it was just him and an attorney, whether it was Jonathan Waxman or Tony Rankin or Isaac Hall, I don't remember, all I remember thinking is how sad this is that this one elderly Hawaiian man, Eddie Chang Sr. is here trying to preserve this whole area from, from turning out to be urban, which we all know how it has turned out now.

And obviously he lost the case, and basically that's all I want to say. I'm supporting the bill because I think anything that you can do for Hawaiians who have land and need to stay on their land, you should do. So that's really all I have to say, I just wanted to relate that one little story as to how this haole from New Jersey became involved in this and felt really concerned about what happens to the Hawaiians. That's it.

CHAIR LEE: Thank you, Kenny. Members, are there any questions for Mr. Barr? If not, thanks again, Kenny.

MR. BARR: Okay, have a good lunch. Aloha. Thank you.

CHAIR LEE: Thank you.

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. If anybody who has not testified wishes to do so, please identify yourself now.

CHAIR LEE: Okay, Members are there any objections 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. Keisa Liu;
2. Jeff Bagshaw;
3. George Martin;
4. Karin Ross, Personal Care Products Council;
5. Lynn Miyahira, Public Access to Sunscreens Coalition;
6. Kelli Lundgren;
7. Roberto Andrion Jr., ILWU, Local 142;
8. Craig Downs;
9. Roberta Beatty;
10. Cassandra Abdul, Na Hale O Maui;
11. Chase Amouyal;
12. Luz Arnal;
13. Cynthia Au;
14. Derek Barona;
15. Lisa Bishop, Friends of Hanauma Bay;
16. Sheron Leihuanani Bissen;
17. Kevin D. Cassel;
18. Deashia Lei Chang;
19. Natasha Chang;
20. Nicole Critchlow;
21. Luella Nohea Chang Crutcher;
22. Joseph C. DiNardo;
23. Dennis K. L. Dudley;
24. Alison Ferguson;
25. BJ Fogg;
26. Arayanna Foster;
27. JoAnn Bishop Freed;
28. Hana Freet;
29. Carlos I. Gutierrez, Consumer Healthcare Products Association;
30. Madilyn Hays;
31. Eli Hazlet;
32. Curtis Higashiyama, ABC Stores;
33. Mason Hu;
34. Lyndon C. Ibele, Ma'alaea Village Association;
35. Pam Ingram;
36. Carol Irwin;
37. Jacob James;

38. Keiki Chang Kawai'ae'a;
39. Dana Keawe;
40. Cynthia Punihaole Kennedy, The Kohala Center;
41. Puena Chang Keolanui;
42. John Kevan & Angela Leone;
43. Andrew Kohl;
44. Manuel Kuloloio;
45. Jason Lees;
46. Carmen Hulu Lindsey, Office of Hawaiian Affairs;
47. Rebecca Luria, Hawaii Dermatological Society;
48. Ciro Martin;
49. Marty Martins;
50. Lily Montemarano;
51. Ryan Nobriga, ARDA Hawaii;
52. Karen Lei Noland;
53. Nainoa Obrochta;
54. John E. Palmer;
55. Hope Patterson;
56. Letani Peltier;
57. Vienna Phillips;
58. Gershon Portillo;
59. Brandon Ramirez;
60. Brandon Ramos;
61. Karl J. Reul, Kaanapali Golf Courses;
62. Jessica Rosado;
63. Alicia Rowell, AIM at Melanoma Foundation;
64. Shelby Serra, Pacific Whale Foundation;
65. Nicole Siegel;
66. Waiaulia Smith;
67. Miranda Somers;
68. Matthew Talbot;
69. Wayne Chung Tanaka;
70. Kenneth J. Tomecki, American Academy of Dermatology Association;
71. Wyatt Van der lee;
72. Leinā'ala Kuloloio Vedder;
73. Kevin Rodriguez Velador;
74. Hannah Wick;
75. Bodhi Williams;
76. Kalani Wilmington;
77. Tina Yamaki, Retail Merchants of Hawaii; and
78. Lauren Zirbel, Hawaii Food Industry Association.

CHAIR LEE: Okay, great. Looks like, how about come backing, come backing, this is probably not enough sleep from yesterday. How about 1:30? Lunch until 1:30. Okay, very good, very good. Recess until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:15 P.M., AND WAS RECONVENED AT 1:32 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting for November 19, please reconvene. Hello colleagues, we are ready to hit the road running now. After the minutes we'll get right straight down to business.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of September 3, 2021 was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES AS READ BY THE CLERK.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the minutes of September 3, 2021. Any discussion? If not, all in favor of the motion, please say "aye" raise your hand.

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

NOES: NONE.

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

Mr. Clerk

DEPUTY COUNTY CLERK: Chair proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 21-521 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated November 4, 2021)

Transmitting a copy of the intent to commit letter of the grant-in-aid award from the State of Hawaii, Office of Planning for the Coastal Zone Management Grant in the amount of $454,605.

NO. 21-522 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated November 5, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Focus on Domestic Violence and Sexual Assault in our Community grant for the period of June 1, 2021 to May 31, 2022 in the amount of $109,946, which includes $27,487 in matching funds.

NO. 21-523 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated October 25, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Statewide Multi-Jurisdictional Drug Task Force grant in the amount of $54,927.

NO. 21-524 - DEAN M. RICKARD, ACTING CHIEF OF POLICE, (dated November 5, 2021)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of the Attorney General for the Laboratory Accreditation and Technological Improvements grant in the amount of $51,353.

NO. 21-525 - DEAN M. RICKARD, ACTING CHIEF OF POLICE, (dated October 25, 2021)

Transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2021 High Intensity Drug Trafficking Areas grant to increase the budget by $45,000.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL COMMUNICATIONS ON THE CONSENT CALENDAR.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file the, everything on the Consent Calendar.

Discussion? Wow, Member Paltin doesn't want, doesn't have any discussion. No contracts, wow.

VICE-CHAIR RAWLINS-FERNANDEZ: No, Chair.

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order. The contracts 21-520 is, was removed from the Consent Calendar. And our policy is that we don't discuss the Consent Calendar.

CHAIR LEE: Oh, okay. That's right. Thank you. I just, I, I just when she went like this, I thought oh, unusual. Okay, next. Anybody else? Okay. All those in favor of the motion to file the Consent, not file the, yeah to file the Consent Calendar say "aye".

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

NOES: NONE.

CHAIR LEE: All "ayes", zero "noes"; motion carries. That's nine "ayes", zero "noes" motion carries. Right?

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-520 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated October 29, 2021)

Transmitting 88 contracts/grants for the month of September 2021.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-520, EXCEPT FOR THOSE GRANTS AND CONTRACTS THAT COUNCILMEMBER PALTIN AND THE OTHER COUNCILMEMBERS REQUEST FOR COMMITTEE REFERRAL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura to file the contracts except for what the Members request to move out. Members?

Member King.

COUNCILMEMBER KING: I'll defer to Member Paltin, since she put her hand up first.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair

CAN I PLEASE PULL CONTRACT 4930-8, WHICH IS THE WEST MAUI RECYCLED WATER EXPANSION FOR REFERRAL TO THE IT COMMITTEE.

CHAIR LEE: 4930-8.

COUNCILMEMBER PALTIN: Correct.

CHAIR LEE: Okay, anyone, only one?

COUNCILMEMBER PALTIN: Just one.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Thank you, Chair.

MAY I PLEASE PULL CONTRACT C6795-2 FOR REFERRAL TO THE CARE COMMITTEE; AND C7456 THE SOUTH MAUI ROAD PAVEMENT REHABILITATION FOR ALSO FOR REFERRAL SINCE THE CARE COMMITTEE HAS ANOTHER SOUTH MAUI SIDEWALK PROJECT SO I'M GOING TO TRY TO PUT THOSE TWO TOGETHER.

CHAIR LEE: Could you repeat that last number, please?

COUNCILMEMBER KING: C7456.

CHAIR LEE: Okay. Anyone else? No. Alright. These items will be referred to the IT and CARE Committees. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered. And the rest will be filed. Oh, do we have take a, do you have to take a vote on this.

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question.

COUNCILMEMBER KING: Yeah, we haven't taken a vote yet.

CHAIR LEE: Okay, alright. All those in favor 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.

NO. 21-526 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY, (dated November 3, 2021)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending October 2021.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. This is what I was asking if you could send it to my IT Committee. Thank you. Refer it to my IT Committee.

CHAIR LEE: Any objections, Members.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Mr. Clerk, you want us to take a vote on this?

DEPUTY COUNTY CLERK: No need, Chair. That's sufficient.

NO. 21-527 - TAMARA PALTIN, COUNCILMEMBER,
(dated November 9, 2021)

Relating to a Councilmember's report on a free "Halloween Drive-Thru Adventure" event held on October 31, 2021.

CHAIR LEE: Okay, Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO FILE COUNTY COMMUNICATION 21-527.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: You know, Member Paltin, these reports are not necessary if no business was conducted at all. But anyway, fine. We were handing out candies at this Halloween event and we weren't together. We were split up strategically for a reason to get the, you know, the cars moving quickly. But thank you for your report, Member Paltin. Did you want to say anything about it?

COUNCILMEMBER PALTIN: Chair, I would love to. I'm providing this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes. On Sunday, October 31, 2021, also known as Halloween, Chair Lee, Councilmembers Yuki Lei Sugimura, Tasha Kama and myself, Tamara Paltin attended the free Halloween Drive-Thru Adventure at Keopuolani Park.

Council Chair Lee, Councilmember Kama, Councilmember Sugimura, and I participated in costume. Chair Lee was a musubi. The event was created to provide a magical and safe night for hundreds of Maui keiki and their ohana. Director of Parks and Recreation Karla Peters and Budget Director Michele Yoshimura along with their staff planned and organized this event.

Other highlights include experiences provided by community businesses and organizations. Special thanks goes to Game Show Fanatics, Maui Classic Cruisers for its vintage car showcase, Maui Pono, Mahi Pono and Kula Country Farms for a pumpkin patch, and Lahaina Town Action Committee for its popular Mystery Maze on the westside. In addition Maui police officers and Maui firefighters assisted keiki safely back into their car seats and boosters before leaving the park.

A quorum of the Council was not present at the drive-thru, nor was the event specifically and exclusively organized for or directed toward Members of the Council. No discussion related to official board business occurred, nor any commitment relating to a vote of any Council business was made or sought at the event. Madam Chair, that concludes my report.

CHAIR LEE: That's a terrific report. Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: So we have to add right. Because there was so many cars and just to try to get them going, we didn't, we did social distancing. So my job was to point to Tamara, who was the lifesaver and tell the cars go to the yellow shirt, go to the yellow shirt just so we can keep cars moving because the backup was, you know, accumulating.

And the highlight besides all the other volunteers, OCS staff came like Shelly. But we met Tasha's grandson and I just want to say it was such a delight to work with him and such a good boy, he speaks Hawaiian, so he kept on saying Happy Halloween in Hawaiian to everybody and he was, he was a joy.

Alice Lee had a, besides herself as Spam, she also had a wolf and maybe she could talk about that, cause that was pretty scary looking, added to the tent. And I was a witch, every year I'm a witch, because I have this one thing, one dress I pull out and my hat and everything. So I was glad to participate, cause it's one of my favorite holidays. I'm just as bad as a child. Thank you.

CHAIR LEE: Tasha, you want to add anything? Thank goodness for your grandson, because he provided the music for our dancing.

COUNCILMEMBER KAMA: Yeah. Well I just want to say how impressed I was with Chair Lee's werewolf, very, very handsome, and she nicknamed it Gabe. So we had fun that night.

CHAIR LEE: We named the werewolf Gabe. Oh and by the way Member Kama was a witch and Member Paltin was a lifeguard. How unique.

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Yeah, I was so wrapped up in costume that Member Sugimura never even recognized who I was when I told her hi.

CHAIR LEE: Anyway, yes Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just want to thank all the Members and yourself, Chair, for representing the Council at the Halloween Drive-Thru and my mahalo to the Administration, and all the organizations that helped to support this event for our keiki.

I wanted to see if this, I know this isn't a motion, it's a report. But if we could for the record strike that section that says pursuant to Sunshine, to HRS 92 Sunshine Law from the report. In following up with what you stated in the beginning of this item, which is that, that report was actually not necessary under Sunshine Law, and we don't want to create precedent that isn't following the law.

CHAIR LEE: Yeah, if Members don't mind? So that for future events, you know, nobody needs to provide a report. Because we do have a Christmas one coming up.

Yes, Member King.

COUNCILMEMBER KING: Yeah so, but it's a communication. So don't we have to move to file the communication.

COUNCILMEMBER PALTIN: We did.

CHAIR LEE: Yeah, okay.

COUNCILMEMBER KING: . . . the motion.

CHAIR LEE: But she was saying that, that in the future, there's no need to provide a report, because it really doesn't fall under the Sunshine Law. But Vice-Chair, maybe you can clarify your own comments.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So I think we're filing it and it's going to be in our official record. So I've never amended anything that we intend to file.

Perhaps we can get guidance from our OCS attorneys on procedure as far as striking that section from the report?

CHAIR LEE: David, are you on the call? Or Corp. Counsel? Okay, we realize we, you know, you haven't ever had this request before, because this is such a deep legal question. David, what do you think?

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. There's not really a mechanism to strike something from a County Communication. I mean the document exists and we, we can't alter it. I think the Vice-Chair makes some excellent points about the applicability of the Sunshine Law. You really need a discussion of Council business to trigger any of the Sunshine Law requirements. So I think it's excellent that we have that on the record, you know, we can use that to guide us in future, but there's not really a mechanism that we see to actually alter the County Communication. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Raatz.

CHAIR LEE: Why don't we just proceed with filing the. Pardon me? Just proceed with filing.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Raatz and mahalo, Chair. Mahalo, Mr. Raatz.

CHAIR LEE: One, one last comment. I want to thank all of you who donated candy, who couldn't be there. We have some extra candy for the Christmas Drive-Thru. So nothing ever goes to waste. Thank you again for everybody's participation, and all those in favor of filing this item, 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.

COUNCILMEMBER SUGIMURA: Thank you, Tamara.

NO. 21-528 - TAMARA PALTIN, COUNCILMEMBER,
(dated November 12, 2021)

Transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 21-528, AND TO FILE THE COMMUNICATION.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, second by Member King, to adopt the resolution in County Communication 21-528. Discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. May I please request the Clerk to read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. I'm just going to bring up the resolution real quick.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Maybe in the future, if we're going to have things read, we can let the Clerk know in advance so he can, or she can, our Clerk can have it pulled up so that we're not radio silence in the future.

CHAIR LEE: Good idea.

DEPUTY COUNTY CLERK: Apologies for the delay, Chair. I'm ready. Shall I proceed reading the resolution?

CHAIR LEE: Yes, please.

(The resolution was read in its entirety.)

CHAIR LEE: Any discussion, Member Paltin?

COUNCILMEMBER PALTIN: Oh, thank you, Chair. As you just heard, as we practiced in previous years, Section 13C of the HSAC bylaws requires all four county councils to approve the HSAC Legislative Package before it can be submitted to the State Legislature. Of the seven legislative proposals our County submitted, four were deemed appropriate by the HSAC Executive Committee to be included in the HSAC Legislative Package. Those proposals that were not included were instead supported as legislative priorities, meaning that the HSAC Executive Committee will provide testimony in support of similar legislation.

For the Members reference, attached to the resolution is a letter from HSAC President Chock, Exhibit "A", which also includes all the legislative package bills. I ask the Members full support of this resolution and invite Councilmember King to provide additional comments as she would like to.

CHAIR LEE: Member King?

COUNCILMEMBER KING: Thank you, Chair. Thank you, Member Paltin. I was, you did a great job. I just wanted to further explain that the reason we, we chose some of the actions to do as legislative priorities, because there was a recognition that there will be several bills, and that our bill may not be the one that's chosen. So, naming it as a legislative priority will give our lobbyists for HSAC the ability to follow the other bills that are similar to the content, so we can continue to support them. But it might not be the bill in our package. So, that's why we, we did it a little differently this year and called out some of the, the items as legislative priorities.

CHAIR LEE: Any questions, Members?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I guess I will direct my question to Member King as our HSAC rep. So, the last one is a bill for an ordinance relating to minimum wage. I was trying to find that.

COUNCILMEMBER KING: I, I actually, I think that the minimum wage bill was a legislative priority. I don't know, did, I was surprised to hear the word ordinance as well because we recognized in Committee that there would probably be several bills for a minimum wage. So, I'm not sure why. Member Paltin can explain. They change something, cause I, I had to leave that meeting early, so I'm not sure if they changed something on that one. They don't generally do ordinances at the State level.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, yeah, um, State level is all acts and then County level is ordinance. So, I was wondering if HSAC took a position on an ordinance for counties to take . . .

COUNCILMEMBER KING: Oh. That happened, that happened after I left, so I'll defer to Member Paltin.

COUNCILMEMBER PALTIN: Yeah, I wasn't even able to find the part that Mr. Krueger was reading. It keeps taking me to a link on Human Concerns and Parks, so I'm not sure what's going on there.

COUNCILMEMBER KING: Maybe we could ask Mr. Krueger to read it again, make sure it was right.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, oh, it's read correctly. A bill for an ordinance relating to minimum wage. It's one of the last ones . . .

COUNCILMEMBER KING: So, when I left, I do recall that we supported the concept of minimum wage, but I think we also had discussion that there will probably be several bills. So, I wasn't sure if we ended up supporting the bill. The bill came from Member Johnson into the package.

COUNCILMEMBER PALTIN: Is Ms. Apo-Takayama available for the question?

CHAIR LEE: Probably just an error.

MS. KASIE APO-TAKAYAMA: Hi, Members. This is, this is Kasie. Yeah, that is just an error in the reso. And that one was not included in the package. It was just noted as a proposal that came from Maui County. And so, the WHEREAS clause that Deputy Clerk Krueger had read into the record were the proposals that Maui County put forth. And of those seven, four were accepted. Thank you.

COUNCILMEMBER KING: Okay. So, so, that was one of the ones that we listed as a legislative priority. So, because the, the HSAC Executive Board did support increasing

the minimum wage, just to let Member Johnson know that we did put it on our list of legislative priorities. So, our, that means our lobbyists will be tracking the bills.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Member King, would we need to amend the reso to, from "ordinance" to "act"?

COUNCILMEMBER KING: I think we would just eliminate that, because we didn't put any of the legislative priorities in that reso. We just put the, the actual bills that we were supporting.

Is that correct, Member Paltin?

VICE-CHAIR RAWLINS-FERNANDEZ: No. So, it has WHEREAS, seven proposals were submitted to the county, by the County of Maui for possible inclusion. And so, these are all the, the bills that we submitted for consideration. So, unless Member Johnson's bill was a bill for an ordinance, then I think we would need to correct that to "A BILL FOR AN ACT".

COUNCILMEMBER PALTIN:

FRIENDLY AMENDMENT.

CHAIR LEE: Member Paltin?

COUNCILMEMBER PALTIN: I accept the friendly amendment. For some reason, the link on my Microsoft Edge is not working.

CHAIR LEE: To change the word from "ordinance" to "act"? Is that your friendly amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, are we back to the motion of adopting the legislative package? 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.

CHAIR LEE: Opposed, no.

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is--

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: I just wanted to note for the record that each of the counties will be doing this. And we have the most bills that we proposed for Maui County. So, they do have the ability to pull out any of the bills that they don't want to include. So, if anybody has a particular interest in any of the bills, you might want to send a letter to the other councils just to ask them to please leave it in the Legislative Package.

CHAIR LEE: Members, did you hear that? Okay. Thank you.

Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-181.

NO. 21-529 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated November 12, 2021)

Transmitting proposed amendments to Bill 118 (2021) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS ʻĀINA KŪPUNA".

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, I would like to ask that County Communication 21-529 be held until later in the calendar, to be taken up with Bill 118 (2021), please.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

(See pages 158 through 165 for discussion and action.)

CHAIR LEE: Mr. Clerk.

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

NO. 21-530 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE, (dated November 10, 2021)

Transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DEPARTMENT OF WATER SUPPLY TO PRIORITIZE THE DEVELOPMENT OF NEW WATER SOURCES".

The recommended action is that County Communication No. 21-530 be referred to the Agriculture and Public Trust Committee.

DEPUTY COUNTY CLERK: To your Budget, Finance--

CHAIR LEE: Oh, hold on, Mr. Clerk.

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR, I'D LIKE TO MOVE TO FILE COUNTY COMMUNICATION 21-530.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member, Pro Tem Kama, seconded by Member Sugimura, to file CC 21-530.

Discussion, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. You know, this morning, as I was listening to the testimonies regarding this, that I feel like I want to be able to strengthen this bill and make it a lot more stronger than, I mean not the bill, but this reso, to make it a lot more stronger than it already is. I want to be able to work on that again, start all over.

CHAIR LEE: Okay. Any more discussion?

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: 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.

Mr. Clerk.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Members.

DEPUTY COUNTY CLERK: Chair, continuing with county communications for referral.

NO. 21-531 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR, (dated November 12, 2021)

Transmitting 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 A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE, (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))".

The recommended action is that County Communication No. 21-531 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair. Vice-Chair Rawlins-Fernandez, did you want to do anything with this?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR COUNTY COMMUNICATION 21-531 IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by mem, Pro Tem Kama, to waive the Rule of the Council.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This is a grant that we are receiving.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And then I'll--

CHAIR LEE: Any more discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: --explain.

CHAIR LEE: Okay. We're just voting on the waiver. 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.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING AND TO FILE COUNTY COMMUNICATION 21-531.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved, moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to pass the attached bill on first reading and filing of the communication.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this proposed bill would amend Appendix A, Part I, of the Fiscal Year 2022 Budget to increase the appropriation for grant, for the grant entitled "High Intensity Drug Trafficking Areas (HIDTA)", in the amount of $45,000.

The Office of National Drug Control Policy has granted these additional funds for the purchase of equipment to support the operations of HIDTA.

Representatives from the Administration are available to answer any questions the Members might have. I ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Any questions or comments, Members? 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, that is BILL 140 (2021).

Continuing with communications for referral.

NO. 21-532 - MICHAEL P. VICTORINO MAYOR,
(dated November 8, 2021)

Transmitting a proposed resolution entitled "REMOVAL OF ERIC CUOMO FROM THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI".

The recommended action is that County Communication No. 21-532 be referred to the Government Relations, Ethics, and Transparency Committee.

NO. 21-533 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated November 12, 2021)

Relating to access easements for Wailele Ridge, Napili, Maui, Hawaii.

The recommended action is that County Communication No. 21-533 be referred to the Infrastructure and Transportation Committee.

NO. 21-534 - SHANE M. SINENCI, COUNCILMEMBER,
(dated November 10, 2021)

Transmitting a proposed resolution entitled "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS AND THE MAUI COUNTY CULTURAL RESOURCES COMMISSION PROPOSED BILLS RELATING TO CULTURAL OVERLAY DISTRICTS".

The recommended action is that County Communication No. 21-534 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Consideration for County Communication 21-534. Requesting to be referred to the APT Committee.

CHAIR LEE: Any, any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, so ordered.

(COUNTY COMMUNICATION NO. 21-534 WAS REFERRED TO THE AGRICULTURE AND PUBLIC TRUST COMMITTEE.)

CHAIR LEE: So, there, that just leaves one, two left. Mr. Clerk, is that correct? For referral.

DEPUTY COUNTY CLERK: Yes, Chair. We just want confirmation whether there's any objections to those referrals.

CHAIR LEE: Any objections to those two referrals, Members, as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Alright. So, ordered. Okay.

DEPUTY COUNTY CLERK: Chair, proceed--

CHAIR LEE: Committee reports.

DEPUTY COUNTY CLERK: Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-117 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Resolution 21-182, entitled "ESTABLISHING A RIGHT TO HOUSING FOR MAUI COUNTY RESIDENTS," be ADOPTED.

CHAIR LEE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-117.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member Molina, to adopt, to approve the recommendations in Committee Report 21-117.

Discussion, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. The purpose of the proposed resolution is to establish a right to housing for all Maui County residents as a central component to a Comprehensive Affordable Housing Plan and our objective as a County to meet the housing needs of the Maui Nui community.

Your Committee discussed the resolution which is supported by international human rights law and Countywide Policy Plan. It affirms a right to an affordable, habitable, accessible, culturally appropriate, secure, and safe residence. It also recognizes that adequate housing enhances safety, stability, economic productivity, civic participation, overall quality of life for everyone.

The resolution requires the Council and the County to prioritize and provide adequate inventory of housing and shelter options, use all available resources to progressively improve the housing situation in the County, and recognize, respect, and protect the right of all residents living in security, peace, and dignity.

Your Committee voted 8-0 to recommend adoption of the resolution and agreed that additional language was needed to include persons living with behavioral health issues among those who should be given special consideration. I have addressed this recommendation in the Amendment Summary Forms. So, I, I respectfully request the Members support of the motion.

CHAIR LEE: Member, Member Johnson, are you going to propose amendments?

COUNCILMEMBER JOHNSON: Yes. Chair, thank you.

SO, I JUST PUT IN, IT'S IN THE, THE WORDS THAT WE'RE ADDING TO IS "PERSONS LIVING WITH BEHAVIORAL HEALTH ISSUES".

Because we went out and we asked the folks that work with folks like that. So, that's, that's what we came up with.

CHAIR LEE: Any questions. Oh, second to that amendment?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Seconded by Member King. So your, did you just give us your discussion, or you have more to say?

COUNCILMEMBER JOHNSON: That's basically it, Chair.

CHAIR LEE: Okay. Anybody else, Members? Comments, questions on the amendment? If not, all those in favor of the amendment, raise your hand and say "aye".

Or is that a question, Vice-Chair? You have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: It's a question. Yes, I do.

CHAIR LEE: Okay, let's have your question.

COUNCILMEMBER KING: Member Johnson, for this amendment, I did receive testimony about, oh, I have to look, look for it, but I think it included like psychological as one of the, the psychological and mental development? Is . . . not to include that? I'm not an expert, so I'm just getting an understanding of, of why we'll be making this decision.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you. We spoke with Danielle Bergan, and he works in that field, or beg your pardon, she works in that field. So, I kind of defer, like you said, I defer to the experts, so that's kind of where I'm going. But if the body wants to add, I don't know, I just feel like that's the route I went with, with those, with the, it's, that's where I stand.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo, Chair. Mahalo, Member Johnson. I believe it was psychiatrically. So, not psychologically. Sorry, I correct myself. So, that was one of the suggestions from another expert, but if we don't want to include that.

CHAIR LEE: So, you're suggesting persons--

VICE-CHAIR RAWLINS-FERNANDEZ: So, it would be, physically including seniors, children, the physically psychiatrically and developmentally disabled persons with terminal illness. So, I think it's, Member Johnson is, has proposed mentally over psychiatrically.

COUNCILMEMBER JOHNSON: No, I, no, I, I proposed behavioral health. I think behavioral health covers more of a wider. So, that's just, you know, we want to include this. The whole point of this is inclusive language, right? That's my assumption. So, to include people, just behavioral health as a umbrella term. So, that's, it's, I think the mental health is kind of stigmatized and that's, that's what we're trying to avoid.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Member Johnson. Mahalo, Chair Lee.

CHAIR LEE: Other comments? So, are we staying with, can you repeat your original phrase, Member Johnson?

COUNCILMEMBER JOHNSON: Certainly. So the, this, it goes "physically and developmentally disabled, persons living with behavioral health issues", is what we added. And I think that's more of the overall inclusiveness of it. That was the goal. That was the intention.

CHAIR LEE: Members, any further discussion on this amendment? No? Okay. All those in favor of the amendment, say "aye", 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, the motion as amended. Vice-Chair Rawlins-Fernandez. You're muted.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh, I didn't have any further motions.

CHAIR LEE: Oh okay. Alright. So then let's vote on the motion as amended, main motion. All those in favor say "aye", raise your hand.

VICE-CHAIR RAWLINS-FERNANDEZ: I see Deputy Clerk with his hand up. Oh okay.

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

Deputy Clerk, did you have a question? Looks like your signal is kind of weak. Anyway, you're muted.

DEPUTY COUNTY CLERK: No, that's okay, Chair. I have down for the vote, nine "ayes", zero "noes".

CHAIR LEE: Right. For, for both the amendment and the main motion.

DEPUTY COUNTY CLERK: For the record, that is RESOLUTION 21-182.

COMMITTEE REPORT
NO. 21-118 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Resolution 21-183, entitled "AUTHORIZING THE DIRECTOR OF HOUSING AND HUMAN CONCERNS TO ENTER INTO A MARKETING PLAN AS PART OF THE RESIDENTIAL WORKFORCE HOUSING AGREEMENT BETWEEN THE COUNTY OF MAUI AND HALE KAIOLA JOINT VENTURE", be ADOPTED.

CHAIR LEE: Councilmember Johnson.

COUNCILMEMBER JOHNSON: I beg your pardon, Chair.

SO, MOVE TO ADOPT RECOMMENDATIONS OF COMMITTEE CHAIR *[SIC]* 21-118.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay, moved by Member Johnson, seconded by Member Molina, to approve the recommendations in Committee Report 21-118.

Discussion, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. By Resolution 20, 20-122, this Council approved, with modifications, the Hale Kaiola Project, which consists of 40 duplex units for sale, to qualified households earning between 80 and 140 percent AMI.

Hale Kaiola was the first project proposed for development under 2.97, Maui County Code. Chapter 2.97 does not have any provisions relating to its project marketing plan, so this resolution for Hale Kaiola is needed to approve the proposed marketing plan and authorize the Director of Housing and Human Concerns to incorporate the plan into Residential Workforce Housing Agreement.

Your Committee approved of this proposal, proposed plan, as amended, including marketing the units to each income group for 180 days; allowing the County to purchase unsold units after the nonresident marketing period; and require the Council to note, be notified if the County declines to purchase. It also offers the remaining units to income qualified residents with a decreased deed restriction from 20 years to 10 years.

And in the final marketing phase with no deed restrictions. The final marketing phase is the only time the sales price can be increased from the original AMI designated price. 50 percent of the difference in the price would go to the Affordable Housing Fund. Your Committee voted 8-0 to recommend adoption of the revised proposal resolution. I respectfully request the Members support of my motion.

CHAIR LEE: Any further discussion or comments? If not, all those in favor of the motion to approve the recommendations in Committee Report 21-118, 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, that is RESOLUTION 21-183.

COMMITTEE REPORT
NO. 21-119 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. That Bill 141 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI COUNTY CODE, EXEMPTING DEVELOPMENT BY THE DEPARTMENT OF HAWAIIAN HOME LANDS UNDER THE HAWAIIAN HOMES COMMISSION ACT FROM THE WATER AVAILABILITY POLICY," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 21-348, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, be FILED.

CHAIR LEE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-119.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Sinenci, second, seconded by Vice-Chair Rawlins-Fernandez, to approve the recommendations in Committee Report 21-119.

Discussion, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Your APT Committee met on November 2, 2021, to discuss a proposed bill amending Section 14.12.030 of the Maui County Code, exempting development by Department of Hawaiian Home Lands from the Water Availability Policy, under Section 221 of the Hawaiian Homes Commission Act.

Your Committee noted the bill's intent is to explicitly exempt DHHL projects from the Water Availability Policy because they were not inherently exempted under affordable housing.

After receiving a revised proposed bill from the Department of Water Supply, comments from the Managing Director and representatives of the Department of Hawaiian Home Lands, your Committee revised the language in the bill to ensure projects listed under Section 230 *[sic]*, 220.5, and 221 would be included in the exemption instead of just projects under Section 221.

The Department of Hawaiian Home Lands representatives further supported the revised proposed bill, noting the bill is a meaningful and tangible way for Maui County, as an administrative subdivision of the State, to fulfill its obligations to uphold the Hawaiian Homes Commission Act, which was a condition of acceptance of a compact with the United States for Statehood.

Your Committee voted 4-2 to recommend passage of the revised proposed bill on first reading and filing of the communication. Before I ask for the Members support, Chair, I'd like to refer to the introducer of the bill, Member Rawlins-Fernandez, for additional comment.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Sinenci, for taking this up so quickly and getting it through your Committee. I, oh shoot, I am not able to share screen. If the Clerk's would allow me to share screen, I can show the, my amendment. But, oh, there we go. Okay. You should have also just received it in your email. But in case you didn't, I'll . . . for ease of reference.

I move to add, provided that Council approved projects, oh shucks. Oh, this isn't the one. Sorry, one moment. Let me get . . . of the amended . . . . Okay. Alright, the Clerk's just sent it. Okay. I move to add provided that Council approved projects industrial, business, hotel and resort, or other commercial uses is designed and intended to generate revenues. Oh, I see what happened. Alright.

> OKAY, SO, I MOVE TO ADD "PROVIDED THAT INDUSTRIAL, BUSINESS, HOTEL AND RESORT, OR OTHER COMMERCIAL USE PROJECTS DESIGNED AND INTENDED TO GENERATE REVENUES AS AUTHORIZED BY HAWAIIAN HOME, BY THE HAWAIIAN HOMES COMMISSION ACT BE APPROVED BY THE COUNCIL".

COUNCILMEMBER SINENCI:

> SECOND.

CHAIR LEE: Alright. Discussion? Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Oh. Okay. This will require Council approval, on a case-by-case basis, for the exemption on DHHL development projects that are commercial-related and intended to generate revenue for the purpose of fulfilling its mandate in accordance with Hawaiian Homes Commission of Act of 1920.

And I also see Ms., Deputy, First Deputy Corporation Counsel Thomson turn on her video, so I'm, I'm guessing she has some feedback on my amendment. Mahalo, Chair.

CHAIR LEE: Corp. Counsel Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Just one suggestion to add to the amendment. "Provided that exemptions for", just that words "exemptions for" industrial, business, etc. So, you're not approving the project, you're just approving the exemption from . . . water.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll accept that as a friendly amendment if there aren't any objections.

CHAIR LEE: From our tenth Councilmember, okay. Apparently there's no objections, but we have some questions.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I do know that from day one I've always known, and it is our responsibility to provide water for housing for Hawaiian Home Lands and, and because of the Hawaiian Homes Commission Act, and, and respect them, you know, approval for residents. But I, I, I am of the opinion that usually for commercial . . . the water is part of the formula or was never included in this. So, I cannot, cannot support this. I think that it's over and beyond what the County has, has been asked to do, and we've always done in terms of providing residential, and we should and always, you know, will continue to do that. So, I just wanted to make that statement.

CHAIR LEE: Okay. Before we go to you, Vice-Chair, Member Paltin had her hand up as well.

COUNCILMEMBER PALTIN: Thank you, Chair. I speak in support of the amendment. You know, in listening to the . . . and Robin Danner explain the Hawaiian Homes Commission Act, there's so much that we're not, I'm not knowledgeable of the details.

But when you hear all the details, it's really eye-opening at what, what we haven't accomplished that's been mandated since the 1920's. And part of it is because it's not been properly funded.

And maybe some of it is because Prince Kuhio passed away before the, the rules could be adopted in how this would happen. But in listening to Ms. Danner and her years of, of studying this Act, it's clear that, you know, it's, while there's the whole little end, big end, 50 percent, not less than, or less than 50 percent and not at all, the whole Act was to help, you know, all the people of Hawaii. And the blood quantum was not Prince Kuhio's. It was something that he had to accept in order to get it through. And, and the purpose of the Hawaiian Homes Commission Act was to help the people of Hawaii; big end, little end, and those that reside here.

And so, I think the amendment is good in that, you know, we can kind of see that these projects are something that are going to help our people. And if it's something that's going to help our people as a whole, all of us, then why wouldn't we do it? So, so, while I personally have a lot more to learn about the Hawaiian Homes Commission Act, I think this is one step in the right direction.

CHAIR LEE: Any more comments before I, okay, Vice-Chair, and then Member Sinenci.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I wanted to just quickly clarify, in case it wasn't clear, that this amendment was a way to compromise with those who did not support it in Committee, giving the exemption without Council approval. So, without this amendment, we are giving an exemption without Council approval on commercial projects. So, this, this was me trying to compromise with, with those that, the Members that felt uneasy about giving that exemption without Council approval on a case-by-case basis. And I, you know, I try to compromise where I can, where it makes sense.

And as Member Paltin stated, DHHL is not in the business of profiteering. So, they're not building commercial developments in order to make a profit. They're, they're a governmental agency that are building houses, or getting Hawaiians on land, whether it's residential, agricultural, pastoral. That's, that's their, their sole purpose. And because of systemic racism, they have been incapable of fulfilling their mandate.

And while it's, you know, not necessarily Council's, you know, County Council's fault, a lot of the blame lay on the Legislature for not sufficiently funding the department as subdivisions of the State. We are also responsible and held to this obligation under this Congressional Act. And so, when they need to build these projects in order to generate revenue, it's not to, to make a profit. It's to put Hawaiians on land. It's

because they are not getting the support in order to fulfill their obligation. So, I just wanted to make sure that's clear on the record. Mahalo, Chair.

CHAIR LEE: Okay. I saw Member Sinenci, and then Member Kama, and then Member King.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just wanted to go ahead and support the amendment. As Member Rawlins-Fernandez said, this is, this offers more government transparency to our constituents, so everybody gets to see where and, and how, you know, these projects are going through. We get to vet them.

Also, you know, we have dedicated our time, resources, and energies into more affordable housing for all of our constituents. So, I believe if we can partner with the private industries to help with this feat, we'll, you know, it'll be less for our taxpayers to help subsidize. So, definitely in support.

CHAIR LEE: Alright. Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just want to share a little bit of history about the Act itself. At the time of the passage of the Act, there was never, ever any funding from the Federal, or even on Territorial side for homesteader. Not until 1983 did the Department of Hawaiian Home Lands actually get funded from the State just for the operations of that department. So, from the time it became a State in 1959 to '83, the Department, who was operating with a zero budget.

So today, what we're getting is people are learning how to read the Act and the Trust, with the eyes of Prince Kuhio. Anybody can read the Trust and read the Act. You know, I've looked this. It's a desktop reference guide. So, I bought the Hawaiian Homes Commission Act and I've had this for like 20 years. And it tells us the story of how Prince Kuhio looked at what his people could do on our land.

But once other people get a hold of it and they misinterpret the thinking of native people, then they end up going in a totally different direction. Only today, and I say today that this 21st century, have we actually been able to look at that Trust and see how that Trust has been so ill-managed and underfunded. And so, what we're trying to do today is to bring things up to where they should have been in 1920. So, here we are 101 years later trying to do the right thing, 100 years later.

So, this legislation is the beginning of getting the Native Hawaiian peoples onto their lands and to doing what exactly what Prince Kuhio wanted, was to rehabilitate his people. And homelessness was present in 1920 for the Hawaiians, cause they were all off their lands. They were all living in the cities on . . . street.

So, this is, to me, it's going to be very helpful to our people, because the commercial developments that we have in Kapolei, commercial developments on the Big Island, the Prince Kuhio Shopping Center, it's all Hawaiian Home Lands. And those were made so that they can develop revenue to put more Hawaiians on land. But this way, it's more helpful that you don't have to be renting out your good lands for commercial development. You could just go right straight to building homesteads for our native people. So, thank you, Chair. Thank you, Mr. Sinenci and Vice-Chair Rawlins-Fernandez.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I just have a question because I think I was a little bit confused when I first looked at this, you know, because I wasn't here when the discussion happened. But I looked at the bill. So, the, what, what you're talking about, Vice-Chair Rawlins-Fernandez, in this ASF the industrial, business, hotel and resort, or other commercial use projects designed and intended to generate revenues for the Hawaiian Home Lands Commission. Is that, that's, it's not, it's not saying that they're going, it's going to support individual businesses on the Hawaiian Home Lands. It's, it's businesses that are, are developed by Hawaiian Home Lands, Hawaiian Homes Commission in order to bring them more revenue to accomplish their, their, their mandate? Is that what I'm understanding?

VICE-CHAIR RAWLINS-FERNANDEZ: The department.

COUNCILMEMBER KING: Okay. That's what I wanted to, you know, so. Okay. And that makes more sense to me. I can support that. Not your fault--

CHAIR LEE: Alright.

COUNCILMEMBER KING: --but I just misinterpreted it. Thank you.

CHAIR LEE: Any more discussion?

Member Molina and then Member Sugimura.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Yeah, I appreciate this amendment from Vice-Chair Rawlins-Fernandez. I was one of those that voted "no" in Committee, feeling very uncomfortable with the way it was, you know, coming out of Committee. So, yeah, I see this as a compromise. And I feel a lot better about things now.

Although, you know, it's unfortunate DHHL has had so many of these issues with regards to management and underfunding over the years. And who suffers? It's the Hawaiian people, you know? So, anyway, so I'll go ahead, and I'll support this. Thank, I'll support the amendment and then eventually support the motion as amended when we get to that, when we get to that point. Thank you.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, just for clarification then. So, I'm not . . . against providing water for our residents and to fulfill that need for their housing. So, I just want to make that clear, that was not my intention ever. But what this amendment does, or what happened in Committee and what passed out of Committee was to also include commercial. Is it only the, the lands? So, any, any development that commercial properties, commercial enterprises that come up, commercial developments that come up on Hawaiian Home Lands then could come before the Council to get water provided for the project to happen? Is that correct?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

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

COUNCILMEMBER SUGIMURA: So, it doesn't matter if it's ABC Corporation that is going to be, you know, using the Hawaiian Home Lands for commercial properties for commercial business. As long as they're on Hawaiian Home Lands, then they would get this exemption, exemption from water availability. If they come before Council to get it approved? So, it can be any enterprise as long as it's on Hawaiian Home Lands, just clarification, and for commercial use?

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: And this amendment will give, mahalo, Chair. And this amendment will give you that discretion to determine if so? Otherwise, they have to use the funding in the DHHL Trust. So, they're using funding that would otherwise go to infrastructure development to put Hawaiians in houses on the land.

COUNCILMEMBER SUGIMURA: Okay. One last question. So, did we talk to, and I'm not a member of Mr. Sinenci's Committee, so I apologize for not listening to the, the tape of the whole meeting, I guess. But was Hawaiian Home Lands at the meeting when this was discussed? And, and they basically said that this, this is not something, well,

that they, they do not have this covered, so this would help them do more, I guess, for the people? What did they say?

VICE-CHAIR RAWLINS-FERNANDEZ: They, yeah, they did not say that. They didn't say that they have this covered. They were at the meeting, yes. They, I, I sent this proposed amendment to them, and they were supportive of, of this amendment.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Any more questions, Members? Ready to vote on the amendment? 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: Nine "ayes", zero "noes"; motion carries.

The motion as amended. Any more discussion? 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.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 141 (2021).

COMMITTEE REPORT
NO. 21-120 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 142 (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 WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY, BOND FUND, ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY; 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 143 (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 WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 144 (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 WATER SUPPLY – ACQUISITION OF 1888 WILI PA LOOP BUILDING AND PROPERTY)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

4. That Resolution 21-184, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 29,712 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-4-020-049 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED $4,000,000.00", be ADOPTED.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-120.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve the recommendations in Committee Report 21-120.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on November 4, 2021, to discuss three proposed bills and one proposed resolution relating to the Acquisition of 1888 Wili Pa Loop Building and Property. The proposed bills amend the Budget bill, Appendix C bill, and the Bond Authorization bill to add funding and a project description under the Department of Water Supply, Wailuku-Kahului Community Plan Area for the Acquisition of 1888 Wili Pa Loop Building and Property in the amount of $4,020,000.

The resolution authorizes the acquisition of 29,712 square feet identified as tax map key (2) 3-4-020-049, situated at Wailuku, for an approximate, oh sorry, for an amount not to exceed $4 million, plus customary expenses.

The Department of Water Supply informed your Committee that approximately 30 Fiscal Division employees would be relocated from the fifth floor of the Kalana o Maui Building to the new space. Nine employees in the Water Resources and Planning Division would then be able to move out of their current rental space at One Main Plaza and into Kalana o Maui. This move would also allow 25 Engineering Division employees more office space in Kalana o Maui for improved social distancing.

Your Committee noted the Wili Pa Loop Building is already set up with teller windows and a vault to accept payments, which would then free up daily customer traffic to Kalana o Maui. The Department also said the new space contains a conference room large enough for the Board of Water Supply to hold meetings.

Your Committee voted 7-0 to recommend passage of the proposed bills and adoption of the proposed resolution.

Member Sugimura also scheduled an appointment to check out the conference room and the building. And I'm excited to hear her report, if she was able to get that site visit done. I respectfully ask the Members support of the motion. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion on this matter?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. So, as you know, I did, as well as Member Kama do a site visit. And I will tell you that my office also sent a letter to the Administration asking questions that were actually spurred by a question that came from Member Kama during the Budget Committee meeting. And her question was, what is the Administration's overall plan? What is going on? Are we going to have any more purchase of buildings?

And that made me think. And when I vote a way, one way and I think about it the next day, I thought, okay, I have more questions. So, at this time, I did send a letter to Administration. And basically, at the meeting, I did talk about the parking, how many parking, which is how many employees, how many parking is available there and who's going to park where with visitors coming to pay their water bills or whatever? So, I wanted more information on that.

I did go and visit. And I will tell you that my, my, based upon what I know of the Planning Commission, where we hold the Planning Commission meetings and the Board of Water Supply meetings versus this, at this new building, although very beautiful building, has one big conference table that has 12 seats and then around the sides there were individual seats. I'm sure you can reconfigure that. It does look crowded, so that was one of my questions about conference space and where would people park?

I also wondered where Administration was going. Are they going to go to the new building or are they going to stay in the County Building, Director, Deputy, and all their administrative staff? And then, what is an anticipated move date to the Maui County, Maui County Federal Credit Union Building?

And then, the big important question to me for Administration is regarding the County's overall real property holdings. What is the count, what is the Administration overall plans for County facilities? Does Administration anticipate purchasing more real property for use as office space? I do know that the Administration's big plan is to get out of rentals and to go into County-owned facilities. And what is the role of the County's land manager position? And please provide a list of all non-County-owned facilities, the details, rents paid per year, terms of lease, terms of lease, which departments occupy, number of employees, and other relate costs for each facility?

I'm sorry for this last-minute long list of questions that I had. I, I'm just comparing, as you know, the amount that we went through just to decide the Maui News Building, which was a lot. We had site visits and we did this, we did that, and all of us were like really concerned about spending taxpayer dollars. Next morning when I woke up, after I voted "yes" for this, I had these questions. So, I thought before I vote yes on something, I would really love to have these questions answered, because we are the representatives for the taxpayers. And I think it is our responsibility to maybe have these questions answered. I think, and that's, that was, you know, my long response for the site visit.

But I did look. It is a beautiful building. And we wouldn't be able to build something, you know, like that for this kind of cost, I don't think, in this, you know, time and, time and money. So, glad that the Administration presented it, but I wish we could have more information. I may be the only one that thinks, is thinking about this, but these are the questions that I had the day after. Thank you. Thank you, Ms. Rawlins-Fernandez, for asking.

CHAIR LEE: Any more discussion, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I just wanted to speak in support of the Administration's proposal to purchase this. You know, kind of like Member Sugimura said, there's no way that we could build something and purchase the land for $4 million like this. And the fit being close to the County Building and having the vault and the capabilities. I'm willing to trust that the Administration did do its due diligence.

But on another note, I do have an item in my Committee inventorying the County's real property, all the ownership, minus like roads and easements and stuff like that. So, I can bring that up and we can start that discussion about like all of the lands that the County own, some intentions . . . I would be willing to bet that they didn't make much progress on the land administrator statewide description, but maybe we'll get an update on that during the upcoming budget session.

CHAIR LEE: Any, yes, Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I will be supporting this proposal. I thought in Committee, in Vice-Chair Rawlins-Fernandez Committee, we did a good job vetting it. I mean, the questions I had were all answered. Everything seemed cut and dried to me. And just in general, Madam Chair, we, we do a good job in vetting all of the Administration's proposal. So, it's not only just certain Members do

all of this vetting, yeah. So, we, we ask the tough questions. And of course, and at times, yes, true, the Administration sometimes will come to us without any clear-cut plan. But the point being, since the Council is the gatekeepers for the public dollar, we all do our part on our own to, to vet. So, anyway, just want to make that statement.

And I think this is a worthwhile endeavor for the Department as it continues to grow. And I think the parking issues, well, anyway at least for me, have been addressed. And since some of these meetings too with the Board of Water Supply, they may or not meet in person, so they could be doing some of them on BlueJeans. And sometimes they'll have some of these meetings in person. So, that may potentially alleviate some of those parking concerns. So, anyway, that's my spiel. Thank you.

CHAIR LEE: I think I saw Mr. Sinenci's hand up.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just wanted to support the, the motion. I think when you, you know, like Member Rawlins or Paltin had said, for us, particularly living in Hawaii and Maui, just to build something is going to cost us double or triple, particularly during the wildfires and different pandemic. We've seen just properties and, and even Director of Finance Teruya would say Maui valuations, you know, you, you buy up Maui properties, and your valuation immediately goes up. So, you know, I think for us, as an investment, looking at it through an investment, I think these are good actions. If we can afford it and if we can increase our, our rating, all of those economic, you know, numbers, we can pull it through. Definitely support it. Thank you.

CHAIR LEE: Anyone else? If not, I just want to say that I'll be supporting this motion, because as you know, we spend way too much money on rent. And from what I understand at the meeting, after so many years we're going to own this building and won't have to pay mortgage on it anymore. But it, it does seem that the numbers pencil out. And it's a worthwhile purchase. So, are you ready to vote? So, all those in favor of the motion, please say "aye", raise your hand.

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

CHAIR LEE: Okay, looks like eight "ayes".

Those "no".

NOES: COUNCILMEMBER SUGIMURA.

CHAIR LEE: One "no". Motion carries. Eight "ayes", one "no"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 142 (2021), 143 (2021), and 144 (2021), respectively; and RESOLUTION 21-184.

COMMITTEE REPORT
NO. 21-121 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. That Bill 145 (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, SEWER, SEWER FUND, KAHULUI AND WAIEHU BEACH ROAD SEWER LINE UPGRADE; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill 146 (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, KAHULUI AND WAIEHU BEACH ROAD SEWER LINE UPGRADE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-121.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Council Vice-Chair Rawlins-Fernandez to approve the recommendations in Committee Report 21-121, and it is seconded by Member Sugimura.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Your Budget, Finance, and Economic Development Committee met on November 4, 2021, to discuss proposed bills to amend the Budget bill, the Appendix C bill, to add funding and a project description under Department of Environmental Management, Wailuku Community Plan Area for Kahului and Waiehu Beach Road Sewer Line Upgrade in the amount of $250,000, in addition, in additional Sewer Fund revenue.

Your Committee was informed that the funds would allow the Department of Management, Department of Environmental Management to begin designing and planning for the replacement of 800 feet of existing sewer line. Your Committee voted 7-0 to recommend passage of the proposed bills. I respectfully ask for the Members support. Mahalo, Chair.

CHAIR LEE: Okay. It's been moved by Member, vice, I mean, Vice-Chair Rawlins-Fernandez, seconded by, was it Member Sugimura? Okay.

Any more discussion? All those in favor of the motion, say "aye", 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.

DEPUTY COUNTY CLERK: Chair, for the record, those are BILLS 145 (2021) and 146 (2021), respectively.

COMMITTEE REPORT
NO. 21-122 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-185, entitled "RELATING TO THE APPOINTMENT OF MERCEDES-NICOLE RITTE TO THE COMMISSION ON CHILDREN AND YOUTH", be ADOPTED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT NO. 21-122.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the resolution in Committee Report 21-122.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on November 2, 2021, to discuss a proposed resolution relating to the Mayor's nomination of Mercedes-Nicole Ritte to the Commission on Children and Youth, for a term expiring on March 31, 2025, due to the resignation of Elizabeth Fujii.

The Council has until November 23, 2021, to approve or disapprove the Mayor's nominee.

Ms. Ritte resides on Molokai, and she said she is invested in the health and well-being of Molokai keiki and would like to provide a much-needed voice for the youth of the community. Your Committee voted 8-0 to recommend her nomination be approved. Mahalo, Madam Chair.

CHAIR LEE: Thank you, Member King, Member Molina. Any more 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. Thank you.

DEPUTY COUNTY CLERK: Chair, for the record--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: --that is RESOLUTION 21-185.

COMMITTEE REPORT NO. 21-123 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-186, entitled "RELATING TO THE APPOINTMENT OF ARNOLD WUNDER TO THE CIVIL SERVICE COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT NO. 21-123.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, to adopt the resolution in Committee Report 21-123.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair. Your GREAT Committee met on November 2, 2021, to discuss Mr. Wunder's nomination to the Civil Service Commission. This would be for a term expiring on March 31, 2024, due to the resignation of Blake Takayama.

And the Council's deadline to take action on this is November 30, 2021.

Mr. Wunder is retired and is also a former board member of the Civil Service Commission who previously served from March 2011 through March 2016. And your Committee agreed Mr. Wunder would be a fantastic asset to the Civil Service Commission once again. And mahalo to Mr. Wunder for willing, for willingly wanting to take on this task as well. And your Committee voted 8-0 to recommend his nomination be approved. Mahalo, Madam Chair.

CHAIR LEE: Anymore 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.

(Councilmember Sugimura was excused from the meeting at 2:56 p.m.)

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-186.

COMMITTEE REPORT
NO. 21-124 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 21-187, entitled "APPOINTMENT OF MEMBERS TO THE CONSERVATION PLANNING COMMITTEE FOR THE COUNTY OF MAUI", be ADOPTED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-124.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama, to adopt the resolution in Committee Report 21-124.

Discussion? Councilmember Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair. Your GREAT Committee met on January 26, 2021, September 28, 2021, and November 2, 2021, to discuss a proposed resolution relating to the Council's appointments to the Conservation Planning Committee.

Your Committee interviewed Mahina Poepoe of Molokai, Benjamin Ostrander of Lanai, and Samuel Akoi IV of East Maui.

Ms. Poepoe is employed with Molokai/Maui Invasive Species Committee where she is involved in various cultural and conservation projects.

Mr. Ostrander is employed with Pulama Lanai's Cultural and Historic Preservation Department and understands the importance of protecting and conserving the island's natural resources for future generations.

And Mr. Akoi is the owner of Ulupono 'Aina, LLC. He has been involved in various conservation and preservation activities in the community.

And after determining that these individuals would be an asset to the Conservation Planning Committee, your Committee randomly assigned terms as follows: Ms. Poepoe for a term expiring on March 31, 2023; Mr. Ostrander for a term expiring on March 31, 2024; and Mr. Akoi IV, for a term expiring on March 31, 2022. Your Committee voted 8-0 to recommend the appointments be approved.

And I'd like to extend a mahalo to my colleagues Vice-Chair Rawlins-Fernandez from Molokai; my colleague Mr. Johnson from Lanai; as well as Mr. Sinenci from East Maui,

for these excellent nominees to this Conservation Planning Committee. Mahalo, Madam Chair.

CHAIR LEE: Anymore discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to, you know, get on the record my appreciation that these nominees or appointees dedicated that they would reach out to West Maui residents on issues of conservation in West Maui, and to memorialize my appreciation for that commitment. Thank you.

CHAIR LEE: Thank you, Member Paltin. But I'm sure they remember. Okay, anymore discussion? If not, all those in favor of the motion, please say "aye", raise your hand.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

COUNCILMEMBER SINENCI: Aye.

COUNCILMEMBER KAMA: Aye.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. We're unable to see Councilmember Sugimura. I'm not sure if she was present for that vote.

CHAIR LEE: Member Sugimura? Member Sugimura?

COUNCILMEMBER PALTIN: Maybe that's a sign it's time for a restroom break.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Members, we're going to have to take that vote again.

All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SUGIMURA.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, she's still not there.

CHAIR LEE: Yeah. So, eight "ayes", one "excused"; motion carries.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR LEE: The "excused" is Member Sugimura.

Are you, somebody throwing a hint that they want a, a recess? You want ten minutes? Okay, let's make it to 3:15. Recess. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:00 P.M., AND WAS RECONVENED AT 3:17 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of November 19, 2021, please reconvene.

Mr. Clerk, I think we have one more from Mr. Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I take up Bills 119 through 130 on second and final reading--

COUNCILMEMBER MOLINA: No objections.

VICE-CHAIR RAWLINS-FERNANDEZ: --out of order?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Please proceed. 119 and--

VICE-CHAIR RAWLINS-FERNANDEZ: 119 through 130. And I'll do it all in one motion.

CHAIR LEE: Wow. Okay. I hope we're not giving something away. Okay. 119.

You can start, Vice-Chair.

DEPUTY COUNTY CLERK: Shall I call up the items, Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Okay. Just real quickly. For the record, the resolution that was attached to Committee Report 21-124, that is RESOLUTION 21-187.

You have before you, ordinances for second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___119___(2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO COUNCIL SERVICES STAFF SALARIES

ORDINANCE NO._____
BILL NO.___120___(2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
ROAD IMPROVEMENTS, BOND FUND,
WAIALE ROAD EXTENSION;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___121___(2021)

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,
WAIALE ROAD EXTENSION

ORDINANCE NO._____
BILL NO.___122___(2021)

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 PUBLIC WORKS – WAIALE ROAD EXTENSION)

ORDINANCE NO._____
BILL NO.___123___(2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF PUBLIC WORKS,
COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND,
COUNTYWIDE FEDERAL AID PROGRAM;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___124___(2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS,
FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID
AND OTHER TRANSPORTATION GRANTS

ORDINANCE NO._____
BILL NO.___125___(2021)

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, COUNTYWIDE,
COUNTYWIDE FEDERAL AID PROGRAM

ORDINANCE NO._____
BILL NO.___126___(2021)

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 PUBLIC WORKS – COUNTYWIDE
FEDERAL AID PROGRAM)

ORDINANCE NO._____
BILL NO.___127___(2021)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE – WAIALE LAND ACQUISITION)

ORDINANCE NO._____
BILL NO.___128___(2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
OTHER PROJECTS, BOND FUND,
WAIALE LAND ACQUISITION;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___129___(2021)

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 FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA,
WAIALE LAND ACQUISITION

ORDINANCE NO._____
BILL NO.___130___(2021)

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 FINANCE – WAIALE LAND ACQUISITION)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 119 THROUGH 130 ON SECOND AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER JOHNSON: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to pass Bills 119 through 130 on second and final reading.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 119 amends Section 2.08.060.D. to allow for annual step increases for OCS after consultation with Councilmembers.

Bills 120 through 122 amend the Budget bill, Appendix bill, Bond Authorization bill to add funding and a project description for Waiale Road Extension projects in the amount of $3.5 million under the Department of Public Works.

Bills 123 through 126 amend budget, the Budget bill; Appendix A, Part I bill; Appendix C bill; and the Bond Authorization bill to add funding and a project description under the Department of Public Works for the Makawao Avenue Pavement Reconstruction, Apana Road to Piiholo Road. This project will be funded use, using 9,531,400 in grant funding from the Federal Highway Administration; and 3,871,000 *[sic]* in Bond funding for a total cost of $13,402,500.

Bill 127 amends Fiscal Year General Obligation Bond for the Waiale Acquisition in the amount of $10,000,000 under Department of Finance.

Bill 128 amends Fiscal Year 2022 Budget by increasing the Bond revenue by 500,000 for the Waiale Land Acquisition.

Bill 129 amends Fiscal Year 2022 Budget, Appendix C, by adding the project entitled "Waiale Land Acquisition" and project description, in the amount of 500,000.

And Bill 130 amends the Fiscal Year 2022 General Obligation Bond Authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Other Projects, for a project entitled "Waiale Land Acquisition" in the amount of 500,000 under the Department of Finance.

As we've stated at our last Council meeting, this is historic. And I'm so proud of this Council and the work of the Administration and the community who have stuck in there to protect iwi kupuna and all that is sacred.

In response to the testifiers comments this morning, I am, my office, is committed to working with the Administration, the community and SHPD, as well as A&B to making sure that all the responsibilities, all the obligations, are seen through and carried out for the justice, for the lahui, so that the healing can begin.

Mahalo, Chair. And mahalo, Members, for allowing me to take this items out of order. And the representatives from the Administration, as well as the Mayor is, are online and available for comments or questions. Mahalo, Chair.

CHAIR LEE: I'm going to support this on one condition, that you take Thanksgiving off.

Members, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: You drive a hard bargain, Chair Lee.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess, I mean, I, I kind of said the things on the first reading. Maybe I should have waited to the second reading. It's still historic. I'm still grateful. I, I just wanted to say, you know, whether it's the Veteran's Cemetery, whether it's the burials at Waiale, or the burials at Olowalu, you know, I think all, all . . . and I'm so grateful to be able to witness this at the front row seating. And for, for the technology that brought us here with Dr. Six and all of the above, thank you everyone.

CHAIR LEE: Thank you, Member Paltin.

Any, anyone else? 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. Congratulations, everyone.

MAYOR MICHAEL VICTORINO: Excuse me, Madam Chair. I do not normally interrupt your meetings, but I would ask for just a couple of minutes to say mahalo to all of you, to our community, and to everyone that has made this possible. Many of you have said this is a historic moment, yes, absolutely.

And as the first step in many steps, both the Administration, this Council, and others will take to right some of the injustices that have occurred in the past. I am committed and my Administration is committed to continue working in other areas to do what is right for the kanaka maoli. And I want to thank all of you for your consideration, for your approval. I am grateful for your help. And more so, I think the people of Maui and the kanaka maoli are extremely gratified today, and our ancestors can rest in peace. Mahalo to all of you. God bless you and have a Happy Thanksgiving.

CHAIR LEE: Same to you, Mayor. You take care. It's good work together. Thank you, everybody.

MAYOR VICTORINO: Aloha.

CHAIR LEE: Now, Mr. Clerk. Well, since the Mayor's here, is there anyone else who would like to say a few words?

Vice-Chair Rawlins-Fernandez.

Oh, he's left. He's left. Okay.

Mr. Clerk, shall we continue.

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

CHAIR LEE: Oh, he's back again.

Oh okay. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Just a quick mahalo.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I won't take up any more time. I just wanted to say mahalo, extend all of our mahalo. Mahalo, Chair. And Mahalo Member Molina for letting me cut in front of you in the agenda.

MAYOR VICTORINO: Again, mahalo.

CHAIR LEE: Happy Thanksgiving.

MAYOR VICTORINO: Happy Thanksgiving to all of you. Aloha.

CHAIR LEE: Aloha.

COUNCILMEMBER KAMA: Happy Thanksgiving, Mayor. Aloha a hui hou.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, returning to committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 21-125 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 21-188, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH CRIMINAL OFFENSES OF UNLAWFUL CHOP SHOP ACTIVITY," be ADOPTED;

2. That Resolution 21-189, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO HIGHWAY IMPROVEMENTS IN THE COUNTY OF MAUI," be ADOPTED;

3. That Resolution 21-190, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO INCORPORATE KALAUPAPA SETTLEMENT INTO MAUI COUNTY," be ADOPTED;

4. That Resolution 21-191, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE SIZE THRESHOLD FOR HOME CONSTRUCTION THAT IS CONSIDERED 'DEVELOPMENT' UNDER THE COASTAL ZONE MANAGEMENT ACT," be ADOPTED;

5. That Resolution 21-192, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE," be ADOPTED;

6. That Resolution 21-193, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO ESTABLISH A GREEN FEE SURCHARGE ON TRANSIENT ACCOMMODATIONS," be ADOPTED;

7. That Resolution 21-194, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO

ASSESS A CLMIATE CHANGE MITIGATION IMPACT FEE FOR TOURISM-RELATED VEHICLES," be ADOPTED; and

8. That Resolution 21-195, entitled "APPROVING FOR INCLUSION IN THE 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS HOSTING PLATFORMS," be ADOPTED; and

9. That correspondence dated August 26, 2021, relating to County regulation of noise nuisances stricter than Department of Health rules be FILED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 21-125.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Councilmember Molina, seconded by Pro Tem Kama, to approve the recommendations in Committee Report 21-125.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on September 14, 2021, as well of November 2 of this year, to discuss proposed resolutions with attached State bills for inclusion in the 2022 Maui County Council Legislative Package as read earlier by our Clerk.

Your Committee also discussed the benefits of each proposal and supported their inclusion in the 2022 Maui County Council Legislative Package, with the exception of the proposal relating to agricultural noise.

Your Committee instead discussed the County's existing authority to address residents' complaints about commercial hemp production through possible amendments through the Agricultural Zoning District ordinance.

And your Committee also revised a proposed State bill relating to the definition of development by including a definition of floor area, which was modeled after the

definition in the County's Comprehensive Zoning Ordinance, as recommended by the Department of Planning.

Your Committee voted 8-0 to recommend the proposed resolutions be adopted and that the correspondence dated August 26, 2021, relating to the County regulation of noise nuisances stricter than Department of Health rules, be filed. Thank you, Madam 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: Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, those are RESOLUTIONS 21-188 through 21-195, respectively.

COMMITTEE REPORT
NO. 21-126 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending that County Communication 21-388, from Councilmember Kelly Takaya King, relating to Commercial Ocean Recreational Activity (CORA) permits and other commercial activity at County beach parks, be FILED.

CHAIR LEE: Presiding Officer Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 21-126.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. And filing of the communication.

COUNCILMEMBER KAMA: And filing of the communication.

CHAIR LEE: Second? Second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Pro Tem Kama, seconded by Member Sugimura, to approve the recommendations in Committee Report 21-126.

Any discussion?

COUNCILMEMBER KAMA: Thank you, Chair. Your HCP Committee met on November 4, 2021, and makes reference to County Communication 21-388, from Councilmember Kelly Takaya King, relating to Commercial Ocean Recreational Activity, or CORA permits, and other recreational activity at County beach parks.

Your Committee received information from the Department of Parks and Recreation regarding the permit requirement process and prohibitions. Your Committee also discussed the rates and fees for CORA permits. And your Committee recommend, commended the Department of Parks and Recreation for its work in reducing the CORA permit waitlist.

Your Committee voted 5-0 to recommend filing of the communication. So, I ask for our Members full support.

CHAIR LEE: Any more discussion? If not, all those--

Member Sugimura.

COUNCILMEMBER SUGIMURA: I, I just want to also commend the Parks Department, because I've seen the change from my first term to this, in terms of the amount of organization and I guess the established rules. So, therefore, I think they have a better control over what's happening with the CORA permits. So, hats off to them. Thank you.

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

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. Thank you.

Mr. Clerk.

COMMITTEE REPORT
NO. 21-127 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending that County Communication 21-389, from Councilmember Tasha Kama, relating to Commercial Ocean Recreational Activity (CORA) permit management and administrative rules, be FILED.

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 21-127.

CHAIR LEE: Okay.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Moved by Member Kama, seconded by Member Sinenci, to approve Committee Report 21, the recommendations in Committee Report 21-127.

Discussion? Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your HCP Committee met on November 4, 2021, makes reference to County Communication 21-389, relating to Commercial Ocean Recreational Activity, or CORA permit management and administrative rules.

Your Committee received information from the Department of Parks and Recreation providing a brief history of CORA, summaries of studies, and the number of current permits issued by activity.

Your Committee noted that the continued growth in resident and visitor populations on Maui are creating new demands on beach park capacities.

Your Committee also noted the responsibility of the Permits and Enforcement Division to manage permits and daily monitoring of CORA operations at beach parks.

Your Committee commended the Department of, of its administration and management of the CORA program.

Your Committee voted 5-0 to recommend filing of the communication. And I ask again for our Members support.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, please say "aye", 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.

COUNCILMEMBER KAMA: Thank you, Members.

COMMITTEE REPORT
NO. 21-128 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that County Communication 20-318, from Councilmember Michael J. Molina, relating to the installation of a stop sign on Haiku Road in Haiku, Maui, Hawaii, be FILED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I RECOMMEND, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-128.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to approve the recommendations in Committee Report 21-128.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Thank you, Chair. Your Infrastructure, Transportation Committee met on August 5, 2021, November 1, 2021, to discuss the installation of a stop sign at Haiku Road in Haiku, Maui, Hawaii.

Your Committee notes the Public Works Commission supported the Department of Public Works site inspection findings that a stop sign for southbound traffic on Haiku Road was not warranted.

The site inspection findings instead, instead supported the installation of "No Parking" signs along the shoulder areas to prevent future parking and ensure sight distance is maintained, restriping the existing crosswalk and stop sign *[sic]*, and using speed tables, speed tables if vehicle speeds are a concern.

Your Committee was informed that road striping indicating "no parking" zones were painted fronting Nuka Restaurant and Haiku Post Office. And the Department also agreed to install "no parking" signage.

Your Committee voted 5-0 to recommend filing of the communication. Members, at a previous meeting had asked for a site visit, but once we got new information, we decided, the Committee decided not to have a site visit. So, that's to answer Tamara Paltin's question about that when it came up during Committee. But instead, the Department worked with signage and site inspections, and they did a really great job. So, thank you, Public Works. And we basically supported the recommendations of the Public Works Commission, vote 5-0. I respectfully ask for Members support of my motion. Thank you.

CHAIR LEE: Any more 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.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Mr. Clerk.

COMMITTEE REPORT
NO. 21-129 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 147 (2021), entitled "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," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the First Amendment to Unilateral Agreement; and

3. That County Communication 21-457, from the Planning Director, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-21, 129.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN: 21-129.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Paltin, second by Member Sugimura, to approve the Committee Report recommendations in 21-129.

Discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee, having met on October 21, 2021, makes reference to County Communication 21-457, from the Planning Director, transmitting a proposed bill entitled "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".

Purpose of the proposed bill is to adopt digital zoning map (3) as the official zoning map for the island of Maui. Map (3) includes two corrections to map (2) which was adopted by the Council on November 13, 2019, Ordinance 5006.

Your Committee notes a digital zoning map provides a graphical portrayal of zoning designations established by ordinance.

Your Committee further notes the Maui Planning Commission reviewed the proposed bill at its meeting of August 10, 2021 and voted unanimously to support the bill with revisions.

Your Committee voted 9-0 to recommend passage of the proposed bill on first reading, recordation of the unilateral agreement, and filing of the communication.

And this is the first correction made to the digital zoning map that wasn't an error in the way things were mapped. This was a correction made to our Committee work when we didn't determine, for the Paia Courtyard, that the zoning was P/Q-P1. So, that's why this one includes a unilateral agreement. I respectfully ask for the Members support of my motion.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 147 (2021).

COMMITTEE REPORT
NO. 21-130 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 148 (2021), entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That County Communication 21-280, from Council Vice-Chair Keani Rawlins-Fernandez, be FILED;

3. That Miscellaneous Communication dated June 29, 2021, from the County Clerk, transmitting a copy of Resolution 21-98, be FILED; and

4. That County Communication 21-377, from the Mayor, be FILED.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 21-130.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez, to approve the recommendations in Committee Report 21-130.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee, having met on November 3, 2021, makes reference to County Communication 21-280, transmitting a proposed resolution "REFERRING TO THE MAUI PLANNING COMMISSION A BILL TO ESTABLISH CHAPTERS 19.98 AND 20.41, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI".

The purpose of the proposed bill is to establish Chapters 19.98 and 20.41, Maui County Code, for a moratorium to maintain the number of transient accommodations units for a two-year period until the Council enacts legislation addressing the findings and recommendations presented by a Budget, Finance, and Economic Development Committee-established Tourism Management Temporary Investigative Group, or two years from the enactment of the bill, whichever is sooner.

Your Committee notes the Maui Planning Commission, at its meeting of September 28, 2021, recommended approval of the proposed bill attached to Resolution 21-98, with revisions.

Your Committee received numerous written and oral testimony in support and opposition to the revised proposed bill.

Your Committee received a computer-generated presentation from the Department of Planning, entitled "Proposed Moratorium on New Transient Vacation Accommodations," and discussed revisions as recommended to the Commission, which your Committee supported.

Your Committee further amended the revised proposed bill to delete language extending the moratorium in an additional six months; delete Title 20 which was confirmed to be redundant by Department of Corp. Counsel; and add an exception to allow modifications to permits that existed prior to the effective date of the moratorium but do not increase the number of units.

Your Committee voted 5-2 to recommend passage of the proposed bill on first reading and filing of the communications.

And at this time, I'd like to propose an amendment based on the testimony that we heard today.

CHAIR LEE: Alright.

COUNCILMEMBER PALTIN: If staff--

CHAIR LEE: Would you like to make your amendment?

COUNCILMEMBER PALTIN: Sure. I, there should be an ASF that Members should have had emailed to them.

> SO, I WOULD MOVE TO AMEND SECTION 2 OF THE BILL BY STRIKING, "IS PROPERLY FILED WITH THE COUNTY", AND INSERTING IN ITS PLACE "THAT HAS RECEIVED ITS FINAL DISCRETIONARY APPROVAL".

COUNCILMEMBER SINENCI:

> SECOND.

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Sinenci, to make that amendment.

Could you repeat the amendment again?

COUNCILMEMBER PALTIN: Sure. If my motion is approved, Section 2 would read as follows: "This Ordinance takes effect on approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received its final discretionary approval, prior to the effective date of this Ordinance".

Discussion?

CHAIR LEE: Okay. Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. This amendment is based on testimony received at today's Council meeting. Developers have vested rights upon receiving final discretionary approval for a project. The moratorium should not apply to any projects that have received their final discretionary approval, but should apply to other transient accommodations.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just wondering if we know how many there are any in the queue that, that have started the permit process? You know, I thought.

CHAIR LEE: Do you know? Member Paltin, did you check on that?

COUNCILMEMBER PALTIN: No, I just was basing it on the testimony of Mr. Mayer and Mr. Perez, cause they're pretty knowledgeable guys and I know that they're--

CHAIR LEE: So, do we have Director McLean on the call, or do we have Director Dagdag-Andaya on the call?

COUNCILMEMBER PALTIN: Not to my knowledge.

CHAIR LEE: Alright. Any more discussion? Ready to vote?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Can you read that again? I don't, I don't have a ASF in my, oh, I just saw it. Sorry, I just got it. I would like to look at it.

COUNCILMEMBER PALTIN: Member Sugimura, did you want to check in with Corp. Counsel?

COUNCILMEMBER SUGIMURA: Yeah. Sure. Check in with Corp. Counsel on this amendment.

CHAIR LEE: Corp. Counsel. I think Corp. Counsel's on the line. Yes, Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Thank you. I'm also just trying to take a look at that as well, see what the modification is.

CHAIR LEE: Can, can you speak a little louder, please?

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Sure. So, this looks like, is the, is the intention that this moratorium would apply to permits that are in process, or applications that are in process, but not yet finalized.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Yes, that is the intent, that the moratorium would apply to those that are in process but have not yet received their final discretionary approvals.

FIRST DEPUTY CORPORATION COUNSEL THOMSON: So, it would basically halt them and kind of where they are, they could receive no further processing?

COUNCILMEMBER PALTIN: During the two years, or until the implementation of the TIG legislations, whichever is sooner.

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Okay. I just wanted to make sure that I understood the intent. So, it, it is, it is a policy call.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Everybody ready for the vote? All those in favor of the amendment, raise your hand and say "aye".

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

CHAIR LEE: One, two, three, four, five, six; six "ayes".

Those opposed, raise your hand and say "no".

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Okay, the "noes" are myself, Member Sugimura, and Member Kama. The motion carries. So, the amendment passes.

Do you have any more?

COUNCILMEMBER PALTIN: That was it. The other testifier, I think, with the ILWU, we, we did address it. That's why I asked that clarifying question. Renovations are allowed as long as they don't increase the number of rooms. So, I feel like that concern is addressed in the legislation, otherwise, I would have tried to address it. But when I clarified what he wanted, it, to me it was addressed in the legislation. So, I wouldn't, it's already done.

CHAIR LEE: Okay.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I'm really . . . because one of my biggest concerns when we didn't pass the original moratorium bill was permits are . . . . So, this helps address the, the amendment helps address what we, that concern. But my other concern is the timing of the TIG and possible, possible enactment of whatever the TIG recommends. And concern for the County, for the district of South Maui that is currently in its, its review of the community plan. Whereas the south, the West Maui Community Plan was able to address this issue in the community plan. We won't get, we might not get to that point in South Maui before the moratorium ends. So, I just wanted to check with, I'm not sure, who is, Member Rawlins-Fernandez the Chair of the TIG?

CHAIR LEE: Yes.

COUNCILMEMBER KING: So, what, any idea on your timing of the, and how that will affect the community plan review for South Maui?

CHAIR LEE: Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member King, for the question. So, I do have an amendment to address your question. Okay, let's see.

CHAIR LEE: Would you like to make it now?

VICE-CHAIR RAWLINS-FERNANDEZ: Member King, would you like me to make it now? I don't want to take your time, but.

COUNCILMEMBER KING: I would love for you to . . . .

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, okay. Alright, mahalo. Okay.

> I MOVE TO AMEND SECTION 19.98.010 PURPOSE, TO ADD "WHICH ESTABLISHES A TRANSIENT ACCOMMODATION LIMIT CATEGORIZED BY ACCOMMODATION TYPE AND BY COMMUNITY PLAN AREA".

And Clerk's Office just sent that ASF to you folks. If the, if you see typos in it, then that, it's from me. It's not from OCS. So, at 3:52 you should have received it.

So, it will read, "which establishes", oh, I need a second. Okay. Yeah, so I move to make that amendment.

COUNCILMEMBER KING:

I'LL, I'LL SECOND THE AMENDMENT.

I'm assuming that that means that, it would not, the moratorium would go into effect after the community plan in Kihei is completed?

VICE-CHAIR RAWLINS-FERNANDEZ: Vice-Chair?

COUNCILMEMBER KING: More, moratorium would, would, would be in effect until the community plan is, review is completed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So the, this proposal would establish a cap. So, a mechanism to create a cap. Let's see if I can say it more. No. Okay, so in 19.65.030, for STRs, there's a cap for each community plan area. And that's for STRs and then for B&Bs. And so this proposal would extend that concept to Hotel/Resort units, TVRs that require a Conditional Use Permit, and TVRs that do not require Conditional Use Permit.

COUNCILMEMBER KING: Okay, so essentially, so essentially that allows--

VICE-CHAIR RAWLINS-FERNANDEZ: So, let me--

COUNCILMEMBER KING: Okay. Sorry, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: So, that we, we could establish a cap. So, it wouldn't be a moratorium, but it would be a cap that would enable us to pause, you know, growth until the community plan update for South Maui has been completed.

COUNCILMEMBER KING: Okay, great. Alright. Well, thank you. Thank you for that. I really appreciate it, cause I think we're going to have something to say about this.

CHAIR LEE: Okay. Any more discussion on the amendment offered by Vice-Chair Rawlins-Fernandez? You can't hear me? Any more discussion? Oh, I see.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin.

CHAIR LEE: When you went like this, I thought you meant you, you have a question. Okay. Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just, maybe we can confirm with Corp. Counsel that this is a policy decision.

CHAIR LEE: Corp. Counsel, did you hear the question, or the conversation?

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Yes, I did. Yes, I would consider this definitely a policy decision. If you don't mind, Councilmember Paltin, your first amendment, it might be simpler just to say in Section 2, "this ordinance takes effect on approval", and period and just leave it at that. Because the language about vest, the vested rights . . . discretionary permits is already in the body of the bill. For consideration.

COUNCILMEMBER PALTIN: I'll hear Member Rawlins' thoughts on that, cause it looked like she was raising her hand.

CHAIR LEE: Yeah, Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin. Mahalo, Ms. Thomson. So, we have a motion on the floor right now, which is to address Member King's concern. And, and then, perhaps if Member Paltin would like to consider that, we can move for a reconsideration after we take the vote on this motion on the floor. Mahalo, Chair.

CHAIR LEE: So, shall we continue? Members, do you have any more discussion on the second amendment by Vice-Chair Rawlins-Fernandez?

Okay, all those in favor of the motion, raise your hand and say "aye".

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

CHAIR LEE: Again, it's six "ayes".

Those against.

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Three "noes"; that's myself, Member Sugimura, and Pro Tem Kama. Motion carries.

Okay, so now going back to your first amendment, Member Paltin.

COUNCILMEMBER PALTIN: Yeah, if you don't--

CHAIR LEE: For reconsideration.

COUNCILMEMBER PALTIN: --mind if I could get some input from our OCS lawyers if it would be the same thing or not. Cause you know, I'm not a lawyer.

CHAIR LEE: You should have been. Okay. So, David. David, or Remy, or James, are you on the call?

Yes, David. Did you hear the question?

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: I did. Thank you, Chair Lee. And thank you, Member, Councilmember Paltin. We've re-reviewed the body of the bill and we agree with the First Deputy Corporation Counsel. I think just shortening Section 2 to end it after the statement that the ordinance takes effect upon its approval would have the same effect and would be more concise, and therefore, more consistent with legislative drafting principles. Thank you.

COUNCILMEMBER PALTIN: Oh, can I ask one further question?

CHAIR LEE: David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes, thank you.

COUNCILMEMBER PALTIN: Can we do that through a friendly amendment from our tenth member, or do I need to do a reconsideration?

DEPUTY DIRECTOR OF COUNCIL SERVICES: We . . .

CHAIR LEE: You mean, Richelle?

DEPUTY DIRECTOR OF COUNCIL SERVICES: We, we would not suggest a friendly amendment. We would suggest a formal amendment. So, perhaps, I, I'm not clear if there's a motion on the floor for your amendment, Councilmember Paltin. But if not, you can just make a new motion at the appropriate time, to follow the advice of the Corporation Counsel. Thank you.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: So, David, a new motion rather than a reconsideration?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Oh, I, I'm sorry, was, was Councilmember Paltin's motion already approved?

CHAIR LEE: Yes.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Oh, I'm sorry. Thank you. Yes, under Robert's a motion to reconsideration would, to reconsider would be in order. Thank you.

CHAIR LEE: Alright.

COUNCILMEMBER PALTIN: Okay, I'm going to--

CHAIR LEE: . . . would you like to--

COUNCILMEMBER PALTIN: --reconsider--

CHAIR LEE: Pardon me?

COUNCILMEMBER PALTIN:

I MOVE TO RECONSIDER.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member Johnson, to reconsider the, the motion, the initial motion. Do we need further discussion, Member Paltin?

COUNCILMEMBER PALTIN: Um, do you want me to say what the motion--

CHAIR LEE: All in favor of the motion--

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: Pardon me?

COUNCILMEMBER PALTIN: So, the, the reconsidered motion would read as Deputy Corp. Counsel Thomson suggested.

CHAIR LEE: Well, we have to take a vote on the reconsideration.

COUNCILMEMBER PALTIN: Oh, my bad. Sorry.

CHAIR LEE: All those in favor of the reconsideration, 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.

Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. I move to reopen up that first amendment to say--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, point of order.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: Vice-Chair Rawlins-Fernandez. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we're, we're, we're right where we left off. So, I, I think you don't have to make another motion.

COUNCILMEMBER PALTIN: Okay. What do I do now?

CHAIR LEE: Well, she has to correct, she has to change the language, yeah? Okay.

COUNCILMEMBER PALTIN: I'll change the language.

CHAIR LEE: You ready to do that?

VICE-CHAIR RAWLINS-FERNANDEZ: With the, with the, she can friendly amendment her amendment with a approval from the seconder of the motion.

CHAIR LEE: Yes, Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, maybe it might be more prudent if we take a short recess to allow Member Paltin to confer with staff to figure out how we're going to do this, yeah? So, then that way it gives everybody a little bit more leeway and then can work this out and come back with something that's much cleaner and less confusing to, to the Members. So, I just throw that out as a suggestion, Madam Chair.

CHAIR LEE: Okay. That is a good idea, because she was relying on Corp. Counsel to come up with the language and, and right, Member Paltin? So, this way you can get it from her directly, and then you can propose your amendment.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: So, you think you can do that in five minutes?

COUNCILMEMBER PALTIN: I would hope so.

CHAIR LEE: Well, you want five or you want ten?

COUNCILMEMBER PALTIN: . . .

CHAIR LEE: Five? You want, what is that?

COUNCILMEMBER PALTIN: Five. Five should work.

CHAIR LEE: Okay. Members, we'll take a five-minute break. Come back at 4:10. Meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:02 P.M., AND WAS RECONVENED AT 4:11 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of November 19, 2021 please reconvene. Member Paltin, ready?

COUNCILMEMBER PALTIN: Yes, Chair. Okay, so we're at the point where I made the first amendment. I made the motion. And over the break, I was inundated with messages not to change it, because folks like the clarity and redundancy.

CHAIR LEE: So, you're going back to the original amendment?

COUNCILMEMBER PALTIN: So I guess, I, I could move some words around, but basically the same. I mean, if it's not illegal, people feel that Planning needs that redundancy and clarity, I guess, in relation to recent event. Not sure. I mean.

CHAIR LEE: Member Paltin, just do what you think is right.

COUNCILMEMBER PALTIN: Okay. So, let's take the vote.

CHAIR LEE: Well, you have to make the amendment.

COUNCILMEMBER KING: We need a new motion. There's no motion on the floor.

CHAIR LEE: Yeah. We need a new motion, right. Which is the old motion.

COUNCILMEMBER PALTIN:

> I'LL SWAP OUT THE OLD MOTION TO SAY, "THIS ORDINANCE TAKES EFFECT ON APPROVAL, BUT DOES NOT APPLY TO THE PROCESSING, APPROVAL, OR GRANTING OF ANY APPLICATION FOR THE APPROVAL OF A NEW TRANSIENT ACCOMMODATION THAT IS PROPERLY FILED AND HAS RECEIVED FINAL APPROVAL WITH THE COUNTY PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE".

CHAIR LEE: Second? Somebody.

COUNCILMEMBER JOHNSON:

> SECOND.

CHAIR LEE: Alright. Moved by Member Paltin, seconded by Member Johnson.

Discussion on your motion?

COUNCILMEMBER PALTIN: Sure. So, it's--

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The point of order was because that's the, the motion and the second already exists. Member Paltin was just repeating what the motion is. And I think the seconder was Member King. Oh, it was Member Johnson. Okay.

COUNCILMEMBER PALTIN: This--

CHAIR LEE: I don't, I don't know that what you're saying is exactly correct, because we, we went back. She didn't make the motion. She was going to consult with Counsel, Corporation Counsel, is my recollection. She was going to get the wording from Corporation Counsel. But in the meantime, she changed her mind and is going to go back to the original verbiage, right?

COUNCILMEMBER PALTIN: Well--

CHAIR LEE: So, that's why we needed a new motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So, she withdrew her old motion?

COUNCILMEMBER PALTIN: No.

VICE-CHAIR RAWLINS-FERNANDEZ: Withdrew it?

COUNCILMEMBER PALTIN: We, when, when we make the recon, oh, I'll let Mr. Krueger explain it, cause he's so good at that. He sent me . . . the break.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Thank you, Chair. So, the body reconsidered Councilmember Paltin's original amendment to the main motion. That reconsideration motion was successful. So, because of that, that brought the body back to that first motion right at the moment before they took the vote. So, that motion still remains on the floor with Councilmember Paltin's original language. So, that original motion is intact. And the body can adjust that motion, amend that motion, or withdraw that motion. It can do whatever. But that motion is on the floor.

CHAIR LEE: Okay. Thank you. So, that means, before we, I call on you, Member King, that means, Member Paltin, hello? Member Paltin? So, what you just said just now, is it exactly how you said it the first time? No? Okay.

COUNCILMEMBER PALTIN: The meaning is the same. But I figured if we went through the exercise of reconsideration.

CHAIR LEE: Okay. Let, let's hear from other people.

Member King.

COUNCILMEMBER KING: Okay. So, we're at the point where the, her first amendment was on the floor, to me, that was, that was more comprehensive, I could understand. The, the, I don't understand the new verbiage that you just tried to propose. So, my preference would be, if we're at the point with the original motion, just to vote on the original motion for the amendment. Cause I don't--

COUNCILMEMBER PALTIN: . . .

COUNCILMEMBER KING: The second amendment is . . . there was so many words in there. I don't, it was really hard to understand.

COUNCILMEMBER PALTIN: I'll accept that as a friendly amendment.

COUNCILMEMBER KING: Go back to the original?

CHAIR LEE: Okay. Anybody else want to chime in at this point?

Member Paltin, can you repeat your motion?

COUNCILMEMBER PALTIN: Okay. So, the original original--

CHAIR LEE: Which you're going to keep, right?

COUNCILMEMBER PALTIN: Which I'm going to keep would read, "This Ordinance takes effect upon approval, but does not apply to the processing, approval, or granting of any application for the approval of a new transient accommodation that has received its final discretionary approval prior to the effective date of this Ordinance". And that's what's written on the ASF.

CHAIR LEE: Okay. Okay, that's great. Any more comments or anything? More discussion? Okay, all in favor of that motion, that amendment raise your hand and say "aye".

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

CHAIR LEE: Okay, that's six "ayes". And "no"?

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Three "noes"; myself, Member Sugimura, and Pro Tem Kama.

Alright, so we have your recommend, amendment.

And then, Vice-Chair Rawlins-Fernandez, any more amendments? Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have some non-substantive amendment.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND VARIOUS PROPOSED MAUI COUNTY CODE SECTIONS FOR NON-SUBSTANTIVE CHANGES AS FOLLOWS:

19.98.040 EXCEPTIONS. C. 1., TO INSERT "TRANSIENT ACCOMMODATIONS OPERATING" BEFORE THE SENTENCE "IN ZONING DISTRICTS WHERE" AND; F. TO ADD THE NUMBER "4." BEFORE "HOUSING CREDITS MAY NOT BE ISSUED TO OR USED BY". AND YOU--

CHAIR LEE: Is, is that it?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. That's the motion.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. You should have received it, yeah, at 4:18. It just arrived in my inbox. Like I said, it's non-substantive. It's just housekeeping. Mahalo, Chair.

CHAIR LEE: Any more proposed amendments? Alright. On the--

Member Paltin, why are you shaking your head?

COUNCILMEMBER PALTIN: No further amendments. That was--

CHAIR LEE: No further amendments?

COUNCILMEMBER PALTIN: --the "no" to your question.

CHAIR LEE: Okay. So, nobody else? So, we're going to vote on the main motion, as amended. So, now we're going to have discussion.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think we need to take the vote on the non-substantive, because I made a motion.

CHAIR LEE: Okay, we could do that. All those in favor of the non-substantive changes raise your hand and say "aye".

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

CHAIR LEE: Six "ayes".

"No"?

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Three "noes"; myself, Member Sugimura, and Member Kama.

Alright. So, no more amendments. So, now we're at discussion for the motion, main motion as amended.

Member Paltin, first.

COUNCILMEMBER PALTIN: Oh, would this be--

CHAIR LEE: You don't have to say anything, but.

COUNCILMEMBER PALTIN: Okay. I think my first discussion I maybe took it a little bit out of order, so that'll be my discussion. Just rinse and repeat.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, are you done?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah. Yeah. I think we've discussed this a lot. And I think all the points that have been made, I will insert them here again for the sixth time. And I think, you know, this is necessary to help us address the community's concerns and to help find that balance that we've been trying to strike and uphold the Maui Island Plan.

And, but we're also doing work in the TIG to diversify the economy, so that, you know, as, as we work to control the tourism industry, we're also building up other industries to create more and better paying, higher quality jobs for our residents. And this will enable the South Maui community to be able to take up their community plan amendment and address it while this kind of puts this on pause, puts the hotel and transient accommodation on pause. Mahalo, Chair.

CHAIR LEE: Okay. Anybody else? Okay. I, I'll say something. I am not totally against a moratorium. But under the circumstances, I can't vote for this because I really don't have a grasp, the full fiscal implications of what we're doing today. Because it's not only the moratorium that's moving forward, it's also restricting transient accommodations and hotels. So, my feeling is that these transient accommodations combined account for over $200 million in real property taxes. And we only generate 380 to 385 million. So, that's a huge amount, a huge amount.

So, be, my thinking is before we start restricting these accommodations, we need to know what will the fiscal implications be and how do we offset them without having to go to the home, not the, the homeowner, the owner occupant, who we've managed not to touch all these years. So, because of that, that's one of my main concerns.

If, if we weren't trying to restrict transient accommodations while we're stopping hotel development and everything else, that would be one thing. But we're doing it all simultaneously and that is what worries me. The uncertainties worry me because we have nothing to replace it with at this time. Hopefully in, in the future, and the TIG is working hard in that direction. But how long that's going to actually take is, is another

question. Because as you know, we only come up with policies. We can't implement them. Any other discussion before the vote?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I appreciate, I've been hearing, although I'm not part of the TIG, I've been hearing that the TIG is working really hard, so thank you, Keani, for your leadership.

And, and I will say that one of the things that's difficult is the TIG operates and we, the rest of the Council or the community don't know really what's happening. And we're being asked to rely on, you know, that for our future, future reveal basically and we don't know what it is. And Member Lee, or Chair Lee brings up those points of how important it is that we're taking, we're walking down the path and maybe jeopardizing some of the financial security that we have as a Council by the very people that pay for the majority of, or a big part of our taxes.

And I still remember that handwritten note from Mr. Matsuda who said don't raise my taxes, you know. And, and, and I think that without us having, you know, comprehensive information, before making this decision is a little spooky. I agree with Chair Lee.

I also want to say that I know that one of the objectives of this is to stop tourism, because there's so many, or stop the visitors from coming because there's so many. And that Maui Island Plan ratio that we keep, kept on hearing about through the previous bill and this bill is being talked about, you know, to keep the numbers down, or get the numbers down of visitors. And I don't believe there's a direct impact for that. So, the purpose and, and what the bill is, is a little bit disjointed.

But I, I, so I'm going to vote "no" again, as I did, you know, from, in the past. So, I just wanted to justify. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm in strong support of the moratorium for many reasons. One is the Maui Island Plan prescribes and basically mandates us to try to keep this ratio to . . . we're already over the ratio as described in the Maui Island Plan.

But also, we make a commitment by resolution to a circular economy. And tourism is one of the most extractive parts of our economy that we could have. They have multi-

national corporations coming in and setting up camp and taking millions of dollars out of our economy with the, you know, with, that go to their headquarters on a daily basis.

We have a phenomenal amount of, of greenhouse gas emissions in the aviation that brings the tourists here. But we are going to have address those aviation issues. I think they're purport, purported to be about 50 percent of the emissions for the total State. And we're not even counting them right now. We're not counting any of the flights that go in and out internationally. And we're only counting one way of the flights that come domestically. So, we are going to have to address this one way or another. We need to start now, as soon as possible. This is a really important move.

And this is also, the other part of this is it's going to keep us from digging ourselves in deeper in this hole that we're in. That the over-dependence on tourism is what got us into this big trouble when the pandemic hit. Everything came to a halt. And because tourism was basically our, our largest and almost only part of our economy, we had the highest unemployment rate in the country. We can't allow ourselves to keep doing that, and we have to put a stop to that. And that's what this moratorium is about.

You know, we got to force our, if we have to force ourselves to look for other ways to expand our economy and make it about the local people, how more local people can participate and contribute and benefit from the economy, instead of just having $12 and $15 an hour jobs where they have to work two or three or sometimes four jobs just to make a living. We need those family wage earning jobs. We need careers. And you know, we talk a lot about, about people, the young people leaving our, our islands because they can't find houses. Well, the, and just as big a reason is they can't find career pathways. And they don't want to work for $15 an hour for the rest of their life and have to work two or three jobs.

We have got to start building our economy in a circular way that gives those career options. And, and we can't afford to continue to dig ourselves deeper into this tourism economy. We're not going to get there if we do that. We're just going to build more dependence on it. And that's, it's almost an analogy for what we've been doing with petroleum. We've been saying we want to cut our greenhouse gas emissions, but how many people are still driving to, driving on petroleum on their way to the environmental meetings? You know, you got to, at some point you got to just stop it, and you gotta start, start doing, turning things around and, and do the right things.

So, so I, this is a good . . . I thought the, the original moratorium was good. But I understand why, why there was a move to, to keep us out of court. So, if it had to be this.

And I really appreciate addressing the South Maui issues as we're in the middle of our community plan. But to me, we, we can't afford to continue building more and more tourism. We have to stop it. We have to start forcing ourselves to diversify our economy and look for ways that local people can be in, in a bigger participant in their own economy.

And to me, you know, one of the number one industry's is, is agriculture. So, we've already got a good start on that. I'm really proud of this Council for the last two terms, how much money we've put into agriculture. We've really turned, flipped it over. We put as much money into agriculture as we used to put into tourism, which was something I've been talking about since I got on this Council.

Member Paltin talking about, yesterday, when she tried to pass something in her first year and she didn't get the support. That's how I felt in my first term, you know. So, I'm happy to see now the support for looking at a local economy. And that's, so, I, I'm really happy with this. I think it's the right move to do and I think it's the right time . . . Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'll be quick. I, I, I rise in strong support of this. This is a real long time coming. It's really important. I think when I look at the amount of people who aren't going back to work. They don't want to work in the hotels. The amount of empty positions in, on Lanai is, is almost a third. So, it's really amazing that this is a, this body took this on. I think it's important.

I know the industry doesn't like this but, you know, you can't ask a tiger to change its, its stripes. But sometimes we gotta, we have to do it, for their own betterment. If I, if I owned a hotel and we put a moratorium, then that means there's no more competition and we can, we can continue to build a better product. But if you're going to open the floodgates, the sky is the limit, right? So, we don't want to have the sky as the limit on this, you know. We want to have controlled growth, smart growth. Those kinds of things are really important.

And the people of our communities know that. We know that it's an extractive system, like Councilmember Keani, or Kelly King mentioned. It's like, why are we fighting over the crumbs when they get the cookies? That's how this industry is. So, I, I, I think that this is a smart move. I, I applaud all the folks who worked hard on this. And I just want to . . . on that. Thank you. Mahalo.

CHAIR LEE: Thank you, Mr. Johnson.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know, I've never been a fan of moratoriums, and it's certainly not an easy topic to deal with. But I've, you know, changed my position on this. Because, you know, every so many years, every community needs to do a self-assessment, you know, reassess things like growth and its impact on the environment and the residents' quality of life.

So, I think, in my opinion, we are at a point in Maui County's history where we've seen unprecedented popular, popularity of Maui County as a tourist destination, and certainly other types of commerce has certainly grown, which is good. But however, to use an old economics class term "opportunity costs", where every good opportunity, there are costs that go with it. And the cost for Maui becoming so popular in terms of tourism, it adds impacts such as more traffic congestion, more of our beach parks being taken up so our residents, you know, don't have an opportunity to go there.

And then, of course, our keiki o ka aina and our kamaaina not having opportunities to afford a house, that is really, really shameful. And I'm not sure if tourism is the primary cause of that, but it is what it is. You know, as land costs go up and the rich folks come here willing to pay anything, and of course part of it too is, you know, some of our residents decide to sell. And sometimes you cannot blame them when someone's going to offer millions of dollars for a piece of land. But all of that, you know, contributes to what we're experiencing right now. All of these issues that have converged.

And maybe it is a time where we need to take that pause and reassess how we look at tourism, how we want to manage it, and looking down the road towards economic diversification and not be totally dependent on the tourism industry. So, I look at this moratorium more as an opportunity to reset and make us really stop, pause, think about what we really want to do. So, which is why, you know, I, I'm going to support this.

And, you know, the last moratorium we had was 30 years ago. So, maybe, you know, and Maui County came, came out okay after that. And back in my first go around on the Council, I remember a former colleague of mine Jo Anne Johnson, she always used to talk about or try to champion carrying-capacity studies. So, we need to look at how, how much population our County can handle. And so, that's why we need to look at things like that.

And just, it's just, you know, a time where we need to just reassess things. Because, you know, tensions have, you know, gone up, you know, amongst residents towards the visitor industry, and we don't want that. We don't want anything to divide our community. So, that's why sometimes just taking that pause, taking a breath, and say okay, let's maybe do a, do a reset, you know? And hopefully we can come out of this in spite of COVID. So, you add that to the mix, this makes it even more complicated. So, maybe it is high time for something like this to occur. So, this is why I'm going to support this. It's not easy, but it may be the thing to do right now at this point in time. Thank you, Madam Chair.

CHAIR LEE: You're welcome.

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. I speak in support of this, this moratorium. I think this moratorium will have no fiscal impact because it still won't eliminate the existing transient accommodations. As I stated earlier, while . . . up this last tax season, when we did raise taxes on the hotels, we did not see the industry come up and speak against those tax increases. And I think it's because during the pandemic, you know, hotel, the hotel industry did receive CARES Act funding to keep those employees employed for their medical expenses.

And so, again, like I said earlier, the Finance Director has always said that Maui land valuations are much higher than other islands with faster and larger returns for offshore investors including hotels. So, it seems like every so often we hear in the news that another billionaire has, has acquired more property on Maui and added that to their personal investment portfolio. So, I think we need to focus on our housing, who's going to, if we just put all our eggs into the tourism industry, who's going to be working for those industries if we can't even house our, our own people?

And while Maui continues to be lucrative for offshore investments, and we continue to experience widespread homelessness like today's ceremonial resolution, mass exodus of our young people and families of off-island and, and constantly seeing whatever housing inventory be gobbled up by the offshore investors. So, I, this is, this is good policy. We need to, you know, send a strong message that this type of policy is for Maui County. Mahalo.

CHAIR LEE: Member, Vice-Chair Rawlins-Fernandez. Oh, did you want to say something?

VICE-CHAIR RAWLINS-FERNANDEZ: I did. I, I was, I was scratching my face, but I did want to say something. So, I'll, I'll, but I'll make it quick. I echo what Member Sinenci shared in that this moratorium--

CHAIR LEE: Are you sharing the fact, you being the Budget Chair, are you sharing the fact that, that there will be no fiscal impact?

VICE-CHAIR RAWLINS-FERNANDEZ: With the moratorium?

CHAIR LEE: Yeah. At, at the same--

VICE-CHAIR RAWLINS-FERNANDEZ: Well, everything--

CHAIR LEE: --and at the same time as we cap, as we cap transition, transient accommodations and so forth, therefore, getting less income from these places. There's no physical, fiscal impact? Just checking.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, for this moratorium, it just preserves status quo. So, I don't expect any impact from the moratorium. You asked separately on the phase-out of TVR, which is not, not what we're taking up right now. And that has a potential impact. But that's assuming that we would keep all the rates at the same level, and not adjust as we've been working toward doing so. So, I, I don't plan to keep it at the same rates.

And this Council has done such an amazing job at really restructuring to provide relief. As Member Sugimura mentioned in her testimony, don't raise my taxes. Yeah, for our residents and, you know, for those that we're trying to incentivize long-term housing, yes. I, we have been, and we continue to provide tax relief for that.

For the multi-billionaires, as Member Sinenci talked about, I personally don't want more multi-billionaires coming here and just grabbing up land like on Kauai with Mark Zuckerberg, with here Jeff Bezos, Oprah's buying more land. And it's, it's really impacting our community. And so, you know, I think together, as we create a comprehensive tax scheme to provide relief where, where it is needed, and to create deterrents, and fair share opportunities, we will address the rates appropriately in those tiers, in those tier thresholds.

But what I, what I did want to say is, you know, we've been talking about sharing about the Maui Island Plan to promote a desirable island population by striving to not exceed an island-wide visitor population of roughly 33 percent of the resident population. Mr. Mayer shared with me other parts of the plan that are equally important, which is the County's principle role involves regulation of land use including visitor units and

relative recreational real estate in addition to commercial attractions. And that's on page 410.

On page 411, to protect the quality of Maui's visitor industry and the island lifestyle, the County must carefully manage and control any future expansion of visitor units on Maui island.

On page 413, comprehensively manage future visitor unit expansion. On page 14 *[sic]*, again, mitigate the impact of tourism on the host culture, I wouldn't have written host culture, but that's what was written, natural environment, and resident lifestyles. And again, on page 413, develop programs or regulations to: 2) cap the number of type, cap the number and type of visitor accommodations that can be permitted; and 3) manage the number and type of visitor accommodations that can be permitted.

And while working on the TIG, we did more research. And the, we found that the 2010 County, Countywide Policy Plan in, includes the elements of early general plans of 1980 and 1990, and provides the framework for development of the Maui Island Plan and the nine community plans. And in the 1990 General Plan, it called for provide a concept of a hotel room limit in community plan areas as provided, sorry, as part of the managed and directed growth plan. It also said to discourage any additional shoreline resort development. And that was 31 years ago. And here we are finally doing what the 1990 island plan asked us to do, or General Plan, General Plan, 1990 General Plan. So, good job, Councilmembers, for following through on some of these longstanding issues of finally putting in those control mechanisms. Mahalo, Chair.

CHAIR LEE: And thank you for thanking the Council of 1990 for doing that. That's me.

VICE-CHAIR RAWLINS-FERNANDEZ: That's you?

CHAIR LEE: Member--

VICE-CHAIR RAWLINS-FERNANDEZ: Ah, mahalo, Chair.

CHAIR LEE: Member Paltin. Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Oh, thank you. I just wanted to clarify the record on the hotel taxes, that they actually paid less this past year because of the way that they were valuated, which was adjusted for COVID. But that didn't happen for any other category, so they didn't pay more. They paid less. And, and I guess that's like a point of information to correct the record.

CHAIR LEE: Yeah. Actually, I wasn't really concerned about the hotel taxes. The transient accommodations account for 137,908,000 by themselves without the hotels. And they didn't get a discount.

Okay. Member Kama.

COUNCILMEMBER KAMA: I didn't have anything to say, Chair. Thank you.

CHAIR LEE: Okay. So, we should be ready for the vote. All those in favor of the main motion as amended raise your hand and say "aye".

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

CHAIR LEE: Okay. I see six "ayes".

And then, those against, raise your hand and say "no".

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

CHAIR LEE: Okay. So, we have six "ayes", three "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 148 (2021).

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO. 118 (2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS ʻĀINA KŪPUNA

DEPUTY COUNTY CLERK: Chair, at this time, County Communication 21-529 is also before the body.

NO. 21-529 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR, (dated November 12, 2021)

Transmitting proposed amendments to Bill 118 (2021) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm sure you're, get, all getting tired of hearing my voice already. Okay.

I MOVE TO PASS BILL 118 ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass Bill 118 on second and final reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 118 adds, Bill 118 (2021) adds a section to the Maui County Code relating to taxes on parcels dedicated as 'āina kūpuna. The bill would allow more long-time Maui residents to retain ownership and continue to enjoy use of their family lands. If there are no objections at this time, I would like to proceed with proposed amendments posted on today's agenda, as County Communication 21-529.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so if you'll please refer to the Amendment Summary Form. Let's see, you should have received it. Oh, sorry. The Amendment Summary Form is CC 21-529 for the motion.

I MOVE TO AMEND VARIOUS PROVISIONS OF THE PROPOSED MAUI COUNTY CODE SECTION 3.48.361 AS FOLLOWS:

1. IN SUBSECTION (A), MOVE THE DEFINITION OF "DESCENDANT" TO THE END OF THE SUBSECTION AND CORRECT THE NUMBERING;

2. IN SECTION (A)(3), CHANGE THE DEFINED TERM "COMMERCIAL PURPOSES" TO "COMMERCIAL PURPOSE";

3. IN SUBSECTION (B)(5) STRIKE "PRIOR" BEFORE "TEN TAX YEARS" AND INSERT "PRIOR TO THE INITIAL APPLICATION" AFTER THAT TERM;

4. IN SUBSECTION (B)(6):

   A. REPLACE "THE MAJORITY OF" WITH "AT LEAST ONE"; AND

   B. REPLACE THE "OWNERS, TRUSTEES, BOARD OF DIRECTORS, OR SHAREHOLDERS ARE RESIDENTS" WITH "OWNER, TRUSTEE, BOARD, MEMBER OF THE BOARD OF DIRECTORS, OR SHAREHOLDER MUST BE A RESIDENT";

5. IN SUBSECTION (C):

   STRIKE, A. STRIKE "THEIR";

   B. REPLACE "THEY" WITH "THE OWNER"; AND

   C. STRIKE "LINEAL";

6. IN SUBSECTION (D):

A. ADD "AND PROPERTY" AFTER THE FIRST TWO INSTANCES OF THE WORD "APPLICANT"; AND

B. REPLACE "DESIGNATED" WITH "DEDICATED";

7. IN SUBSECTION (E), INSERT "NO LATER THAN DECEMBER 31" AFTER THE "THE NINTH YEAR OF EACH DEDICATED PERIOD"; AND

FINALLY, 8. IN SUBSECTION (F) STRIKE "NON-LINEAL DESCENDANT" AND REPLACE WITH "NON-DESCENDANT";

AND MOVE TO FILE COUNTY COMMUNICATION 21-529.

CHAIR LEE: And all of these are non-substantive?

VICE-CHAIR RAWLINS-FERNANDEZ: Um, let's see. Most of them are, except for, well, yeah, 4 and 3.

CHAIR LEE: 3 and 4?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: You want to explain those?

VICE-CHAIR RAWLINS-FERNANDEZ: I can. Do you want, do you want to get a second first, or you want me to explain first?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Seconded by Member, well, I thought I did. Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh.

CHAIR LEE: Well, that's alright. That's alright. Moved by you, on the, to make these amendments. And then, seconded by Member Johnson.

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

CHAIR LEE: I think Member King seconded the, the first motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Main motion?

CHAIR LEE: Yeah. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, in number 3, this was a good catch. So, this is we replaced "prior" with "prior to the initial application". And so, the way that it reads, and it's all highlighted so that you can find the amendments easily. And then, I say that and now I can't find it.

CHAIR LEE: It's under 4 on page 2? What, what page?

VICE-CHAIR RAWLINS-FERNANDEZ: It's under renewal. Let's see, B, (B)(5). There it is. Okay.

CHAIR LEE: (B)(5)? Oh, I see.

VICE-CHAIR RAWLINS-FERNANDEZ: The aggregate real property taxes assessed on the property for the, so it said, "prior ten years". But because of the way that the renewal is, so it's prior ten years "prior to the initial application exceeding $50,000". So, if the dedication happens when they, when the property owner goes to renew, under the unamended language, it would not meet this criteria because the taxes would have been the minimum tax for the past ten years as a result of the dedication. And so--

CHAIR LEE: When you say, when the property owner goes to renew, you're talking about renew the second ten years. The next ten years.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Exactly. And so, that, that was a really good catch, because when after the ten-year dedication in renewing, that property would then not qualify because of this criteria. So, that's why we added "initial", that the initial application, and then, that way it's, it's accounted for the first time. Okay?

And then, number 4--

CHAIR LEE: On page?

VICE-CHAIR RAWLINS-FERNANDEZ: --in Subsection (B)(6). (B)(6) is also on page 2. And you heard testimony on this, this morning. The majority of owners, trustees, board of directors, to at least one, because some of these families, because of the length of

time the property was owned and then all the heirs, not necessarily all the heirs and descendants stay on, on Maui. And so, to accommodate for the, this kind of legacy land ownership, to have multiple descendants to be able to live elsewhere as well, their descendants.

CHAIR LEE: Okay, does anybody else have questions, Members?

Member Paltin. Member Sugimura.

COUNCILMEMBER PALTIN: Um, I guess my question was, how did it go from majority to one member? How was those numbers decided upon?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Paltin. Oh, Chair?

CHAIR LEE: Sure. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin. So, we looked to the kuleana land ordinance, and followed the precedent there. Mahalo, Member Paltin. Mahalo, Chair.

CHAIR LEE: Then we have Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, this was cleared and worked with Corp. Counsel. Is Corp. Counsel there?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: That's where a lot of the non-substantive amendments came from, and as well as OCS. But if you want to ask Corporation Counsel, I'm . . .

COUNCILMEMBER SUGIMURA: So, then Corp. Counsel signed off on all of these, or the bill, I guess, the revised bill as amended. Corp. Counsel?

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Thank you. Yes. We've reviewed both the bill and the proposed amendments and, you know, don't have any, any additional comments on them, they seem fine. The amendments do, as well.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: It's not easy reading. You know, it's a lot of pages for somebody to. But I guess, you know, you're going to save a lot of money, so you have to make the effort to buy, to hire an attorney to figure this out.

Okay, any more questions? Ready? Ready to vote, everybody? Okay, ready to vote, to vote on these changes as presented in this ASF. 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.

Now, the main motion as amended. Pass this on second reading as amended.

Member King.

COUNCILMEMBER KING: Oh, I thought we were voting.

CHAIR LEE: Oh, you, that was the vote?

COUNCILMEMBER KING: Yeah.

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: Weren't you calling for the vote?

CHAIR LEE: No more discussion. Well, Member Sinenci, is that a vote or a, you want talk?

COUNCILMEMBER SINENCI: Yeah. Mahalo, Chair. And I just wanted to express my mahalo to Member Rawlins-Fernandez for bringing this . . . . Members, we've heard lots of testimony today on how the bill is going to affect our families, and families that are having hard time and have held onto their properties for decades. And so, we, we've seen how, how this is going to affect families, to help them continue to hold onto those properties and, and eventually give them to their, their grandchildren.

For us, in East Maui, we have lots of ʻāina kūpuna. And we have over 200 people that are listed on those properties. And for us, the, the, the aina has always been a respite

of Pu'u Honua, a safe zone for them to go to. When we're talking about homeless and no place to go, at least for some families we do have this 'āina kūpuna that serves as a, as a place that grandma and grandpa left not just for one, two, or, you know, any particular child, but for all the family to, to enjoy. Mahalo.

CHAIR LEE: Anyone else? 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. Congratulations, everybody.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Members.

CHAIR LEE: Mr. Clerk, heading down the homestretch.

ORDINANCE NO._____
BILL NO.___131___(2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO NAME THE GLENN H. OTANI BASEBALL FIELD (KULA) AND THE GLENN H. OTANI SCOREBOOTH (WAILUKU)

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Here, my notes. Thank you. Historic day for the Otani Family. Thank you, Members, for taking this up.

SO, I MOVE TO PASS BILL 131 ON SECOND AND FINAL READING.

CHAIR LEE: Moved by Member Sugimura--

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: --second by Member Kama, to pass Bill 131 on second and final reading.

Discussion, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. Bill 131 amends Chapter 12.40, Maui County Code, to name the baseball diamond located at the upper New Kula Park, Ballpark at Kula, at the Kula Park, as the Glenn H. Otani Baseball Field; and the second booth, and the score booth located at the Ichiro "Iron" Maehara Baseball Stadium as the Glenn H. Otani Scorebooth, after a respected coach and leader of the Maui baseball community. I respectfully ask for the Members support of my motion. Thank you, Members.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, 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.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Mr. Clerk.

ORDINANCE NO._____
BILL NO. 132 (2021)

A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

MOVE TO PASS BILL 132 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to pass Bill 132 on second and final reading.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Your Planning and Sustainable Land Use Committee met on September 30, 2021. The purpose of the proposed bill is to adopt a digital zoning map for the island of Moloka'i.

Your Committee notes Moloka'i Planning Commission supported the proposed legislation for the exception, with the exception of correcting the alignment for Ili'ili'ōpae Heiau. The Moloka'i Planning Commission recommended that future phases of the Moloka'i digital map include creating a new community plan designation and zoning district for Ili'ili'ōpae Heiau to protect sensitive cultural and historical sites.

The digital zoning maps are able to replace the County's old worn-out paper maps with comprehensive digital zoning maps; make digital zoning maps accessible online for public use; confirm existing zoning and accurately and efficiently for all parcels in the County; and create a single-digital zoning map that encompasses each island. I respectfully ask for the Members support of my motion.

CHAIR LEE: More discussion? Any more discussion? If not, all those in favor of the motion, please say "aye", 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.

ORDINANCE NO._____
BILL NO.___133___(2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.65, MAUI COUNTY CODE, RELATING TO BED AND BREAKFAST HOME PERMITS AND SHORT-TERM RENTAL HOME PERMITS

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 133 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to pass Bill 133 on second and final reading.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: The purposes of the proposed bill are to allow Accessory Dwelling Units (ADUs) to be eligible for Bed and Breakfast Homes and Short-Term Rental Home permits; limit STRH permits to one person and one per property; improve notification requirements for B&B and STRH permit applications; establish that family trusts may hold B&B and STRH permits; and amend Chapters 19.64 and 19.65, Maui County Code, for clarity and consistency.

Your Committee determined ADUs should continue to be limited to residential use to help maximize the availability of long, of housing units for County residents. Your Committee revised the proposed bill to delete the title's referenced to Chapter 19.35, Maui County Code; delete SECTION 1, which would have amended Chapter 19.35; and made other corresponding revisions.

Your Committee also revised the proposed bill to establish that STRH permits be, only be issued for single-family dwellings constructed at least 15 years prior to the application and owned by the applicant for at least 15 years. In addition, your Committee revised the proposed bill to establish that B&B permits may only be issued for single-family dwellings constructed at least five years prior to the application and

owned by the applicant for at least five years. Your Committee determined these requirements should be countywide, rather than island-specific standards.

Your Committee concluded that the revised proposed bill would achieve an appropriate balance by providing some additional benefits to B&B and STRH applicants and permittees while also prioritizing the use of dwellings for long-term residential use.

Your Committee also noted the need to further revise the proposed bill to incorporate recent and anticipated ordinances amending Chapters 19.64 and 19.65. I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Further 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.

ORDINANCE NO._____
BILL NO.___134___(2021)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 134 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to pass Bill 134 on second and final reading.

Discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee discussed this proposed bill in response to ongoing litigation to affirm the Council's authority over zoning regulations with appropriate Planning Commission review.

Your Committee agreed the Wailuku Redevelopment Area zoning provision should be fully incorporated into Title 19. This will allow the Council to treat, develop, and amend zoning standards consistently across all County districts.

Your Committee also agreed to various amendments to the bill relating to permitted uses, development standards, variance review, and permit authority and procedures. Uses have been designated under the purview of the Maui Redevelopment Agency, the Planning Department or requiring a Conditional Permit.

Other amendments made by your Committee were for consistency and clarity. The proposed bill should address the central complaint of the litigation and should also include the framework for the Wailuku Redevelopment Area and its goal of economic, social, and cultural revitalization of Wailuku.

And a couple other things I wanted to add is that, you know, in the litigation, win-or-lose, we would have had to come and correct it anyway, so might as well correct it up front. And you know, because of the time-sensitivity of the litigation, we weren't able to do every little correction that we would have liked. But we're doing what we can do in the time given, so that it will address the litigation concerns. There's a lot of, more clarity and consistency needed in the future, so I'm guessing we'll see this again. And hopefully, when we do see it again, you know, we get a lot of community input, and feedback, and we can work with everybody to get it to their liking. So, this is where we're at now, this point in time situation, and hopefully, it resolves the litigation. I respectfully ask for the Members support of my motion. Thank you.

CHAIR LEE: Any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thanks for the hard work on that, Member Paltin. I'm going to again vote no on this. Wailuku Town, Wailuku Redevelopment was one of the projects I worked on when I was in OED. I worked on this MRA quite a bit. And although I, I didn't quite have the opportunity to take it as far as Erin Wade, but I do appreciate all the many, many volunteers that gave to the MRA to try to revitalize the town based upon HRS 53, which gave it its life. And unfortunately, there's a lawsuit that's pushing this. But I am going to standby all the volunteers that worked very hard to take Wailuku, or tried to revitalize it and make it into a place of art and, and whatever it's going to end up to be in future. But in general, I'm going to just vote against this. Thank you.

CHAIR LEE: Any more discussion? All those in favor of the motion, please signify by saying "aye" and raising your hand.

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

CHAIR LEE: I see seven "ayes". Those no, raise your hand and say "no".

NOES: COUNCILMEMBER KAMA AND SUGIMURA.

CHAIR LEE: Okay, there are two "noes"; Members Sugimura and Kama. Motion passes.

Mr. Clerk.

ORDINANCE NO._____
BILL NO. 135 (2021)

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: Councilmember King. Go ahead.

COUNCILMEMBER KING: . . . Thank you, Chair.

I MOVE TO PASS BILL 135 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member King, second by Member Sinenci, to pass Bill 135 on second and final reading.

Member King, discussion?

COUNCILMEMBER KING: Thank you, Chair. Your Committee on Climate Action, Resilience, and Environment met on July 21,2021, August 4, 2021, and October 20, 2021, to discuss the proposed bill. The Committee voted unanimously to recommend passage on first reading. On November 5, 2021, the Council held first reading and passed the proposed bill with a unanimous vote, with the exception of myself, who was excused to attend COP26.

Bill 120, Bill 135 (2021) prohibits the sale, use, or distribution of non-mineral sunscreens including those containing oxybenzone, octinoxate, or both. This bill does not prohibit the sale, use, or distribution of a non-mineral sunscreen if a person has a prescription issued by a licensed healthcare provider.

The bill will authorize the use, sale, and distribution of sunscreens containing the active ingredient minerals, zinc oxide and titanium dioxide only. Both, both components designated by FDA as "generally recognized as safe and effective", which is the acronym GRASE; G-R-A-S-E.

Bill 135 has received overwhelming support from the County Administration; the Department of Environmental Management; State agencies including Jeff Bagshaw and Peter Landon of the Department of Land and Natural Resources who have worked tirelessly to educate the public about the dangers of sunscreen chemicals to the coral reefs in the 'Ahihi-Kina'u Natural Area Reserve; the leading world expert on this issue, Dr. Craig Downs of the Haereticus Environmental Laboratory; Maui Nui Marine Resource Council; Hawaii Wildlife Fund; Sierra Club; Pacific Whale Foundation; Realtors Association of Maui; Kihei Community Association; Kahaluu Bay Education Center, a program of the Kohala Center on the Big Island; Friends of Hanaumu Bay; and approximately 70 Kihei Charter School students who each provided written testimony.

Finally, I would like to thank the Climate Action, Resilience, and Environment Vice-Chair Sinenci for introducing this bill in my absence last week, and my fellow Councilmembers for their support. I ask for the Members continued support for this bill. Mahalo.

CHAIR LEE: Any further discussion?

Member Sugimura. Member Paltin.

COUNCILMEMBER SUGIMURA: So, this morning, the testifiers that came forward, they talked about different studies. An FDA study that's going to come out in March of next year, or in Spring of next year. I wonder if Corp. Counsel can, I don't know if, if they have information on that. But I think it was said that final guidance expected in 2022 from the FDA and the ad hoc committee of the National Academics *[sic]* of Science, Engineering, and Medicine on environmental impact of currently marketed sunscreens and potential human impacts of changes in sunscreen usage.

And further, Consolidated Appropriations, Act 2020, the U.S. Congress directed the Environmental Protection Agency (EPA) to contract with the National Academy of Sciences to conduct a scientific literature review of current sunscreens potential risk to the marine environment.

So, my question to Corp. Counsel is this, is if something comes out in, with this study, or if U.S. Congress, or even the State, I guess, with EPA, would this then preempt this? Corp. Counsel? I don't know if you had a chance to--

CHAIR LEE: Corp. Counsel.

COUNCILMEMBER SUGIMURA: --look at it.

FIRST DEPUTY CORPORATION COUNSEL THOMSON: Thank you. Thanks for the question. You know, at any time either the State or the Federal government could enact legislation that could preempt parts of, you know, County Code provisions. So, we will need to probably keep an eye out, and then update our ordinance, if necessary, in the future. So, right now, I'm not certain about that now.

COUNCILMEMBER SUGIMURA: Okay. And then kind of interesting this one last thing, as we're talking about this. Governor Ige did a post, and I got the post. And you'll be very happy to see that Governor Ige, news from DLNR, the first non-chemical sunscreen dispenser is now available to use at Hapuna Bay State Recreational Area, a site previously identified with coral reef damage. Chemical-free sunscreen has been shown to slow bleaching and other diseases in our, in our reefs. And there's a dispenser, like we would see in the bathroom, you know, it looks just like that, that you will pull on it and you can get sunscreen. So, that's amazing, right? So, the, this has been heard from the State. So, it looks like they're also agreeing to this. Thank you very much. I can share with all of you the picture, if you want.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, thanks for that. That announcement actually came out a little bit earlier. But it was supposed to . . . we finished this vote. But, but I'm glad it's out there, because it is, it is really an important step.

But I wanted to say about the, the potential for the new, the new potential FDA ruling does not automatically, and we can ask our OCS Counsel to weigh-in on this too, does not automatically exempt anything if the, if the Federal government came out with a, an aggressive bill that exempted it. That could happen. But we could also go back to this, this bill that we're passing today also allows us to go back and add anything that's deemed safe.

But I wanted to point out, too, that the FDA ruling is, is Food and Drug Administration. So, that's not necessarily focused on the health of the reef. That's, those are safe and effective rulings for human beings putting it on their skin.

But this bill is really about protecting the reef and the marine environment. So, that's what we're focused on. And hopefully it won't get pre-empted by anybody. And I do also believe that the State is waiting for us to pass this bill so that they can move on with a stricter bill for the entire State as well. Thank you.

CHAIR LEE: I was going to just say real quickly that some of the testimony did get to me and made me wonder if we should wait for the, for the study to come out in the spring. But under the circumstances, this subject is so broad that, and the fact that we can go back and add to this bill is making me decide to support it, again, at second reading. Anybody else?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And, you know, on, on this subject and the late testimony, I did receive email that, you know, when the bill that I originally proposed was much different, that's the reason why there was all this late testimony. But, you know, things do change in Committee. And the reason that they change was due to public outcry on that the bill that I had was too tame. Like, they liked it, but it's too tame. So, that's why it changed.

And, you know, when I first met Dr. Downs down at the beach, he shared with me about, you know, avobenzone being just slightly different than oxybenzone and how it requires octocrylene as a product stabilizer. And octocrylene has been proven to break down into . . . in the sunscreen bottle, a known carcinogenic, endocrine disruptor, and Monsanto-patented herbicide. Octocrylene causes developmental toxicity in fish, metabolic toxicity in coral, and could potentially cause bleaching in coral.

And so, when he first told me about this, I made every effort to reach out to Doc Martin, emailed him, I called him, I left messages. These were, this was years ago. I did talk to him yesterday and he apologized for not getting back to me and saying that his email, for the last seven years, was incorrect. But the part that really swayed me in our conversation was when he accused Dr. Downs of doing reviews of sunscreen for personal benefit, and completely neglected that the sunscreen that he sells has avobenzone in it and thus financial interest to this legislation. And, and that was the turning point for me in what, what is an independent toxicologist, versus financial interest in the subject.

And so, you know, I've also received testimony about folks who don't use this sunscreen in the ocean, but we've heard from numerous testifiers that the chemical sunscreen goes through you. And what do we use on Maui? Injection wells which eventually lead to the ocean. We've heard about the mime thing that was before some of our times, and so I posted pictures of sunscreen behind me that are tinted and, you know, can look like makeup even.

And so, all in all, I think that the best protection isn't even sunscreen. The best protection is staying out of the sun. If, staying out of the sun especially between 10:00 am and 2:00 p.m. If you need to go in the sun during those hours, wear a rash guard, or a hat, or zinc sunscreen. You can wear those, like neck mask things. And so, there's choices. We're not saying you have to stay out of the sun. We're not saying you can't use sunscreen. We're saying use sunscreen that has been proven safe and effective, and like Member King said, G-R-A-S-E. So, I think this is a, a good step.

And I've, I've had a long, long history of sunscreen use. I haven't had cancer and I haven't used sunscreen all my life. People that use sunscreen all their life use, get cancer as well. So, I mean, there could be correlation, but it's not exact that if you use a chemical sunscreen, you won't get skin cancer. If you don't use a chemical sunscreen, you will get skin cancer. There's no direct correlation. There's statistics and percentages. And I think what we have here is a good bill. And I think the people on the frontline in the ocean that see what's going on would agree. Thank you. Without financial interest.

CHAIR LEE: Our next presentation will be by Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. It'll be a short presentation.

CHAIR LEE: You know, it's like 5:21. You know, we're all hungry, tired. Let's get this show on the road.

VICE-CHAIR RAWLINS-FERNANDEZ: No, your clock is fast.

CHAIR LEE: What's that?

VICE-CHAIR RAWLINS-FERNANDEZ: Your clock is fast. It's 5:18.

CHAIR LEE: Yeah, it is fast. I told you, one clock is fast, the other one is slow.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, I going make my presentation brief. I, I'll just concur with a lot of the points that were made. The opposition was based on a lot of, like, financial impact at the detriment of our, our reef and our marine system. And, and sometimes they not going just do the right thing. We have to force them to do the right thing for the commons, and for the peoples, for the health and welfare of all us, because we live in this capitalistic system. And that's one of the externalities of, of, of some of these companies, and their petro-based, you know.

So, it affects the endocrine system, like Member Paltin talked about. And endocrine system is a hormones. This is my presentation, which is your, your reproduction, right? And as we heard from Mr. Weltman this morning in testimony, Kumulipo talked about who our first ancestor was. And that was the coral polyp. We're all connected. Humans have an endocrine system too. So, how it affects our reef is also affecting us similarly. We're not that different from the other living creatures.

And while this, this may not be the silver bullet, because unnatural amounts of, of minerals is still unhealthy for our coral, it, which makes half the oxygen that we breathe. So, we have to protect our coral so that we can continue to have oxygen. I'm also pau with my presentation. Last sentence.

So, we need to reduce all of it all together like Member Paltin said. And to wear more protective gear. I got some super cute long-sleeve one piece bathing suits that I'm happy to, to share with anyone that's interested. Protects all the way up to like this. Really good stuff. And restrict the number of people going into the ocean. And that's what we just did by, by voting on the moratorium to help to reduce tourism amounts. So, that's the end of my presentation. Mahalo, Chair.

CHAIR LEE: You know, before I used to think of this Council as the can-do Council. Now I'm thinking it's the wala'au Council. Yakety, yakety, yakety, yak. Okay, anybody else? Anybody else? This is second and final reading.

Oh, Member Sinenci.

COUNCILMEMBER SINENCI: Real quick, I just wanted to add. I guess doesn't really apply, I get too much . . . in me, so it doesn't really apply to me. But support it.

CHAIR LEE: Okay, very good. Anybody else want to discuss their skin conditions? All in favor, say "aye", raise your hands.

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

NOES: NONE.

CHAIR LEE: Okay, unanimous. Is it? Unanimous.

COUNCILMEMBER KING: Thank you. Thank you, Council.

CHAIR LEE: Very good. Okay, heading down the homestretch.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___136___(2021)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.12, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN THE APARTMENT DISTRICT

CHAIR LEE: Member Paltin. You're muted.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 136 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Paltin, second; seconded by Members Johnson, to pass Bill 136 on second and final reading.

Discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. The purpose of the proposed bill is to provide clarification on terms and requirements for transient vacation rental use in the Apartment Districts, and to add a register number requirement for advertisements.

Your Committee discussed the following revisions to the proposes bill attached to Resolution 21-51, which were recommended by the department: 1) The property owner or operator must hold valid general excise and transient accommodation tax licenses for the subject property, and these taxes must be paid in full and be kept current; 2) Advertisements for TVR must include the tax map key number, if applicable, unit, and if applicable unit number; and 3) Add "building envelope" to Section 19.04.040, Definitions, to define the area enclosed by the three-dimensional exterior surfaces of the building or structure, including any open air areas between the posts or the posts and the walls that hold up a roof, such as carports and covered decks. This term was added to 19.12.020(G)(3) in Ordinance 5126 but not to 19.04.040, and is necessary to define the spatial limitation of transient vacation rental use in a dwelling unit.

Your Committee agreed to amend the bill to read, "or payment of general excise tax and transient accommodation tax" at the end of Subsection 19.19.020(G)(2). And this was just a test, the original bill that I had sent to the Planning Commission required registration numbers. And so, then it came back as TMK numbers. And I did hear Dr. Young and some others say that it needs to be across the board. And now that this test case has gone through, I, I am working on legislation to make it across the board in terms of TMK as opposed to registration numbers, as originally proposed. Because, you know, we don't have a big problem with using TMK numbers as opposed to registration numbers. So, I respectfully request Members support of my motion. And stay tuned for more legislation on TMK registration numbers for advertisement purposes.

CHAIR LEE: Okay. Any more discussion?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, this is, I'm going to speak in support of it, of course. But this is perfect because now, as you all know with the TAT, that we have access to TMK numbers whereas before we didn't have, quite have that relationship with the, with the State DOT, State Department of Taxation. And I think in that discussion with

the TAT, we learned that we're working closer now and we'll have access to that information. So, this is like perfect, right? So, I support this.

Thank you, Keani for, I mean, thank you, well, Keani for the TAT. But thank you, Tamara, for yeah, for working on this, cause I remember you mentioned this, I think when you first got elected. Is that right?

COUNCILMEMBER PALTIN: Correct.

COUNCILMEMBER SUGIMURA: One of your things that you wanted to do. So, thanks a lot.

CHAIR LEE: Alright. Anybody else?

COUNCILMEMBER PALTIN: Oh, second and final?

CHAIR LEE: Yes. Sure.

COUNCILMEMBER PALTIN: And just to add onto what Member Sugimura is saying, you know, this will all hone us in on the illegals, even more so like dialing it in, dialing it in. Where to clarify, if you aren't paying your taxes, it doesn't mean that you're illegal. That took a while for me to understand. It just means you're not paying your taxes. So, there's illegal TVRs, which you are not allowed to do. And then you're allowed to do TVRs, but you got to pay your taxes which is a separate issue. And it, it took me quite a while to understand that. But in order to be completely legal, you have to be legally allowed to do your TVR and you gotta pay your taxes.

And like Member Sugimura said, we weren't able to see who wasn't paying the correct property taxes because the State wouldn't share the TAT info with us. And now that there's a County TAT, then we'll be able to see, and we'll be able to see who is properly allowed to do TVR usage. Because apparently some folks used to pay taxes even if they weren't allowed to do the usage for some reason. Thank you.

CHAIR LEE: All those in favor, say "aye", 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, we only have three more.

ORDINANCE NO._____
BILL NO.___137___(2021)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Chair, you know, I know you're hungry. Let's just do all these last three together.

CHAIR LEE: Good idea.

ORDINANCE NO._____
BILL NO.___138___(2021)

A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032

ORDINANCE NO._____
BILL NO.___139___(2021)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 0.933 ACRE IN HAIKU, MAUI, HAWAII, TAX MAP KEY (2) 2-9-007:032

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: This one, I'll preface this by this is like a record for PSLU, seven bills, second and final reading, one meeting.

CHAIR LEE: Very good.

COUNCILMEMBER PALTIN: I move to--

CHAIR LEE: You deserve a medal.

COUNCILMEMBER PALTIN:

I MOVE TO PASS BILL 137 (2021), BILL 138 (2021), AND BILL 139 (2021) ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Paltin, second by Member King to pass Bills 137, 138, and 139 on second and final reading.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Planning and Sustainable Land Use Committee meeting on October 21, 2021, to discuss three proposed bills relating to the Door of Faith Church.

The first proposed bill, Bill 137 (2021) is to grant a District Boundary Amendment from Agricultural to Rural for .933-acre parcel, tax map key (2) 2-9-007:032, located in Haiku, Maui, Hawaii.

The second proposed Bill 138 is to grant a Community Plan Amendment for Agriculture to Public/Quasi-Public for the same parcel.

And the third proposed Bill 139 is to grant a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for the same exact parcel.

Your Committee notes that the Council's Planning and Sustainable Land Use Committee (2019-2021 Council term) previously met on this matter on September 18, 2019.

Your Committee notes it previously reported on this matter through Committee Report 19-119, which recommended adoption of the resolution related to land use entitlement

changes for the Door of Faith Church and referral of the proposed bill to the Maui Planning Commission, Resolution 19-172.

Your Committee notes the Planning Commission reviewed the proposed bills on August 11, 2020, and recommended approval with no conditions. The Planning Commission also recommends the Council consider fire-flow requirements for the area. And the Council did consider those, and we would leave it to the respective departments to address it. And so, I respectfully request the Members support of my motion.

CHAIR LEE: Any discussion? If not, all those in favor, raise your hand and say "aye" to pass these three bills on second and final reading.

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.

Congratulations. Member, Member Paltin?

COUNCILMEMBER PALTIN: Yes?

CHAIR LEE: Has your master list gone down?

COUNCILMEMBER PALTIN: Oh, yes.

CHAIR LEE: Oh.

COUNCILMEMBER PALTIN: It's gone way down. Seven bills, that's seven bills that I no longer--

CHAIR LEE: I know. I know. That's quite an accomplishment.

COUNCILMEMBER PALTIN: Thank you. I couldn't have done it without all of you.

CHAIR LEE: Yeah. Well, we have seven more referrals coming to you next time.

Okay, everybody, Happy Thanksgiving. Hope you have a safe holiday--

COUNCILMEMBER SUGIMURA: Gobble, gobble.

CHAIR LEE: --with your friends and family. Huh? Next week? I don't think I'm going to see you guys, right?

COUNCILMEMBER MOLINA: Chair, yeah, sorry, but we do have a recessed GREAT meeting on the day before Thanksgiving. Sorry.

COUNCILMEMBER KAMA: Wednesday.

CHAIR LEE: Oh, the day before Thanksgiving. Let me check my calendar.

COUNCILMEMBER MOLINA: 1:30.

COUNCILMEMBER PALTIN: He's going to bring us turkey sandwiches.

COUNCILMEMBER MOLINA: Yeah, turkey for everybody.

CHAIR LEE: Oh, yea, I see GREAT, yeah. Okay.

COUNCILMEMBER KING: No, we're not going to go into the building, right? Because what happened last time you went into the building? Smoke on the ninth floor. You got smoked out.

COUNCILMEMBER SUGIMURA: So, I ordered persimmons.

CHAIR LEE: I hope to see you folks, but anyway.

COUNCILMEMBER SUGIMURA: I ordered Hashimoto persimmons. I'll have it in your, your in-trays. Thank you.

CHAIR LEE: Oh, thank you very much.

COUNCILMEMBER MOLINA: Thanks, Yuki.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Everybody have a great weekend. Any announcements? Anybody getting married? Anniversary?

COUNCILMEMBER SUGIMURA: Tomorrow is Maui Matsuri at Queen Kaahumanu. Tonight at Queen Kaahumanu, and again, Maui Matsuri Japanese Festival at Queen Kaahumanu, yeah.

CHAIR LEE: Are they going to have a bon dance?

COUNCILMEMBER SUGIMURA: Yes. You have to sign up for it because of COVID. So, it's limited.

CHAIR LEE: Oh, okay. Okay.

COUNCILMEMBER SUGIMURA: Yeah. Bye everybody.

CHAIR LEE: Alright. Anybody else?

COUNCILMEMBER PALTIN: I'll be leaving the County on--

COUNCILMEMBER KING: Just--

COUNCILMEMBER PALTIN: --Thanksgiving. Oh, sorry.

CHAIR LEE: You, you're what? You're leaving the County? What, what did you say?

COUNCILMEMBER PALTIN: Yeah. I'm going to go to the County of Hawaii, celebrate Thanksgiving and Lā Kūʻokoʻa. But I'll be back on Monday after Thanksgiving.

COUNCILMEMBER KING: I'll be there too.

CHAIR LEE: On the Big Island?

COUNCILMEMBER KING: I'll be on the Big Island as well.

CHAIR LEE: Are you guys going to the same area?

COUNCILMEMBER KING: Hilo side. Are you going to Hilo?

COUNCILMEMBER PALTIN: Yeah. Maybe we'll see you.

COUNCILMEMBER KING: Yeah. That's where my daughter lives. We're going to do Thanksgiving over there and maybe be at the biodiesel plant on Monday and Tuesday.

And what was I, I was going to. Oh yeah, I just wanted to remind everybody that we're working on that video. And so, I know a couple of you, for the COVID, you know, vaccinations. I know couple of Councilmembers have done their piece already. But you can contact Chivo if you want to go in and just do your little PSA.

CHAIR LEE: Good. Thank you for reminding everybody. Any, anything going on in Hana? Member Sinenci.

COUNCILMEMBER SINENCI: It looked like we just had a akule harvest this afternoon. I missed it, but I'm sure I'll get to smell all fried fish tonight.

CHAIR LEE: Ooh, sounds good. How about Paia and Makawao?

COUNCILMEMBER MOLINA: Nothing at the moment that I'm, I'm aware of. But if I hear something, I'll let you all know. Oh, yeah, just to let everybody know, we'll be opening up our district office, I think the first or second week of December. We'll firm up that date. So, and it will be at Heritage Hall. So, we've got everything's been signed and everything else, so we'll be prepared for that. And everybody invited.

COUNCILMEMBER KING: Oh, yeah. You know, ours, okay, ours is going to be on December 8, so we'll have to coordinate those. So--

CHAIR LEE: Mike?

COUNCILMEMBER MOLINA: Yeah, we're looking at a tentative--

CHAIR LEE: Can you have, can you have creampuffs from Komoda's?

COUNCILMEMBER MOLINA: We'll see what we can do. We're looking at a tentative date of Friday, December 10.

COUNCILMEMBER KING: Oh, good. Okay.

CHAIR LEE: Okay. Friday, December 10. Alright.

COUNCILMEMBER KING: Wednesday, December 8.

CHAIR LEE: That's in the morning. I think we have a TIG meeting, yeah, in the afternoon? No? Vice-Chair, TIG meeting?

COUNCILMEMBER KING: On what, Wednesday?

CHAIR LEE: No. Friday, the 10th.

VICE-CHAIR RAWLINS-FERNANDEZ: On the 10, yeah, in the afternoon.

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: Yeah, we're looking at a--

CHAIR LEE: Okay, then we have a--

VICE-CHAIR RAWLINS-FERNANDEZ: So, we--

COUNCILMEMBER MOLINA: --be out of there by then.

VICE-CHAIR RAWLINS-FERNANDEZ: It's going to be 8th and the 10th? Cause I wanted to fly over. It's historic.

COUNCILMEMBER KING: Yeah, I hope--

CHAIR LEE: His is in the morning. His is in the morning.

COUNCILMEMBER KING: I have little gifts for all of you from Scotland. So, one of them is going to, I brought the flag back from Embo, so I'm going to present that to Keani . . .

CHAIR LEE: Oh, you know what? We already have soap, you know.

COUNCILMEMBER KING: I brought you golf balls.

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

CHAIR LEE: Okay, Member Kama, what are you doing in the neighborhood?

COUNCILMEMBER KAMA: This week, this weekend, I'm not doing anything except doing laundry. But next week Thursday, on Thanksgiving, one of the restaurants in Wailuku is doing a Thanksgiving giveaway and so we're going to be doing Thanksgiving giveaway plates that day.

CHAIR LEE: Oh. I might see you. I normally pick up lunches from there and then take it to the ranch for our guys.

COUNCILMEMBER KAMA: Yeah. Yeah.

CHAIR LEE: Very good. Vice-Chair, anything happening on Moloka'i?

VICE-CHAIR RAWLINS-FERNANDEZ: My husband's birthday is on Sunday.

CHAIR LEE: Oh.

COUNCILMEMBER KING: Happy birthday.

COUNCILMEMBER KAMA: Hau'oli lā hānau.

CHAIR LEE: You gonna cook him a meal or something?

VICE-CHAIR RAWLINS-FERNANDEZ: No, he's going to cook for me.

CHAIR LEE: That's good training. Good training.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, I'm going to, I'm going to cook for him, too. It's a partnership.

CHAIR LEE: Partnership, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Give and take.

CHAIR LEE: Very good.

COUNCILMEMBER KING: Well, we had quite a historic meeting today. I mean, we had so many groundbreaking pieces of legislation. Ellen stayed around so we can go get a drink afterwards and celebrate.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm happy to, I'm also happy to report that our climate change and sea-level rise plan for Molokai has done three out of four of its workshops already. And so, the fourth workshop is in Kaunakakai, Monday evening at, at 4.

COUNCILMEMBER KING: Oh, awesome. That's great. Good job.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. So, they're moving right along.

COUNCILMEMBER KING: Yeah, good job.

CHAIR LEE: So, who's, who's, who's doing that? Like the Planning Department?

VICE-CHAIR RAWLINS-FERNANDEZ: Sustainable Molokai.

CHAIR LEE: Oh.

COUNCILMEMBER KING: Yeah. Like sustainable, but it's . . .

CHAIR LEE: Are you on that, you're on that Committee?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, it's, it's an organization. They're a nonprofit and they have our mobile food hub, our mobile market. So, the . . .

COUNCILMEMBER KING: Is . . . still on that? Is . . . no she's not? I didn't think so. She's--

VICE-CHAIR RAWLINS-FERNANDEZ: She left the island a few years ago.

COUNCILMEMBER KING: She left the island? Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: We're really becoming the Council of wala'au now.

COUNCILMEMBER MOLINA: Good night, everybody.

CHAIR LEE: Well, yeah, you folks, everybody, take care.

COUNCILMEMBER KING: Well, everybody, happy, well, we'll see you on Wednesday.

CHAIR LEE: Wednesday. See you on Wednesday.

COUNCILMEMBER MOLINA: Chair, you got to . . . the meeting.

CHAIR LEE: Don't worry. Don't worry.

COUNCILMEMBER KAMA: Aloha.

CHAIR LEE: I'm going to adjourn. Okay, for, so the meeting of November 19, 2021 is now adjourned.

ADJOURNMENT

The regular meeting of November 19, 2021 was adjourned by the Chair at 5:38 p.m.

Kathy K. Kaohu

KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

211119/lks:jm

County Clerk

RECEIVED
2021 NOV 19 AM 8:23
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From: Keisa Liu <keisaliu@gmail.com>
Sent: Friday, November 19, 2021 8:15 AM
To: County Clerk
Subject: Keisa Liu - Testimony for Agenda Item E

You don't often get email from keisaliu@gmail.com. Learn why this is important

My name is Keisa Liu and I am testifying on agenda item E: Ceremonial Resolution Recognizing Hunger and Homelessness Awareness Week November 13-21, 2021.

I support this resolution with reservations because being aware that there is hunger and homelessness in Maui County is not enough. We need to do more if we want to reverse this on our islands. This week, I urge the Council and everyone in Maui County, to let go of the phrase "refuser of services", as it does not paint a complete or accurate picture of our chronically houseless of Maui County. To justify this, I would like to share my experience walking someone down the path out of houselessness on Maui.

At the beginning of 2021, I was tasked with learning more about the houseless in Maui County for my new job with Councilmember Johnson. I got in contact with Lisa Darcy from Share Your Mana and she informed me there were community meetings every Friday at the Amala encampment. I attended several of them and listened to Amala residents talk about problems in the community, come up with solutions, and plans to implement them. This was the first time I met Warmth (I am changing their name to a characteristic about them to protect their privacy). Warmth came with notes. They were articulate. They were friendly and kind. I was confused as to why they were homeless. Warmth was always at the meetings.

Warmth is chronically homeless. They are a Vet. They are older and have several health issues. They are a "refuser of services" or "jackass" according to our Mayor.

Warmth was one of the few that did not leave Amala until the very end. I helped them move their things. I saw in their face defeat and desperation during this time. I saw shame and hopelessness cloud their judgement. But I didn't pry. I just moved their things.

After the "clean up", I learned they were staying near the Uhaul Storage in Kahului. I heard rumors that the area was going to be "cleaned up" as well but I didn't know when. I happened to be driving by right when the State Department of Transportation was finishing. Further down the road, I saw Warmth. I pulled into the Uhaul parking lot and walked up to them. Again, I saw defeat and desperation. I saw shame and hopelessness in their eyes. I saw how physically and mentally exhausted they were. I asked for them to come sit with me in the shade. I offered my water. I called for Maya. While we waited, the Uhaul manager came out to tell us we couldn't stay here. They didn't want to call the police, but they alluded to the fact that it was within their abilities. I asked what Warmth wanted to do. Warmth was tired and thirsty and hungry. The road made it hard to hear, let alone think. Their solution was to find a quiet spot somewhere to rest. I offered my home.

Maya showed up and helped me load Warmth's things into my truck. She took them to get something to eat and get a Covid test. Then she brought them to my house. Warmth ate dinner with my family that night. They showered and slept into the afternoon. When they woke, I listened to Warmth tell me why it's been so hard for them to take help. I listened to what they missed about not being homeless. I listened to them express themselves freely without shame or guilt imposed by their environment. After a couple days, I heard them say they were ready to stop living this way. I offered to walk the path out of houselessness with them.

The steps to permanent housing seems simple enough:
1. Get a Homeless Verification Letter (HVL)
2. Schedule an intake with a shelter
3. Use their programs and services to obtain permanent housing

But it's actually a lot harder.

For Warmth to obtain a HVL, an outreach worker from Family Life Center needs to see where they slept the night before. Warmth would only qualify for a HVL if the last place he slept was not in a house. Because I brought Warmth into my house, they no longer qualified as homeless, even though they most certainly were. So we had to come up with a plan.

We made an appointment with Family Life Center at 10am. Then, we scouted around Kahului to find what looked like a safe space for them to sleep for the night outside. We contacted Family Life Center and described where he would be and took a picture of the area so they could find Warmth. We went back to my house, I contacted a group of women I work with and asked if any of them could show up around 8am to get them breakfast and take them to a bathroom so they could clean up and be ready for their intake at 10am. Warmth ate dinner with my family and then at 8pm, I dropped them off with their sleeping bag and a small bag of supplies.

The next morning, I received a text from the outreach worker for Warmth. I told the worker that he is at the spot and expecting to do the intake at 10am. Maya arrived around 8am and the outreach worker from Family Life Center was already there, two hours early. She left to get breakfast for Warmth and when she returned, both the outreach worker and Warmth were gone. I advised her to go to Family Life Center and I would be down later.

When I arrived, Warmth saw me and ushered me over. The outreach worker was not happy with my presence and when I greeted them they were incredibly curt. At one point, the outreach worker turned to Warmth and asked if they could talk privately so the outreach worker could get "some honest answers". Even after Warmth said they were fine with us being there, the outreach worker insisted. I asked if it was ok for me to wait outside and I told Warmth I would be there when they left.

After some time, they returned with a copy of his ID and some good news. Warmth was told their letter was in the system and they could now attempt to seek shelter. The HVL is valid for one month, so we have one month to seek shelter.

For the majority of our houseless community, in order to receive services from the County, they need to be in one of the sponsored organization's facilities. In order to get into the facilities, they need to schedule an intake. In order to schedule an intake, they have to call each organization every morning and ask if there is space. Most times, the intake line is busy and they end up having to leave a message. There is no guarantee that a person from intake will call back after a message is left.

If they are lucky enough to be able to schedule an intake, they need a valid homeless verification form, ID, and they must want permanent housing at the time of intake.

At the time I picked up Warmth, their phone and wallet with their ID had been stolen by another houseless individual. If I had not picked them up, they would not have been able to do an intake at all. They would have to rely on an outreach worker finding them on their rounds and setting up an intake.

I need to point out that many of the houseless residents I have spoken with have told me they do not see outreach workers out enough. When they do see them, many of the houseless residents feel the interactions are cold, transactional, and, therefore, difficult for them to invest their trust in the outreach worker. Outreach workers have not created a space of enough emotional safety for our houseless to believe they really want to help. This was one reason why Warmth had decided not to take services from outreach workers.

But because Warmth was with me, we used my phone to call the intake line at a facility they were comfortable with. We called for several days. We would leave messages. Sometimes, we got a call back to tell us the facility was full. Honestly, it was discouraging and stressful. We stayed persistent and hopeful. When they felt down about receiving so much of their time, I would tell them they owe me a dinner in their new place. When they were embarrassed about how much I was helping, I would tell them stories about how others helped me. When they expected more from themselves, I reminded them of how much they had done, in spite of how difficult this journey had been. When they felt they were undeserving, I showed them they were.

On Wednesday, I took Warmth down for their intake at a facility. The day had been a bit stressful and I could tell they were reaching their limit. I went with them to keep them focused on the work and their goals. After their intake, I took Warmth home to decompress and have one last dinner with us as a family. I helped them move in. Even as we were moving into the space, we both recognized that the level of compassion and respect were not at the level needed. But I reminded them I was still going to be with them.

I am still walking the path out of houselessness with them. Just because they are in a facility doesn't mean they are out of houselessness. Warmth wants to use the programs and services that are at the facility. They are determined to get out of houselessness. I am determined to walk beside them.

I wanted to share this story with you because this person has been labeled a "refuser of services". That phrase allows us all to see them as stubborn, unintelligent, undeserving, and worthless. It allows us to stop trying to connect with them. It allows us to break the trust needed to walk the path out of houselessness.

So, today, as we reflect on this "awareness" that hunger and homelessness exists, I need us all to recognize that not only does it exist but it continues because of the way we speak about our houseless, how we treat our houseless, and how we create systems that make the path out of houselessness more punishing than houselessness itself.

Mahalo for your time and consideration.

Keisa Liu

Aloha Maui County Council;

Mahalo for having the courage to address this important issue:

Bill 135 will remove environmentally hazardous materials that have been plaguing our islands for decades. It does what we have been unable to do with thousands of hours of outreach and education. It recognizes that relying on consumers to make the right choices has not been enough, especially in the face of advertising campaigns and green-washing marketing.

1. Bill 135 solves the problem at the store - where the problem begins. Education /outreach at the water's edge, where people may not have other alternatives or have to change plans, is difficult and reaches only a minority.
2. Bill 135 makes it clear that we are not fooled: we know that just re-formulating and renaming each newly fabricated compound from a laboratory does not suddenly make a product safe for the environment.
3. Bill 135 not only protects our reefs and all species that rely on them, it protects our food resources from contamination by products that are not necessary for sun protection in people. This is an issue of environmental justice: one consumer's choice of using toxic sun-protection products does not override the rights of others to sea foods without benzenes in them.

Some dermatologists who make and sell their own sun-care products may defend chemical sunscreens, yet dermatologists who do not make / market products say that mineral sun-bocks work to prevent both UVA and UVB rays from reaching your lower dermal layer, where skin-cancer damage begins. Quotes from doctors were used by the tobacco industry to promote benefits from smoking, such as "calming nerves and lowering blood pressure." More recently, many well-meaning doctors promoted opioids.

Between 2009 and 2018 the National Cancer Institute has recorded a rise in skin cancer rates of 1.4% annually, despite the availability of chemical sunscreens. Chemical sunscreen compounds began being sold in 1978 – if they are so effective why are skin cancer rates rising consistently?

Industry will claim that its important to maintain "choices" for consumers because some people, for reasons of vanity, because of the way the "pasty white stuff" looks, won't use mineral sun-blocks and that some react badly. Zinc oxide is used to treat diaper rash – the number of people who have sensitivity to mineral products must be exceedingly rare. There's a possibility of risk in every option (except clothing). Can industry representatives tell us the percentage of people who have reactions to chemical sunscreens versus the number of people who have reactions to mineral sun-blocks? Can the industry share statistics of the number of people who suffer from second-hand exposure to benzines (who do not have a choice) versus those who get skin cancer? Can we compare economic loss of sales to economic costs of contaminated food, damaged reefs, loss of tourism and loss of shoreline protection?

These compounds are based on what chemists call benzines, rings of carbon. They are designed to absorb a photon of sunlight, then break-down, releasing heat, raising the temperature of your skin – this is one reason why it affects corals and causes them to bleach. This is the definition of a chemical reaction, and its happening within your skin cells. The remnants of the chemical structures, benzine rings, are now free to travel in your body, into your bloodstream, through your endocrine system and

eventually into your urine. Mineral sun-blocks are not absorbed by your skin, they sit on the surface, reflecting sunlight.

We have always had choices that have worked for generations: cover-up, seek shade between 10 and 2, use sun-blocks. All the major manufactures already make and sell mineral-based sun-protection, they just aren't as profitable because they can't be patented.

I have talked with several thousand people, one-on-one for the last seven years on the front-lines at beaches and parking lots. Almost all have expressed one thing: "I just wish these things were illegal to sell / were off the market."

We ban the sale or use of many destructive products in our society. If oversight for one industry is missing on higher levels, its prudent for local governments to protect their resources and people.

Thank you for doing this important work.

Jeff Bagshaw

Information and Outreach Specialist

Hawaii Division of Forestry and Wildlife

Maui Nui Branch

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County Clerk

From: George Martin MD <drmauiderm@gmail.com>
Sent: Thursday, November 18, 2021 7:52 AM
To: County Clerk
Subject: HB 135 Written Testimonies from Dr. George Martin MD and Dr Curtis Cole PhD
Attachments: AADA HDS Oppose Maui County Bill 135.pdf; Lim paper oxybenzone.pdf; Mitchelmore et al_2019_STOTEN_UV filters HI (003).pdf; Mitchelmore PCPC et al 2021.pdf; Testimony for Dr George Martin Maui FINAL .docx; Curti Cole PhD CV 2021CC.doc; Curtis Cole PhD Testimony HB 135 .docx

You don't often get email from drmauiderm@gmail.com. Learn why this is important

Aloha

Attached are the written testimonies and supporting documentation of Dr George Martin MD, dermatologist practicing on Maui, and Dr Curtis Cole PhD, leading authority on sunscreens.

I, Dr George Martin, wish to present LIVE via the County Council Blue Jeans portal on the day oral presentations are to take place before the Maui County Council.

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With Aloha,

George

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Testimony to Maui County Board
In Opposition to Bill 135
By Curtis A. Cole, PhD, Photobiologist and Sunscreen Expert

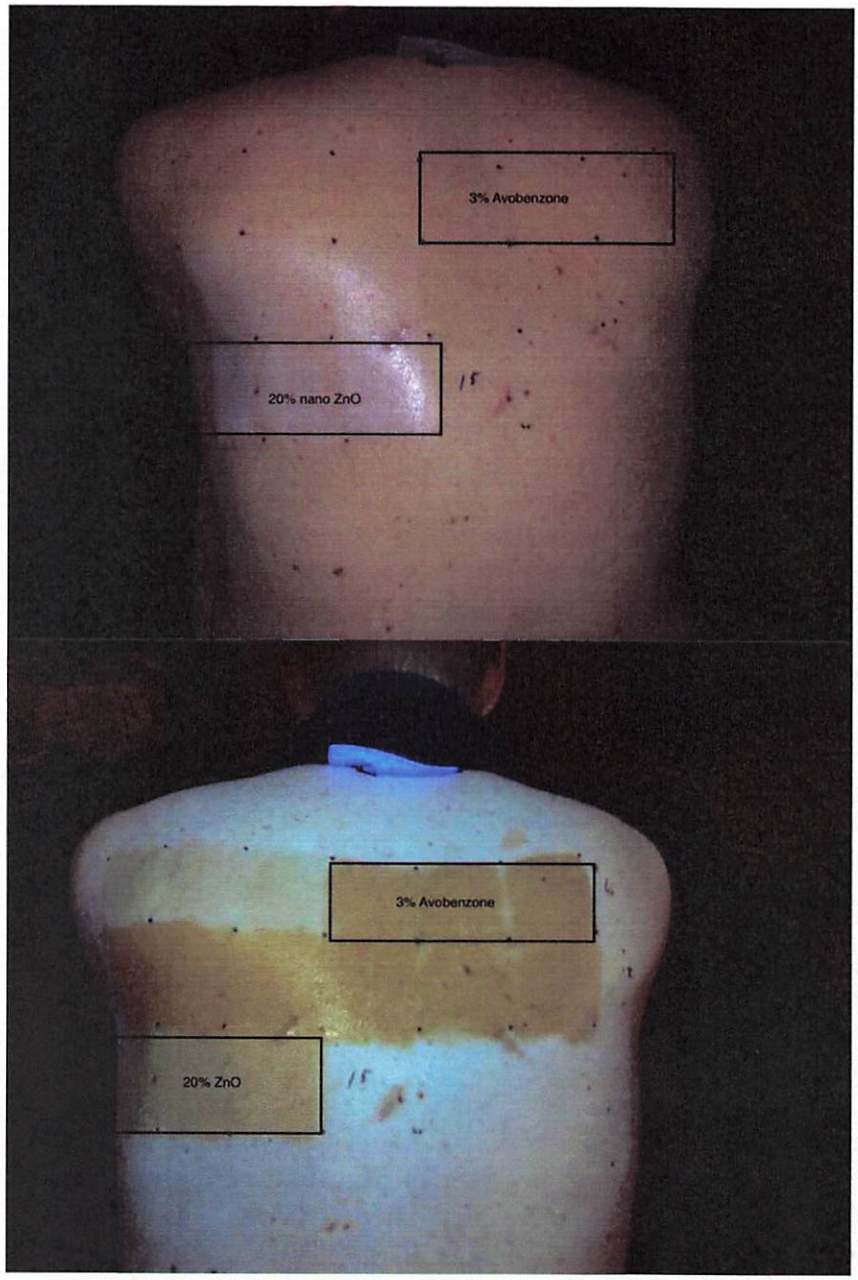
I wish to present some information and context to that information to the Maui County Board that opposes the proposed ban to sales and use of sunscreens containing organic filters in Hawaii. I am by training a physicist, photobiologist, and sunscreen expert whose career has spanned 12 years of academic research in skin cancer induction, and 27 years in industry developing sunscreen testing methodologies and sunscreen products. I am among the top global authors regarding sunscreens (CV attached).

I believe Bill 135 will do a great disservice to the millions of residents and visitors to the beautiful Maui, and will further promote the degradation of sunscreen products not only in Hawaii, but also for the other 49 States in America. State and Local bans of certain sunscreen ingredients force sunscreen manufacturers to reformulate products for all States and regions as it is not economically viable to manufacture state specific product formulations according to these local regulations. Compliance with both State and local regulations on top of the FDA mandated limitations on UV filters and concentrations has led to the point where it is becoming nearly impossible to meet the UV protection needs of the consumer (particularly those at greatest risk of skin cancer and malignant melanoma) and all the regulatory requirements with the best performing high UV protection broad spectrum products.

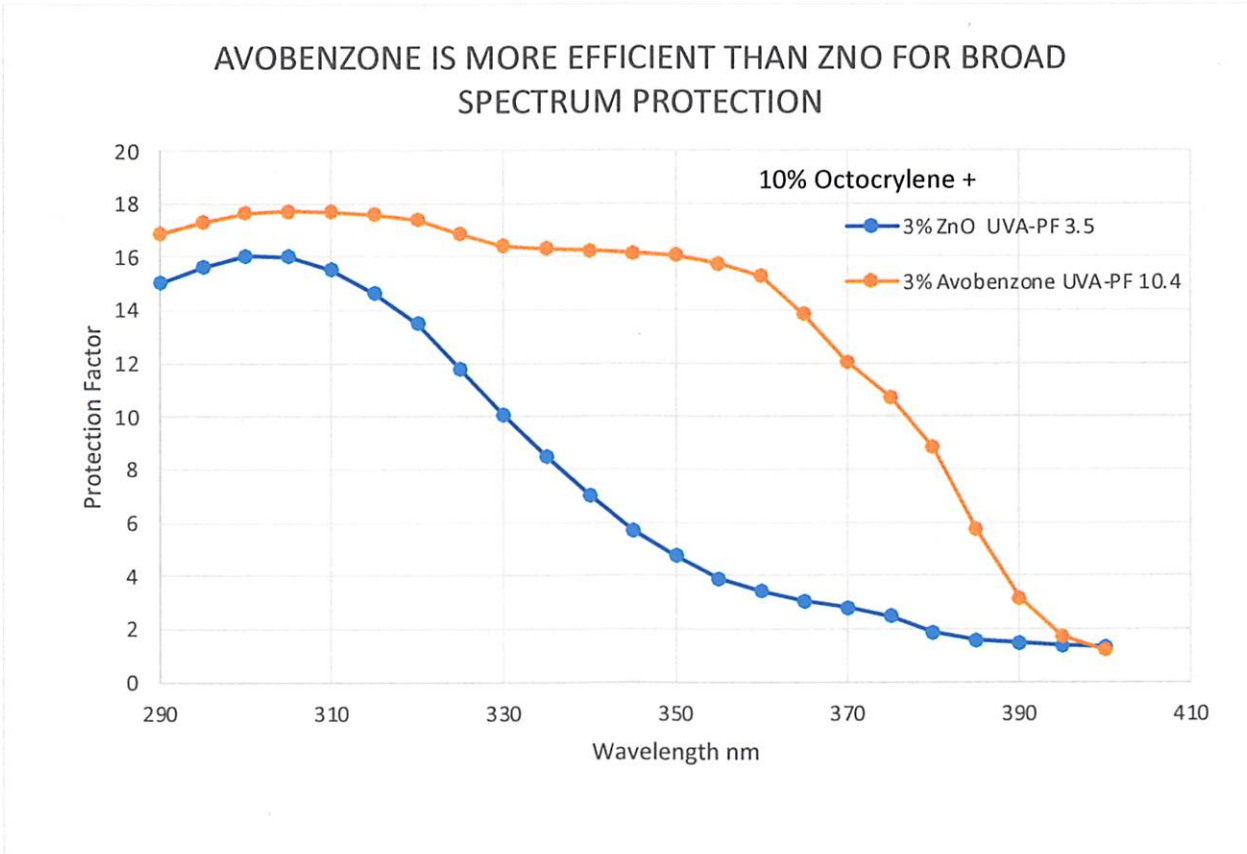
Why is it important to have ability to utilize organic UV filters in sunscreens?
Titanium dioxide and Zinc Oxide are inorganic particulate filters; however they behave the same way in protecting skin as do the "chemical" organic filters. The biggest difference is that the organic filters have far higher absorbance efficiency (measured by extinction coefficient) than do the particulate inorganic filters, and they are invisible on the skin compared to inorganic sunscreens. Below are pictures showing visible and UV illumination of products with either 3% avobenzone or 20% nanosize ZnO, illustrating the pasty white appearance of the ZnO product, versus the clear invisible Avobenzone. When illuminated with UVA light, it is easy to see that the avobenzone is providing far superior blockage of the UV light compared with the lighter appearing ZnO treated area.

In order to achieve minimal amounts of UVA protection from ZnO or Titanium dioxide, very high concentrations of these filters to achieve the same protection provided by just a few % of the organic UVA filter. At such high concentrations, even the nano particle size Titanium Dioxide and ZnO give a pasty white appearance. As a result, consumers apply less of the sunscreen than is intended for use, and then continue to rub the sunscreens on the skin in attempt to make them less visible, effectively removing them in the process – resulting in even less protection.

Addition of iron oxide particulates to try to blend them to skin tones helps alleviate some of appearance issues but results in staining of clothes and car seats and anything that touches the skin – further alienating consumer use.



This graph illustrates the potency of avobenzone compared with zinc oxide at the same concentration. Both curves also contain 10% of the organic filter octocrylene as a UVB filter for the purpose of comparison. Avobenzone provides far superior breadth of protection as well as magnitude of protection in a sunscreen.



If the organic filters are banned from use in the US by state and local regulations such as the proposed bill, consumers will have no choice but that of poorer, less protective and unattractive sunscreen products, and many will likely opt for no sunscreen at all or choose to vacation at a location where they are permitted to use their preferred organic based sunscreen products.

Meanwhile, the science alleging that organic sunscreens are responsible for damage to coral reefs is not proven, and in fact the latest critique of these allegations demonstrate that sunscreens are not present in sea water in sufficient concentrations anywhere to cause damage to coral[1] (which others will submit for your consideration).

I ask that you oppose Bill 135 and await further research needed to establish the true causes of coral reef damage before restricting the use of organic sunscreen that are essential to good UV protection on the beaches of Maui.

Sincerely,
Curtis Cole, PhD Photobiologist

[1] Mitchelmore C.L, Burns E, Conway A, Heyes A, Davies IA. A critical review of organic ultraviolet filter exposure, hazard and risk to corals. Environmental Toxicology and Chemistry, 40(4), 967-988. 2021.

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Gordon College, Wenham MA, BA Physics, 1974
Temple Univ., Phila. PA., MS Physiology & Biophysics, 1982
Temple Univ., Phila. PA. Ph.D. Physiology & Biophysics, 1986

Sun & Skin Consulting, LLC – 2014 to present. Principal Member/Consultant. Providing technical insights in the fields of sun protection, skin photobiology, skin aging and general skin care based on 40 years of experience in discovery, and basic and applied skin research while working with some of the world's best skin care experts and dermatologists. Expertise includes experience with skin care devices, regulatory processes, and development of regulatory standards (local: US-FDA) and international (ISO)). US delegate to ISO TC 217 WG7 developing harmonized standards for sun protection over 13 years, serving as Project Leader for the development of ISO 24443, 24442, and 24444 (2019) sunscreen testing standards. Active member of the Photomedicine Society for 17 years with numerous publications in the area of photobiology. Provided sunscreen testing and training consulting services to numerous testing laboratories, global sunscreen manufacturers, and to the prime manufacturer of sunscreen testing solar simulators and measurement equipment. Pioneered development of hybrid diffuse reflectance (HDRS) spectroscopy for sunscreen testing purposes (UVA and SPF) and invented a polychromatic approach to HDRS testing currently in development for ISO standard (ISO23698).

Johnson & Johnson Consumer and Personal Care Companies -- 1986 to 2013
Vice President R&D, Open Innovation -- Responsible for identifying and engaging external partnerships capable of delivering business growth to the J&J Global Skincare Franchise

Prior leadership role as Research Vice President, managing an organization of approximately 60 individuals dedicated to basic skincare research, Pharmacology/Discovery, Applied Research, and Method Development.

Development roles leading to the Research VP position included:

- Development of *in vitro* and *in vivo* SPF and UVA test methodologies to screen prototypes for innovation and product development for J&J businesses.
- Discovery and development of stabilized avobenzone sunscreen technology (Helioplex®)
- Significant experience as leader of virtual teams in a highly matrixed organization as well as traditional structured organizations and cross functional teams.
- Extensive experience in leading key opinion leader dermatologists sessions (Symposia and Round Table formats)
- Globally recognized expert and leader of suncare science and invited speaker at numerous scientific and medical conferences

- Project Leader for the development and publication of two ISO standards for sunscreen testing (UVA in vivo -- ISO 24442 and invitro -- ISO 24443), and revision of ISO 24444 (2019) in vivo SPF).

Temple University -- 1974-1986
Research Associate, Temple University Medical School- Center for Photobiology

- Employed at the Skin and Cancer Hospital while pursuing Masters and Ph.D. degrees. Responsible for developing radiometric measurement instrumentation and methodologies employed in skin cancer basic research.
- Research led to the development and publication of the first definitive biological action spectrum for the ultraviolet radiation induction of skin cancer. This finding was the basis of existing safety standards of the CIE organization for evaluation of lighting hazards for skin cancer safety (see publications 2006).

Granted Patents:

US 5,340,567	Sunscreen Compositions
US 5,747,010	Photoprotective lipophilic anti-oxidant compounds and their use to prevent UVA mediated lipid peroxidation
US 5,980,871	Sunscreen Compositions
US 5,976,555	Topical Oil-In-Water Emulsions Containing Retinol
US 6,068,847	Cosmetic Compositions
US 6,193,956	Topical Compositions
US 6,444,195	Sunscreen Compositions Containing a Dibenzoymethane Derivative
US 6,461,622	Topical Compositions
US 6,521,237	Skin Care Composition
US 6,540,296	Sunscreen Compositions
US 6,544,531	Skin Care Compositions
US 6,607,735	Method for Reducing the Apprearance of Dark Circles Under Eyes
EP 1 634 532B1	Method of measuring skin anisotropy
EP 1 874 261B1	Topical Composition Detection
US 7,396,526	Skincare Compositions
US 7,993,680	Compositions Comprising An Ultraviolet Radiation Absorbing Polymer
US 8,003,132	Compositions Comprising An Ultraviolet Radiation Absorbing Polymer
US 8,025,868	Composition Comprising An Ultraviolet Radiation Absorbing Polymer
US 8,057,785	Phototherapy compositions and methods
US 8,475,774	Sunscreen Compositions Comprising an Ultraviolet Radiation-Absorbing Polymer
US 8,481,008	Phototherapy compositions and methods
US 10,962,472	*In Vitro* diffuse reflectance spectroscopy

30+ pending US patents, (with equivalent EP and WO applications and granted patents)

Awards:
Johnson Medal Recipient , Nov. 1997 "Development of Retinol Technology"
Johnson Medal Recipient , Nov. 2007 "Development of Stabilized UVA Sunscreen Technology"
Life Time Achievement Award for Suncare Advancement, Clinical Dermatology Conference, 2014

Organization Membership:
Photomedicine Society

Publications
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Testimony by George Martin, MD, FAAD

on behalf of the Hawaii Dermatological Society and the American Academy of Dermatology Association

Maui County Council

In Opposition of Bill 135

November 19, 2021

Thank you Chair Lee, and distinguished members of the Council, for the opportunity to provide testimony in opposition of Bill 135, which would prohibit for sale, distribution and even use any non-mineral sunscreen without a prescription. My name is Dr. George Martin and I am a board-certified dermatologist from Kihei. I am here representing the Hawaii Dermatological Society and the American Academy of Dermatology Association.

I have practiced dermatology on Maui since 1989 and during that time have treated over 20,000 patients and over 30,000 skin cancers. My wife and I have raised our 7 children on Maui and now have 4 grandchildren living on Maui, all of whom share our passion and concern for the health of our ocean and coral reefs. I am an avid waterman who finds his way into the ocean several times a week. I have also been involved in sunscreen research and development since 1986 and plan to launch a line of "reef safe" sunscreen products under the brand Doc Hawaii in the first quarter of 2022.

As dermatologists, we dedicate our lives to promoting habits in our patients that ensure healthy skin. UV radiation damages the skin's DNA, which is the beginning stage of skin cancer. We oppose this legislation and urge you to strongly consider the broad implications of banning the use of sunscreens containing certain ingredients, bearing in mind the grave dangers of sun exposure without adequate protection that the residents and visitors of Maui County face.

Chemical (organic) sunscreen filters are an important component of many sunscreen products. They are efficient and provide ample broad-spectrum protection against UV radiation. This legislation would remove access to chemical filters, leaving only mineral filters, which are known to be less effective filters. The testimony of Dr. Curtis Cole PhD provides graphic evidence of this fact. Further, mineral sunscreen products often leave a whitish residue on the skin that many, especially individuals with darker skin tones, find to be unacceptable for use.

UV light exposure is a risk factor for all types of skin cancer and sunscreen use is one photoprotection method to protect against it. UVA damages deeper layers of the skin and contributes to the development of melanoma, the deadliest form of skin cancer. UVB is the

primary cause of sunburn and plays a key role in the development of skin cancer in the skin's more superficial layers. In addition, both types of rays can cause suppression of the immune system. Unprotected sun exposure is the most preventable risk factor for skin cancer. According to current estimates, at least one in five Americans will develop skin cancer in their lifetime. Melanoma, the deadliest form of skin cancer, is now the second most common form of cancer for females aged 15-29 years old, and Caucasian men over 50 years of age are at a higher risk of developing melanoma than the general population.

In 2021, 460 new cases of melanoma are expected to be diagnosed in Hawaii. Further, the annual cost of treating nonmelanoma skin cancer in the U.S. is estimated at $4.8 billion, while the average annual cost of treating melanoma is estimated at $3.3 billion.

To prevent skin cancer, the AADA recommends a comprehensive sun protection plan that includes seeking shade; wearing protective clothing, including hats and sunglasses; and generously applying a broad-spectrum, water-resistant sunscreen with an SPF of 30 or higher to exposed skin.

Dermatologists have an interest in patient and public access to safe and effective sunscreen ingredients. The FDA is currently working with industry on safety testing for currently marketed sunscreen ingredients. The FDA is also considering several time-and-extent applications (TEAs) for new sunscreen ingredients to be added to the FDA over-the-counter (OTC) sunscreen monograph. The FDA's conclusion from recent studies on sunscreen ingredient absorption "supports the need for further studies to determine the clinical significance of these findings." FDA further stated that "these findings do not indicate that individuals should refrain from the use of sunscreen." It should be noted that sunscreen ingredients have been used since the 1970s without any reported systemic adverse side effects. This issue highlights the urgent need for new safe and effective ingredients to be introduced in the United States. With the approval of ingredients that utilize alternative UV filters available to sunscreen product manufacturers, the public's health will be increasingly protected. The AADA continues to take part in the discussion with the FDA and manufacturers regarding availability of current and new ingredients.

We are aware of and concerned about the potential environmental impact of UV-filters. However, the potential adverse effects, if any, related to the levels of UV-filters in the water supply and marine life (as well as humans) is an emerging science. In a recent 2021 review[1] by Mitchelmore (article attached in my written submission) of this topic, 12 studies evaluating up to 14 different organic UV filters in seawater near coral reefs were critically analyzed. The authors concluded that the majority of concentrations found in seawater were in the nanograms per liter range. Nine papers report toxicological findings from no response to a variety of biological effects, however, these effects were detected in the micrograms per liter to milligrams per liter range, namely, at least ***1000-fold higher*** than those reported in seawater in real life. The review concludes ***"there is currently limited***

evidence to suggest that corals are adversely impacted by environmental exposure to UV filters."

Our organizations advocated for the enactment of the Further Consolidated Appropriations Act, 2020, under which the U.S. Congress directed the Environmental Protection Agency (EPA) to contract with the National Academy of Sciences (NAS) to conduct a scientific literature review of current sunscreens' potential risk to the marine environment. The study will also consider scientific literature on the potential public health implications as a result of reduced use of sunscreens. This type of further research is required in order to definitively understand how UV-filters may affect the environment. We encourage you to consider these ongoing efforts before taking any action to remove a product that has been proven effective to protect humans from skin cancer. Based on current data, removing specific sunscreen active ingredients and products from the market would be premature, and would deprive the public of an integral component of photoprotection to decrease the risk of skin cancer.

Speaking as a concerned citizen and scientist, I feel that we need to step back and await the final guidance expected in 2022 from the FDA and the *"ad hoc Committee of the National Academies of Sciences, Engineering, and Medicine on Environmental Impact of Currently Marketed Sunscreens and Potential Human Impacts of Changes in Sunscreen Usage".* We all share the same concerns about the health of our ocean and coral reefs as well as the health and safety of children and adults who are "at risk" for skin cancer. Let us move forward in a spirit of *"malama pono"* and find the common ground for reef and human safety.

Please consider the public health consequences of removing access, banning use, or attaching stigma to sunscreens containing certain ingredients. We oppose Bill 135 for the reasons above, and we request that Hawaii give the FDA more time to add new sunscreens for public use and for the NAS to conduct its review and publish a report. Should this bill gain the support for passage, we urge the Council to 1) remove the word "use," so the ban only applies to sale and distribution and 2) extend the effective date to allow dermatologists and other physicians and clinicians and pharmacies time to develop and implement a prescribing infrastructure.

In summary, it is my scientific opinion that the Maui County City Council is prematurely engaged in decision making on HB 135, a bill that is based on faulty science as evidenced by the critical review by Mitchelmore et al published in 2021. I implore our council members to defer voting on this bill and wait for the release of the findings FDA Sunscreen Safety monograph and National Academy of Science ad hoc Task Force on Sunscreens guidance, both of which are to be released in 2022.

I appreciate the opportunity to provide testimony on this important public health issue. Malama pono!

With aloha,



George Martin MD, FAAD

Dermatologist, Kihei, Maui, Hawaii

[1] Mitchelmore C.L, Burns E, Conway A, Heyes A, Davies IA. A critical review of organic ultraviolet filter exposure, hazard and risk to corals. Environmental Toxicology and Chemistry, 40(4), 967-988. 2021.

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Critical Review

A Critical Review of Organic Ultraviolet Filter Exposure, Hazard, and Risk to Corals

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Abstract: There has been a rapid increase in public, political, and scientific interest regarding the impact of organic ultraviolet (UV) filters to coral reefs. Such filters are found in sunscreens and other consumer products and enter the aquatic environment via direct (i.e., recreational activities, effluents) or indirect (i.e., land runoff) pathways. This review summarizes the current state of the science regarding the concentration of organic UV filters in seawater and sediment near coral reef ecosystems and in coral tissues, toxicological data from early and adult life stages of coral species, and preliminary environmental risk characterizations. Up to 14 different organic UV filters in seawater near coral reefs have been reported across 12 studies, with the majority of concentrations in the nanograms per liter range. Nine papers report toxicological findings from no response to a variety of biological effects occurring in the micrograms per liter to milligrams per liter range, in part given the wide variations in experimental design and coral species and/or life stage used. This review presents key findings; scientific data gaps; flaws in assumptions, practice, and inference; and a number of recommendations for future studies to assess the environmental risk of organic UV filters to coral reef ecosystems. *Environ Toxicol Chem* 2021;00:1–22. © 2021 The Authors. *Environmental Toxicology and Chemistry* published by Wiley Periodicals LLC on behalf of SETAC.

Keywords: UV filters; Corals; Sunscreen; Environmental chemistry; Hazard/risk assessment; Personal care products

INTRODUCTION

Organic ultraviolet (UV) filters are used in a diverse array of consumer products to inhibit the infiltration of UV light to prevent sunburns or photodegradation. Examples include sun protection products (e.g., sunscreens), personal care products, plastics, paints, and textiles (Fent et al. 2010; Ramos et al. 2015). Recently, growing scientific, public, and regulatory concern over the presence of organic UV filters, primarily those used in sun protection products, in the environment has emerged (Kim and Choi 2014; Wood 2018; Schneider and Lim 2019). The presence of organic UV filters in the marine environment, primarily released during recreational activities (e.g., swimming), has been highlighted because they are suspected of adversely impacting ecologically important coral communities (Raffa et al. 2019).

Coral reefs are highly productive and economically vital ecosystems, providing an array of ecosystem services and biodiversity (Moberg and Folke 1999; Woodhead et al. 2019). In recent years, coral reef health globally has significantly declined as a result of climate change impacts (sea level rise, ocean acidification), and repeated bleaching events from sustained elevated temperature events have occurred (Hoegh-Guldberg et al. 2017; Hughes et al. 2018). Meanwhile, local-scale stressors including municipal and industrial wastewater effluents, overfishing, recreational activities, and overland runoff (urban and agricultural inputs) have also been shown to directly contribute to coral decline and/or reduce the resilience of corals to global stressors (Owen et al. 2005; Negri and Hoogenboom 2011; Spalding and Brown 2015; Duprey et al. 2016). In particular, heavy metals, nutrients, and various organic chemicals can adversely impact corals at potentially environmentally relevant levels (e.g., van Dam et al. 2011; Forbes et al. 2016; Kroon et al. 2020), particularly in densely populated areas or those that experience significant tourism, especially when combined with sheltered beach environments (Wood 2018).

Toxicological effects resulting from coral exposure to organic UV filters is an emerging hypothesis first proposed by Danovaro et al. (2008) and subsequently explored by

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Critical Review

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Abstract: There has been a rapid increase in public, political, and scientific interest regarding the impact of organic ultraviolet (UV) filters to coral reefs. Such filters are found in sunscreens and other consumer products and enter the aquatic environment via direct (i.e., recreational activities, effluents) or indirect (i.e., land runoff) pathways. This review summarizes the current state of the science regarding the concentration of organic UV filters in seawater and sediment near coral reef ecosystems and in coral tissues, toxicological data from early and adult life stages of coral species, and preliminary environmental risk characterizations. Up to 14 different organic UV filters in seawater near coral reefs have been reported across 12 studies, with the majority of concentrations in the nanograms per liter range. Nine papers report toxicological findings from no response to a variety of biological effects occurring in the micrograms per liter to milligrams per liter range, in part given the wide variations in experimental design and coral species and/or life stage used. This review presents key findings; scientific data gaps; flaws in assumptions, practice, and inference; and a number of recommendations for future studies to assess the environmental risk of organic UV filters to coral reef ecosystems. *Environ Toxicol Chem* 2021;00:1–22. © 2021 The Authors. *Environmental Toxicology and Chemistry* published by Wiley Periodicals LLC on behalf of SETAC.

Keywords: UV filters; Corals; Sunscreen; Environmental chemistry; Hazard/risk assessment; Personal care products

INTRODUCTION

Organic ultraviolet (UV) filters are used in a diverse array of consumer products to inhibit the infiltration of UV light to prevent sunburns or photodegradation. Examples include sun protection products (e.g., sunscreens), personal care products, plastics, paints, and textiles (Fent et al. 2010; Ramos et al. 2015). Recently, growing scientific, public, and regulatory concern over the presence of organic UV filters, primarily those used in sun protection products, in the environment has emerged (Kim and Choi 2014; Wood 2018; Schneider and Lim 2019). The presence of organic UV filters in the marine environment, primarily released during recreational activities (e.g., swimming), has been highlighted because they are suspected of adversely impacting ecologically important coral communities (Raffa et al. 2019).

Coral reefs are highly productive and economically vital ecosystems, providing an array of ecosystem services and biodiversity (Moberg and Folke 1999; Woodhead et al. 2019). In recent years, coral reef health globally has significantly declined as a result of climate change impacts (sea level rise, ocean acidification), and repeated bleaching events from sustained elevated temperature events have occurred (Hoegh-Guldberg et al. 2017; Hughes et al. 2018). Meanwhile, local-scale stressors including municipal and industrial wastewater effluents, overfishing, recreational activities, and overland runoff (urban and agricultural inputs) have also been shown to directly contribute to coral decline and/or reduce the resilience of corals to global stressors (Owen et al. 2005; Negri and Hoogenboom 2011; Spalding and Brown 2015; Duprey et al. 2016). In particular, heavy metals, nutrients, and various organic chemicals can adversely impact corals at potentially environmentally relevant levels (e.g., van Dam et al. 2011; Forbes et al. 2016; Kroon et al. 2020), particularly in densely populated areas or those that experience significant tourism, especially when combined with sheltered beach environments (Wood 2018).

Toxicological effects resulting from coral exposure to organic UV filters is an emerging hypothesis first proposed by Danovaro et al. (2008) and subsequently explored by

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Downs et al. (2016) and McCoshum et al. (2016). In response to these findings, legislators in the United States have invoked the precautionary principle to ban the use of 2 organic UV filters in beach sunscreen products, namely, oxybenzone (benzophenone-3 [BP-3]) and octinoxate (ethylhexyl methoxycinnamate [EHMC]; Sirois 2019). These bans include Hawaii (SB 2571; State of Hawaii Senate 2018), the US Virgin Islands (Bill 33-0043; US Virgin Islands 2019), and a locally proposed ban in Key West, Florida (Ordinance File 18-3253; Key West City Commission 2019). Palau (Remengesau 2018) and Bonaire (Ministries of The Netherlands 2020) have enacted similar sunscreen ingredient bans.

Since the initial 3 organic UV filter coral toxicity papers were published, 6 additional investigations have increased the amount of data available and expanded the number of organic UV filters studied (Fel et al. 2019; He et al. 2019a, 2019b; Stien et al. 2019, 2020; Wijgerde et al. 2020). Two studies have reported on the concentrations of UV filters in coral tissues (Tsui et al. 2017; Mitchelmore et al. 2019). In addition, 12 exposure studies (i.e., chemical monitoring) that collected seawater samples near coral reefs have been reported (Goksøyr et al. 2009; Tashiro and Kameda 2013; Bargar et al. 2015; Downs et al. 2016; Kung et al. 2018; Schaap and Slijkerman 2018; Mitchelmore et al. 2019; Tsui et al. 2019), with a handful of them also conducting preliminary coral risk assessments using the existing empirical data (Tsui et al. 2014, 2017; He et al. 2019a, 2019b). A few studies have also reported concentrations of organic UV filters in sediment near coral reefs (Tsui et al. 2015, 2017; Apel et al. 2018; Mitchelmore et al. 2019).

In this article, we critically review the exposure, hazard, and risk that organic UV filters pose to coral reefs. Major findings are summarized along with recommendations for future research to enhance our understanding of the sources, exposure, fate, and toxicity of organic UV filters on coral environments. It is our hope that the results will help focus future research efforts toward critical knowledge gaps and provide decision-makers with a state-of-the-science summary to aid in the protection of coral reefs.

METHODS

A review was conducted of papers published up to the end of June 2020, as described in Supplemental Data, Text S1. Papers that reported toxicological effects on coral ($n = 9$), UV filter exposure in seawater ($n = 12$) or sediment ($n = 4$) near reefs, or UV filter concentrations within coral tissues ($n = 2$) or conducted coral-specific risk assessments ($n = 5$) were included. To assess trends in UV filter exposure, data were summarized in box plots containing the range and median of concentrations reported per UV filter, per study, as detailed in Supplemental Data, Text S2. To summarize toxicity data, lowest-observable-effect concentrations (LOECs) were converted to no-observable-effect concentrations (NOECs) for consistency and to be more suitable for risk assessment according to guidance provided by the European Chemicals Agency (2008), as detailed in Supplemental Data, Text S3. Median effective concentrations (EC50s) and median lethal concentrations (LC50s) were not converted because these endpoints are suitable for risk assessment. A cumulative endpoint ecotoxicity distribution was created to help visualize the variability in effect concentrations based on UV filter and endpoint studied. Finally, risk assessments were summarized in a single figure by plotting the risk quotient reported for each compound assessed, as described in Supplemental Data, Text S4.

SOURCES AND OCCURRENCE OF UV FILTERS IN THE MARINE ENVIRONMENT

The pathways of UV filter environmental exposure are varied and source-dependent. In this review, we focus on UV filters used in sun care products (i.e., sunscreens), which aligns with the findings from a recent monitoring and modeling study (Labille et al. 2020), although efforts to verify this assumption should be undertaken. However, it is important to note that UV filters are used in a wide range of products and that their UV filter content, their leaching potential, and the extent of their contribution to environmental concentrations are virtually unknown, complicating the environmental source apportionment of these compounds from sunscreens. What we can say is that given the diversity of organic UV filter sources, there are multiple point and diffuse sources of UV filters to the aquatic environment (e.g., see Giokas et al. 2007) including from recreational use (i.e., swimmers), wastewater-treatment plant effluents, industrial effluents, and terrestrial runoff (Figure 1).

In sun protection products, UV filters are usually added as a mixture at various concentrations to protect the skin from the negative consequences of UVA (315–400 nm) and UVB (280–315 nm) light exposure including sunburn, premature aging, and skin cancer (Chisvert and Salvador 2007; Giokas et al. 2007). Organic UV filters protect skin by absorbing UV light, and those available for formulation in sun care products vary regionally along with their percentage permitted. For example, US cosmetic products can contain up to 6% oxybenzone (BP-3) and 7.5% octinoxate (EHMC), whereas their inclusion levels are higher in the European Union (i.e., 10%, for BP-3 and EHMC; Table 1). However, ingredients not used in a certain country may be brought in and used by visitors and tourists from other countries (Schaap and Slijkerman 2018). Many of the UV filters in Table 1 have yet to be investigated in terms of coral toxicity (48%) or appear in an environmental exposure study (45%). For those that have been studied, different names and acronyms have been used to identify them. For example, the acronym for "octisalate," also "ethylhexyl salicylate," has been cited as "OS" (Mitchelmore et al. 2019) and "EHS" (ethylhexyl salicylate; Danovaro et al. 2008; Tsui et al. 2014). We propose identifying all UV filters by their International Nomenclature of Cosmetic Ingredients (INCI) name and using the proposed acronyms in subsequent research efforts (Table 1).

Finally, Table 1 and Supplemental Data, Table S1, demonstrate that UV filters are a physiochemically diverse group of

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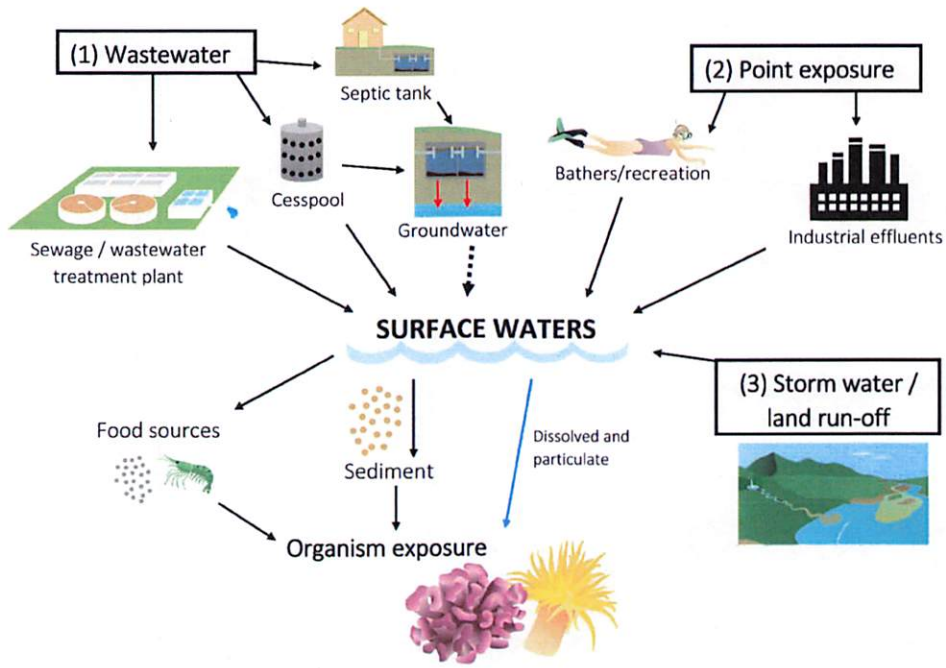


FIGURE 1: Potential sources and routes of entry of organic ultraviolet filters into the aquatic environment. Images are from the Integration and Application Network, University of Maryland Center for Environmental Science (ian.umces.edu/imagelibrary/), with specific author credits being Caroline Wicks (wastewater treatment plant), Jane Thomas (septic), Joanna Woerner (snorkler and coral), Jane Hawkey (factory, sediment, and shrimp), and Tracey Saxby (runoff and coral).

chemicals, indicating that once in the environment their fate will be UV filter-specific. This is evidenced by the large range in log octanol–water partition coefficients (K_{OW}) and solubility. Solubility estimates (predicted or measured) are variable even for the same UV filter and are reported for freshwater rather than seawater, which is expected to result in lowered UV filter solubility (Xie et al. 1997). Furthermore, the fate of UV filters in the environment is influenced by a number of chemical and physical factors (e.g., salinity), as described in Supplemental Data, Text S5. The differences in physicochemical parameters in a particular environment, in addition to the structural dissimilarity between UV filters (Supplemental Data, Table S1), are likely to affect the relative toxicity of these compounds, limiting the ability to "read across" effect or fate information between data-rich and data-poor compounds. Overall, relatively little is known about the fate of UV filters in the environment despite the importance of these fate processes in determining their bioavailability to aquatic organisms, and further studies are recommended.

UV filter environmental occurrence near coral reefs

We have identified only a handful of exposure studies reporting measured environmental concentrations (MECs) of UV filters in the water column near coral reefs ($n = 12$), in sediment ($n = 4$), and within coral tissue ($n = 2$), which are summarized in Tables 2 and 3 and Supplemental Data, Table S2. The current data set is limited but can still provide initial insight into the environmental occurrence and distribution of UV filters in and around reef systems. By limiting the data set to relevant reef exposure, we aim to characterize the exposure that coral is most likely to experience, which from a risk-assessment perspective is desirable.

Methods of UV filter sampling and analysis. The most common analytical instrument used to detect and quantify UV filters was liquid chromatography coupled with tandem mass spectrometry (LC-MS/MS), accounting for 75% of studies, with the remainder analyzed by gas chromatography-MS. Details on all analytical detection and extraction methods used for seawater analyses can be found in Supplemental Data, Table S3. 33% of these studies were based on the methods reported by Tsui et al. (2014). Limits of detection (LOD) were largely similar among studies, although varying levels of analyte recovery (as percentages) were observed when reported (Supplemental Data, Table S4). Differences in recovery could be explained by the specific extraction method employed (see Cadena-Aizaga et al. 2020). Ideally, recovery should fall between 70 and 120%, and outside this range the reliability of results is impaired (Boix et al. 2015). Bargar et al. (2015) noted significant analyte losses for 3 analytes (ethylhexyl dimethyl para-aminobenzoic acid [EDP], octocrylene [OC], and homosalate [HMS]), with recoveries falling below 11%, and so did not correct data sets for analyte recovery. Tsui et al. (2014) reported acceptable recoveries for all compounds except EHS (63%), whereas Mitchelmore et al. (2019) reported low recoveries for both EHS and HMS in seawater from some sites, although actual recoveries for all UV filters

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TABLE 1: Detailed summary of the common types of organic ultraviolet (UV) filters used in sunscreens and cosmetics globally[a]

INCI name (INN/USAN/ANN)	Standardized abbreviation	Maximum product inclusion levels (%)				Physicochemical properties[b]		Abbreviations reported in other studies
		USA	EU	AUS	JPN	Log K_{OW}	Solubility (mg/L)	
Butyl methoxydibenzoylmethane (avobenzone)	AVO	3	5	5	10	6.1	0.027	BMDMB[f]; BMDM[i]
Menthyl anthranilate (meradimate)	MA	5	NA	5	NA	6.28[c]	0.074[c]	
Disodium phenyl dibenzimidazole tetrasulfonate (bisdisulizole disodium)	BPDT	NA	10	10	10	–2	2000	
Diethylamino hydroxybenzoyl hexyl benzoate (none listed)	DHHB	NA	10	10	10	6.2	0.016	
Ethylhexyl dimethyl PABA (padimate O)	EDP	8	8	8	10	6.2	0.11	ODPABA[e,g]; OD-PABA[g]
Cinoxate (cinoxate)	CIN	3	NA	6	5	2.65[c]	127.4[c]	CIN[f]
Homosalate (homosalate)	HMS	15	10	15	10	6.34	0.5	HMS[f–h]
Ethylhexyl methoxycinnamate (octinoxate)	EHMC	7.5	10	10	10	6.1	0.051	EHMC[g,h]; OCT[g]; OMC[i,j]
Ethylhexyl salicylate (octisalate)	EHS	5	5	5	10	6.36	0.5	OS[f]; EHS[g]
Phenylbenzimidazole sulfonic acid (ensulizole)	PSA	4	8[i]	4	3	–1.42	109	ESZ[f]
Triethanolamine salt of salicylate (trolamine salicylate)	TEAS	12	NA	12	NA	2.06[d]	—	TEAS[f]
Benzylidene camphor sulfonic acid (none listed)	BCSA	NA	8	6	6	2.22[c]	119.5[c]	
Terephthalylidene dicamphor sulfonic acid (ecamsule)	TDSA	NA	10	10	10	–1.8[e]	6×10^{5e}	
Para-aminobenzoic acid (aminobenzoic acid)	PABA	15	NA	15	4	0.68	6100	
PEG-25 PABA (none listed)	PEG-25	NA	10	10	10	—	—	
4-Methylbenzylidene camphor (enzacamene)	4-MBC	NA	4	4	NA	5.1	1.08	4MBC[f]; 4-MBC[g–i]
Camphor benzalkonium methosulfate (none listed)	CBM	NA	6	6	6	—	—	
Ethylhexyl triazone (octyl triazone)	ET	NA	5	5	3	7[e]	0.006[e]	
Polysilicone-15 (polysilicone-15)	PS-15	NA	10	10	10	—	0.1	
Polyacrylamidomethyl benzylidene camphor (none listed)	PBC	NA	6	6	6	—	—	
Isoamyl p-methoxycinnamate (amiloxate)	IPM	NA	10	10	NA	4.78	0.8	IAMC[h]
Octocrylene (octocrilene)	OC	10	10	10	10	6.1	0.04	OC[f,h]; OCT[j]
Bis-ethylhexyloxyphenol methoxyphenyl triazine (bemotrizinol)	BEMT	NA	10	10	3	—	—	
Phenylene bis-diphenyltriazine (none listed)	PBD	NA	5	NA	NA	—	—	
Tris-biphenyl triazine (none listed)	TBPT	NA	10	10	10	5.6	0.00003	
Drometrizole trisiloxane (drometrizole trisiloxane)	DT	NA	15	15	NA	>6[e]	<0.04[e]	
Diethylhexyl butamido triazone (iscotrizinol)	DBT	NA	10	NA	5	4.1–5.9	0.005	
Benzophenone-3 (oxybenzone)	BP-3	6	10	10	5	3.45	6	BP-3[f–h]; BZ[j]
Benzophenone-4 (sulisobenzone)	BP-4	10	5	10	10	0.52	300 000	SSB[f]; BP-4[h]
Benzophenone-8 (dioxybenzone)	BP-8	3	NA	3	NA	2.33	0.013	BP8[g]; BP-8[h]
Methylene bis-benzotriazolyl tetramethylbutylphenol (bisoctrizole)	MBBT	NA	10	10	10	4.2	0.007	

[a]Organic UV filters are listed in terms of their International Nomenclature of Cosmetic Ingredients, alternative names, and acronym; select physicochemical properties and their maximal product inclusion levels in the countries they are approved are also reported, and organic UV filters studied thus far are identified by the abbreviation used by the respective authors.
[b]Experimental physicochemical properties obtained from publicly available Registration, Evaluation, Authorization and Restriction of Chemicals technical registration dossiers maintained by the European Chemicals Agency unless otherwise noted (European Chemicals Agency 2020).
[c]Physicohemical property estimated using EPISuite Software (US Environmental Protection Agency 2020a).
[d]Predicted physicochemical property reported by the US Environmental Protection Agency Chemistry Dashboard (US Environmental Protection Agency 2020b).
[e]Reported by Fel et al. (2019; names used in paper are uvinul T150 [for ET], mexoryl XL [for DT], mexoryl SX [for TSDA]).
[f]Reported by Mitchelmore et al. (2019).
[g]Reported by Bargar et al. (2015).
[h]Reported by Tsui et al. (2014).
[i]Reported by Horricks et al. (2019).
[j]Reported by Danovaro et al. (2008).
Benzophenone-1 is not marketed as a sunscreen agent and therefore not included in this table. It is included in subsequent analysis because it is a known metabolite of BP-3 (He et al. 2019b).
AUS = Australia; EU = European Union; INCI = International Nomenclature of Cosmetic Ingredients; INN/USAN/ANN = International nonproprietary name/United States adopted name/Australian approved name; JPN = Japan; K_{OW} = octanol–water partition coefficient; NA = not available.

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TABLE 2: Concentrations of organic ultraviolet filters reported in sediments (nanograms per gram dry wt) at sites near coral reefs: The median, range, and detection frequency are provided for each compound at each site reported

	Mitchelmore et al. (2019)[a]			Tsui et al. (2015)			Tsui et al. (2017)			Apel et al. (2018)[b]		
Compound	Median	(Range)	DF (%)	Median	(Range)	DF (%)	Median	(Range)	DF (%)	Median	(Range)	DF (%)
BP-3	0.05	(<LOD–4.3)	79	4.1	(<LOD–39.8)	32	8.1	(4.2–17.8)	100	<LOD		0
EHMC	<LOD	(<LOD–12.7)	37	7.4	(<LOD–447)	85	<LOD		0	<LOQ	(<LOD–0.24)	21
OC	0.64	(<LOD–19.8)	68	5.0	(<LOD–15.6)	19	2.1	(<LOD–3.1)	57	0.83	(<LOD–25)	46
HMS	5.05	(0.08–38.5)	100	<LOD		0				<LOQ	(<LOD–0.94)	32
EDP	<LOD		0	19.5	(<LOD–150)	70	3.4	(<LOD–8)	57	<LOD	(<LOD–0.004)	4
4-MBC	<LOD	(<LOD–<LOQ)	11	<LOD		0	<LOD		0	<LOD		0
EHS	2.65	(0.16–19.6)	100	<LOD		0				0.16	(<LOD–1.35)	45
AVO	<LOQ	(<LOD–6.9)	53	9.7	(<LOD–64.5)	72						
TEAS	<LOD	(<LOD–<LOQ)	5									
BP-1				2.1	(<LOD–14.6)	66	<LOD		0			
BP-8	<LOD		0	10.5	(<LOD–62.2)	81	<LOD		0			

[a]Mitchelmore et al. (2019) found <LOD for cinoxate, phenylbenzimidazole sulfonic acid, BP-4, and isoamyl p-methoxycinnamate (IPM).
[b]Apel et al. (2018) also found <LOD for IPM.
Sample sites included per study: $n = 19$, Mitchelmore et al. (2019); $n = 47$, Tsui et al. (2015); $n = 7$, Tsui et al. (2017); $n = 74$, Apel et al. (2018). A detailed explanation for how these data were summarized is provided in Supplemental Data, Text S6.
AVO = avobenzone; BP = benzophenone; DF = detection frequency; EDP = ethylhexyl dimethyl para-aminobenzoic acid; EHMC = ethylhexyl methoxycinnamate; EHS = ethylhexyl salicylate; HMS = homosalate; LOD = limit of detection; LOQ = limit of quantification; 4-MBC = 4-methylbenzylidene camphor; OC = octocrylene; TEAS = triethanolamine salt of salicylate.

were not provided. Interestingly, analytical difficulties with both EHS and HMS were also reported in a recent freshwater study by O'Malley et al. (2021); neither could be quantified because of poor calibration and sensitivity resulting in LODs >10 000 ng/L.

The reporting of key elements needed to determine the reliability of the analytical methods and, hence, data quality varies. The LOD or method detection limit (MDL) was either missing (Horricks et al. 2019) or reported as a range for all compounds (Goksøyr et al. 2009; Tashiro and Kameda 2013; Kung et al. 2018), both of which are problematic because an LOD is essential to put nondetect results in context or to left-censor data (Antweiler 2015). Also absent from several studies was a limit of quantification (LOQ), the lowest concentration at which acceptable repeatability of measurements is achieved. Many calculations are used to generate LOQs, but generally they are 2 to 5 times higher than the LOD (Furlong et al. 2014; Supplemental Data, Text S2 and Table S4). The study of Downs et al. (2016) exemplifies why defining both parameters is critical. For US Virgin Island seawater samples analyzed via LC-MS, the reported LOD was 100 ng/L, whereas the LOQ was 50 times higher (5000 ng/L). Firstly, this is an extraordinarily large margin between these parameters; and secondly, it meant that 46% of their samples could not be confidently quantified, just detected, albeit at much higher concentrations than reported in other studies (Figure 2). Another common issue was a lack of blank reporting, necessary to distinguish cross-laboratory or field contamination. Only 25% of studies reported a methodological blank, whereas a field blank was only reported in a single study (Mitchelmore et al. 2019). Furthermore, matrix spikes, essential for quantifying matrix effects that commonly occur in environmental samples and can significantly impair the reliability of quantitative results, were conducted in only 50% of studies (see Supplemental Data, Table S3).

TABLE 3: Concentrations of organic ultraviolet filters reported in corals (nanograms per gram wet wt or dry wt)[a]

	Mitchelmore et al. (2019)[b]			Tsui et al. (2017)[c]		
Compound	Median	(Range)	DF (%)	Median	(Range)	DF (%)
BP-3	33.8	(5.8–241)	100	9.9	(5.1–21.4)	100
EHMC	<LOD		0	<LOD		0
OC	48.4	(31.3–262)	100	<LOD	(<LOD–3.7)	43
HMS	341	(189–441)	100			
EDP	<LOD		0	<LOD	(<LOD–4.1)	14
4-MBC	<LOD	(<LOD–32)	21	<LOD		0
EHS	331	(210–527)	100			
AVO	43.5	(<LOD–170)	63			
BP-8	<LOD		0	8.3	(3.8–12.3)	100

[a]The median, range, and detection frequency are provided for each compound at each site reported.
[b]Mitchelmore et al. (2019) found <LOD for cinoxate, triethanolamine salt of salicylate, phenylbenzimidazole sulfonic acid, and BP-4. Values are for dry weight.
[c]Tsui et al. (2017) also found <LOD for BP-1 and BP-4. Values are for wet weight.
Sample sites included per study: $n = 19$, Mitchelmore et al. (2019); $n = 7$, Tsui et al. (2017). A detailed explanation of how these data were summarized is provided in Supplemental Data, Text S7.
AVO = avobenzone; BP = benzophenone; DF = detection frequency; EDP = ethylhexyl dimethyl para-aminobenzoic acid; EHMC = ethylhexyl methoxycinnamate; EHS = ethylhexyl salicylate; HMS = homosalate; LOD = limit of detection; 4-MBC = 4-methylbenzylidene camphor; OC = octocrylene.

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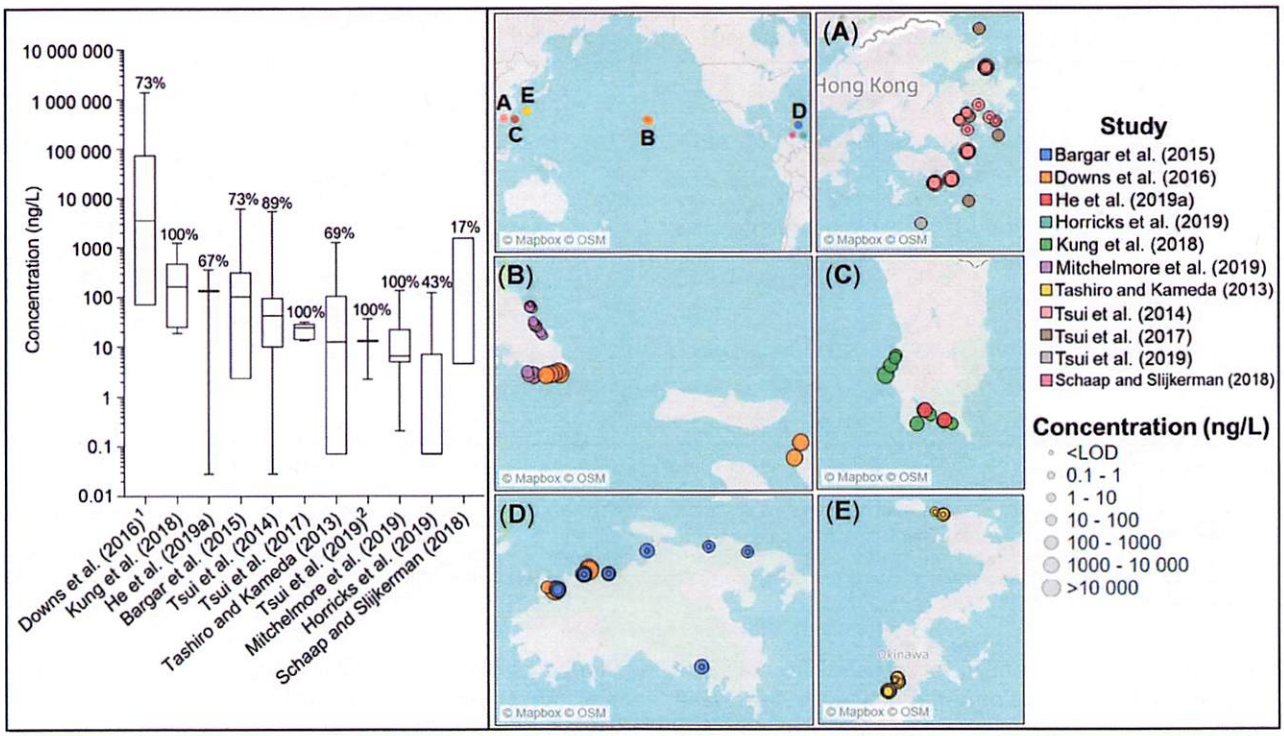


FIGURE 2: Summary of oxybenzone near-reef water column concentrations globally. Left: Box plots include the median and are comprised of the minimum to maximum sample concentrations reported in each study (for values, see Supplemental Data, Table S2). The percentage detection frequency is provided above each box. Samples per study: $n = 12$, Downs et al. (2015); $n = 8$, Kung et al. (2018); $n = 3$, He et al. (2019b); $n = 22$, Bargar et al. (2015); $n = 36$, Tsui et al. (2014); $n = 7$, Tsui et al. (2017); $n = 32$, Tashiro and Kameda (2013); $n = 36$, Tsui et al. (2019); $n = 19$, Mitchelmore et al. (2019); $n = 7$, Horricks et al. (2019). 1) Six values fell between the limit of detection (100 ng/L) and the limit of quantification (5000 ng/L); 2) 36 samples were collected, but the paper only reported median, range, and detection frequency. Right: Global distribution of oxybenzone samples collected: **(A)** Hong Kong, **(B)** Hawaii, **(C)** Taiwan, **(D)** US Virgin Islands, and **(E)** Japan. Circle colors correspond to the study, while size provides an indication of concentration magnitude. LOD = limit of detection.

Important components of analytical method quality assurance and control, such as internal standards, standard addition, or matrix-matched calibration, were lacking in 5 studies, raising concerns over the reliability of their results (i.e., Tashiro and Kameda 2013; Downs et al. 2016; Shaap and Slijkerman 2016; Kung et al. 2018; Horricks et al. 2019). Issues with sample storage and collection were also noted. For example, precleaned glass bottles should be used to collect organic contaminant samples to reduce the possibility of losses due to sorption to the container walls or leaching of chemicals from the container. Horricks et al. (2019) reported using a plastic container, whereas this detail was absent from 2 studies (Tashiro and Kameda 2013; Tsui et al. 2017). Furthermore, storage temperatures and timing between collection, processing, and analysis are often not reported. In some studies, excessive storage times may have influenced the results (e.g., Tsui et al. 2019).

Another major analytical issue is whether concentrations reported in seawater represent the total or dissolved fraction. This is particularly important because several of the UV filters (e.g., OC, EHMC, EHS, and HMS) are highly hydrophobic ($\log K_{OW} > 6$), indicating a high likelihood of partitioning to particulates or organic matter. Method 1694 (US Environmental Protection Agency 2007) recommends filtration if there are any visible particles and that the sample should be treated as a 2-phase sample, dissolved and particulate fractions. Many studies did not conduct this filtration or report whether filtration had been conducted (see Supplemental Data, Table S3). Therefore, comparisons between studies are complicated because hydrophobic UV filters are likely to be present in both the dissolved and the particulate fractions (Benedé et al. 2014). Extracting whole (total fraction) water samples represents an unknown exposure given that the proportion from each fraction is not known and analytical issues including column blockage or incomplete extraction may occur. Furthermore, bioavailability for filter feeders (e.g., corals) could constitute both fractions. Ultimately, implications include the under- or overreporting of coral exposure and ultimately toxicity through passive or dietary routes. However, it is common for toxicity thresholds to be related to the dissolved fraction (e.g., Organisation for Economic Co-operation and Development [OECD] standard tests on daphnia, fish, and algae) because this is considered to be the readily bioavailable fraction.

Although sampling designs varied, all studies collected individual grab samples, in most cases without replication (Supplemental Data, Table S2). This is problematic because replicate samples are necessary to help determine whether

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sample contamination or degradation has occurred during collection, storage, processing, and analysis. In addition, replicates capture the inherent variability within the system over short time frames and/or distances, improving sample representativeness (US Geological Survey 2006). The grab sampling approach is considered a "snapshot sampling" (Imhof et al. 2017); therefore, it is important to improve the representativeness of this approach by including replicates. To date, only 2 studies have included sample replicates: Tsui et al. (2014) used duplicates, and Mitchelmore et al. (2019) used a triplicated sampling regime at each site (Supplemental Data, Tables S2 and S3).

Overall significant issues were identified in the reporting and sampling design of several monitoring studies, reducing confidence in the concentrations reported and significantly diminishing their appropriateness for characterizing exposure within a risk assessment (Leonards et al. 2013).

Occurrence of organic UV filters in seawater near coral reefs. The occurrence (exposure) data for UV filters in seawater near coral reefs are mainly shallow and nearshore; 2 studies (Tsui et al. 2017; Horricks et al. 2019) reported concentrations at the depth of the coral, and an additional 3 studies collected surface microlayer samples (Goksøyr et al. 2009; Bargar et al. 2015; Schaap and Slijkerman 2018). In total, the occurrence of 14 UV filters has been investigated, with BP-3 being the only compound to be included in all studies (see Supplemental Data, Table S2).

Chemical monitoring (exposure) data for BP-3 are summarized in the left panel of Figure 2 and the global distribution of these measurements in the right panel (e.g., Figure 2A–E). The average detection frequency of BP-3 per study was 76%, making it the second most frequently detected compound; OC was higher, 85% (Figure 3B). The median concentration of BP-3 generally fell roughly between 1 and 100 ng/L, with a couple exceptions (e.g., Downs et al. 2016; Kung et al. 2018), indicating that in general BP-3 concentrations near reefs are low. Besides Downs et al. (2016), Tsui et al. (2014) reported the largest concentration range at their near reef sites near Hong Kong, but this level of variability was not observed in their later sampling of similar sites (Tsui et al. 2019). The study by Downs et al. (2016) appears to be an outlier because their 5 quantitative detections range from 1 to 3 orders of magnitude higher than any other BP-3 measurement. Mitchelmore et al. (2019) studied similar sites in Hawaii and Bargar et al. (2015) in the US Virgin Islands (Figure 2B). Both reported significantly lower maximum BP-3 concentrations, 143 and 6143 ng/L, respectively, compared with Downs et al. (2016) at 19 200 and 1 395 000 ng/L for Hawaii and the US Virgin Islands, respectively. This latter value is exceptionally high given that total dissolved organic carbon in seawater near coral reefs typically ranges from 0.8 to 1.0 mg/L (Hata et al. 2002; Yahel et al. 2003; de Goeij and van Duyl 2007; Nelson et al. 2011; Tanaka et al. 2011).

The remaining UV filter concentrations reported per study are summarized in Figure 3. The average detection frequency was variable between studies and compounds, ranging from 28% (BP-8) to 85% (OC), but mainly they were below 60%. The only compounds with detections that exceeded 1000 ng/L (with the exception of BP-3) were EHMC, OC, and HMS, all reported by Tsui et al. (2014) and, in the case of HMS, Bargar et al. (2015). The variable detection frequencies could be indicative of regional patterns of UV filter occurrence, possibly driven by differences in UV filter usage and/or environmental inputs. The median concentration for all compounds in all studies conducted fell near or below 100 ng/L, indicating that for all UV filters studied thus far, concentrations present near coral reefs are in the low nanograms per liter range (Figure 3; Supplemental Data, Table S2). However, it is clear that there is high variability among samples and studies. This variability could be attributed to numerous factors including sampling location, time, depth, and sample collection and analysis. A handful of authors have attempted to attribute their observed UV filter variability to anthropogenic activity. For example, Tsui et al. (2014) found higher concentrations in the dry as opposed to the wet season, which correlated with recreational activity. Bargar et al. (2015) also reported higher values in the high- versus low-tourist season, and Mitchelmore et al. (2019) observed the highest concentration of BP-3 at the most recreationally impacted site, Waikiki Beach (Oahu, HI, USA). On the other hand, the correlation between beachgoers and UV filter concentrations was not always present. For example, some of the highest concentrations of OC, EHS, and HMS were observed at a site where no people were present (Mitchelmore et al. 2019), which suggests other sources of UV filters at that location. Although temporal variations have been shown, seasonal and finer-scale temporal analyses (i.e., diurnal) have been limited (e.g., Labille et al. 2020).

Although limited, investigations into sampling depth and distance from shore have also been conducted, highlighting spatial variation in UV filters. Two studies found concentrations decreasing with increasing distance from shore (Bargar et al. 2015; Mitchelmore et al. 2019). Tsui et al. (2017) found that BP-3 concentrations at coral depth were 30 times less compared with their previous surface water study (i.e., Tsui et al. 2014), highlighting that using surface concentrations to estimate coral exposure is likely an overestimate and therefore conservative. It has been suggested that UV filter concentrations would be highest at the surface microlayer, but the evidence to date is limited and unclear (e.g., Goksøyr et al. 2009; Bargar et al. 2015; Schaap and Slijkerman 2018). The majority of coral reefs would not be exposed to this layer except possibly in shallow, well-mixed, high-energy locations; but the surface microlayer has direct implications for coral larvae because gametes and larvae are released into the very shallow surface layers at night during spawning activities (Downs et al. 2016; Schaap and Slijkerman 2018). These findings have implications for the robust design of coral monitoring programs because samples collected in the nearshore beach zone may not reflect those concentrations at reefs located farther from the immediate beach area, particularly in open and well-mixed, high-energy coastal locations. Shorter-term temporal trends (e.g., diurnal) should also be considered, to gain a better understanding of local environmental fate (e.g.,

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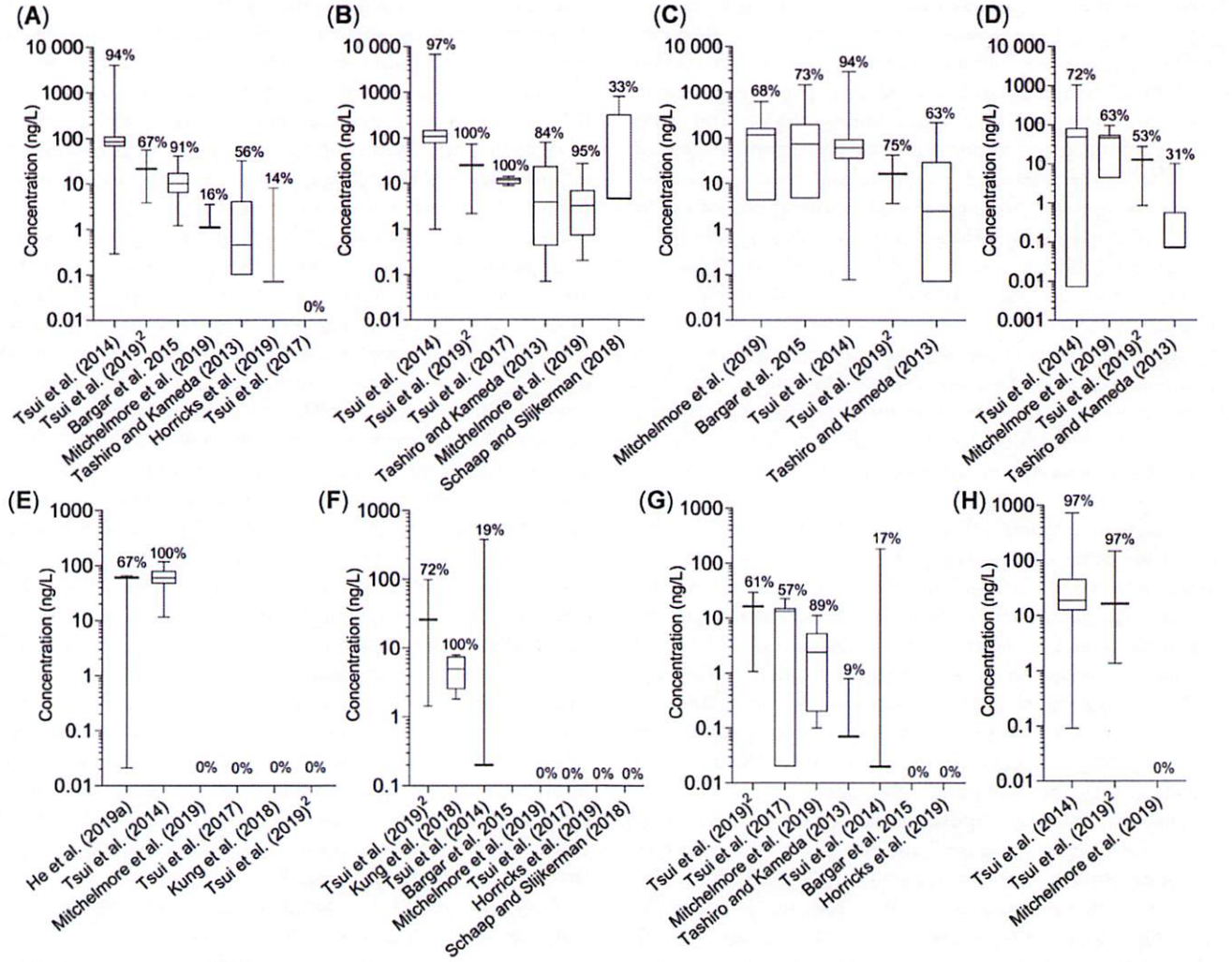


FIGURE 3: Summary of near-reef water column ultraviolet (UV) filter concentrations globally for (**A**) ethylhexyl methoxycinnamate, (**B**) octocrylene, (**C**) homosalate, (**D**) ethylhexyl salicylate, (**E**) benzophenone-8, (**F**) 4-methylbenzylidene camphor, (**G**) ethylhexyl dimethyl para-aminobenzoic acid, and (**H**) avobenzone. Box plots include the median and are comprised of the minimum to maximum sample concentrations reported in each study (for values, see Supplemental Data, Table S2). The percentage detection frequency is provided above each box. Samples per study: $n = 12$, Downs et al. (2015); $n = 8$, Kung et al. (2018); $n = 3$, He et al. (2019b); $n = 22$, Bargar et al. (2015); $n = 36$, Tsui et al. (2014); $n = 7$, Tsui et al. (2017); $n = 32$, Tashiro and Kameda (2013); $n = 36$, Tsui et al. (2019); $n = 19$, Mitchelmore et al. (2019); $n = 7$, Horricks et al. (2019). 1) Six values fell between the limit of detection (100 ng/L) and the limit of quantification (5000 ng/L); 2) 36 samples were collected, but the paper only reported median, range, and detection frequency. The UV filter abbreviations are listed in Table 1.

degradation, flushing time) and assessing exposure during key spawning activities in the surface microlayer.

Occurrence of UV filters in sediment. Currently, there are far fewer monitoring data available for UV filters in marine sediments rather than the water column, and they are summarized in Table 2 (also see Supplemental Data, Text S6). Coral uptake from sediment could be an important pathway of UV filter exposure, particularly in areas of high wave activity where sediments can be continually resuspended. Overall, 12 UV filters have been investigated in sediment among the 4 studies, with concentrations generally in the low to sub-nanograms per gram dry weight range. Tsui et al. (2015) reported the highest maximum sediment concentrations: EHMC (447 ng/g dry wt) followed by EDP (150 ng/g dry wt). Tsui et al. (2015) also reported the highest median sediment concentrations across studied UV filters with only one, EDP, exceeding 10 ng/g dry weight. A consistent pattern of detection for any one compound does not emerge across the studies; however, OC was the only compound detected frequently enough for the median concentration to be above the LOD in each study (Table 2). Generally, the more hydrophobic UV filters (EHMC, EDP, OC, and EHS) were more frequently detected, but this was not consistent. For example, HMS and EHS ($\log K_{OW} > 6.3$) were detected in 100% of samples by Mitchelmore et al. (2019) but at a much lower frequency and concentration by Apel et al. (2019) and not at all by Tsui et al. (2015, 2017). This could in part be due to regional differences in UV filter emissions between these studies. The type of sediment sampled may also play a role. For example,

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Mitchelmore et al. (2019) reported no correlation between seawater and sediment concentrations. However, sediment concentrations did significantly differ between sites, likely as a result of variable sediment organic fractions. Mitchelmore et al. (2019) anecdotally observed that finer, siltier, more organic sediment corresponded with higher concentrations of many UV filters compared to the more sandy, organic material–poor sediments at the other sites.

Overall, in sediments more hydrophobic compounds appear in higher concentrations, but one of the least hydrophobic UV filters studied, BP-3 (log K_{OW} 3.45), was detected in all 4 of the studies. Many questions in terms of UV filter sediment exposure and fate are yet to be answered, particularly from a risk-assessment perspective where the implication of the sediment exposure pathway is unknown.

Occurrence of UV filters in coral. Concentrations found in the tissues of resident aquatic organisms can be seen as a necessary prerequisite for an adverse effect to occur. There are only 2 studies that have investigated the concentration of UV filters in field-collected coral tissues (Table 3; Supplemental Data, Text S7; Tsui et al. 2017; Mitchelmore et al. 2019). Oxybenzone was detected in 100% of the coral samples collected by both authors, but neither study found a median concentration above detection limits for EHMC, EDP, 4-methylbenzylidene camphor (4-MBC), BP-4, triethanolamine salt of salicylate, or phenylbenzimidazole sulfonic acid. This could be explained by relatively lower concentrations and more nondetects in the water column compared to BP-3 (Figure 3). Further, relative coral tissue concentrations of EHS and HMS coincide with the trends observed in the water column (i.e., highest medians) in Mitchelmore et al. (2019), but they also have the highest log K_{OW} (i.e., >6.3). In contrast to Mitchelmore et al. (2019), Tsui et al. (2017) recorded fewer coral tissue UV filter detections for OC and 4-MBC; but direct concentration comparisons are complicated because of different reporting values (i.e., concentration per dry or wet wt of coral tissue). When corrected to wet weight, similar tissue concentrations emerged despite regional differences in sampling location and species (see Mitchelmore et al. 2019). For example, BP-3 concentrations per site reported by Mitchelmore et al. (2019) ranged from 5.8 to 241 ng/g dry weight (estimated as 1.1–46.3 ng/g wet wt). This is similar to the 2.8 to 31.8 ng/g wet weight range reported for BP-3 by Tsui et al. (2017). The second highest detection and concentration reported by Tsui et al. (2017) was for BP-8 (i.e., up to 24.7 ng/g; detection frequency 86%), which was not detected by Mitchelmore et al. (2019). It is possible that UV filter concentrations in corals may be influenced by biotic factors relating to the coral species or time of year; for example, lipid content, an important factor in driving uptake of organic chemicals, is known to vary both temporally and between species of coral (Imbs 2013). Furthermore, differences may relate to metabolism, as suggested by Tsui et al (2017), with BP-8 and BP-1 being derived from BP-3. Additional research is recommended to address this metabolic potential and to determine the toxicity of these products in comparison to the parent compounds. Bioaccumulation of UV filters is beyond the scope of this review because modeling approaches and controlled laboratory uptake and depuration studies in coral species (e.g., Pawlowski et al. 2019) need to be conducted and analyzed along with the field data presented herein prior to refining and estimating coral uptake and bioaccumulation.

TOXICITY OF ORGANIC UV FILTERS TO CORAL

A total of 9 studies (6 since 2019) have investigated the toxicity of organic UV filters on larval and adult (fragments/nubbins) life stages of intact corals employing a range of biological endpoints including mortality, growth, photosynthetic yield, and most commonly, bleaching (Supplemental Data, Table S5). Coral is a nonstandard ecotoxicological test species, and no standardized guidelines exist to conduct toxicity tests and identify or quantify the responses to chemical exposure. Furthermore, coral availability, permitting requirements, and suitability to laboratory culture may limit their use as well. In the present section we review the nature of coral toxicological test systems and the results obtained for UV filters.

Exposure and test conditions. Toxicity studies have been conducted in 7 coral species using either adult fragments, early-life stages (i.e., larvae/planula), or both. They include short-term (acute) and longer-term (chronic) exposures, although the concentrations used, exposure times, solution renewal, and endpoints assessed vary significantly among studies (see Figures 4 and 5; Supplemental Data, Table S5). The majority of experiments were conducted using *Pocillopora damicornis* (36% of endpoints) and *Seriatopora caliendrum* (31% of endpoints; Figure 4), which can be mainly be attributed to the studies of He et al. (2019a, 2019b) although Stien et al. (2019, 2020) also worked with *P. damicornis*. Fel et al. (2019), Downs et al. (2016), and Wijgerde et al. (2020) all worked with *Stylophora pistillata*. Danovaro et al. (2008) chose to work mainly with *Acropora* at the genus level, whereas Wijgerde et al. (2020) worked with *Acropora tenuis*. The variety of species and life stages tested is beneficial from a risk-assessment perspective because they provide insight into the interspecies and life-stage sensitivity of coral to UV filter exposure. Corals are often described as sensitive compared to other marine species, although species sensitivity distribution curves have not always shown that (see Bejarano 2018). Furthermore, the early life stages of organisms have also been described as more sensitive compared to adults. Differential impact of UV filters in 2 species was highlighted by He et al. (2019a, 2019b), who also concluded that adult was the most sensitive life stage, in contrast to the discussion by Downs et al. (2016). Similarly, although both species were unimpacted by exposure to 0.06 µg/L BP-3 (i.e., no mortality or impact on growth after 6-wk exposure), Wijgerde et al. (2020) demonstrated that *A. tenuis* was more sensitive to temperature elevations than was *S. pistillata*.

In terms of number of studies and endpoints reported, BP-3 was studied the most often (i.e., in 67% of the studies, 28% of

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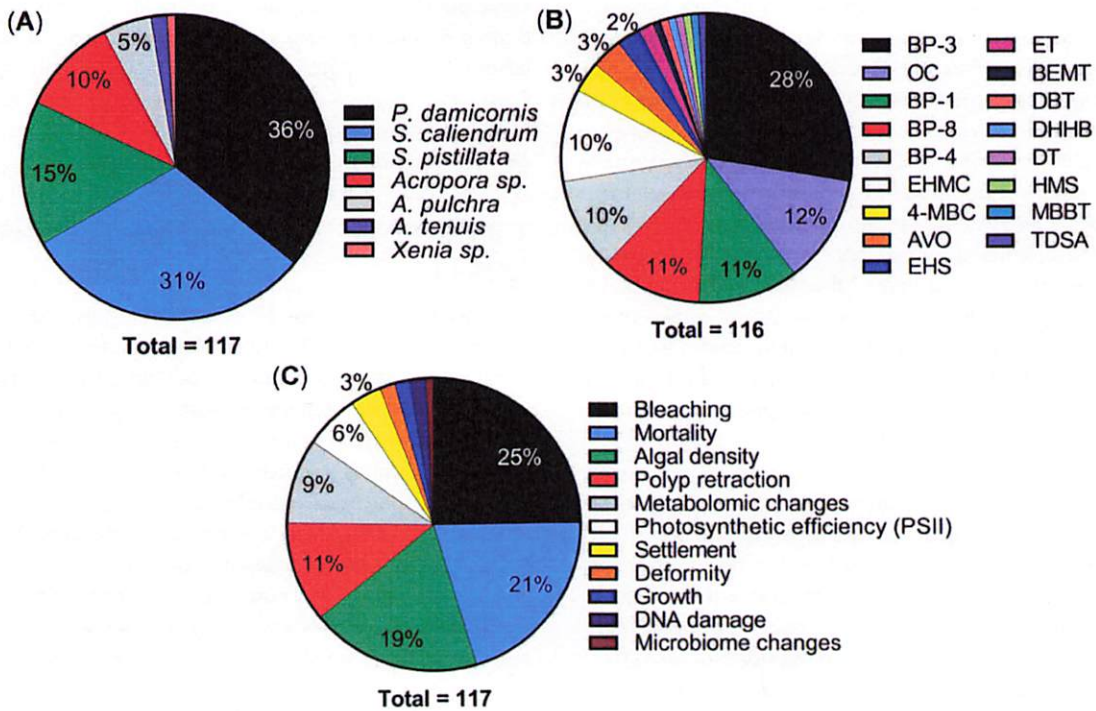


FIGURE 4: Summary pie charts of coral toxicity test characteristics including (**A**) species tested, (**B**) endpoints per ultraviolet (UV) filter, and (**C**) endpoints studied. Note: McCoshum et al. (2019) could not be included in plot B because they used a formulation which included multiple UV filters in their experiment. Species are *Pocillopora damicornis*, *Seriatopora caliendrum*, *Stylophora pistillata*, *Acropora pulchra*, and *Acropora tenuis*. AVO = avobenzone; BEMT = bis-ethylhexyloxyphenol methoxyphenyl triazine; BP = benzophenone; DBT = diethylhexyl butamido triazone; DHHB = diethylamino hydroxybenzoyl hexyl benzoate; DT = drometrizole trisiloxane; EHMC = ethylhexyl methoxycinnamate; EHS = ethylhexyl salicylate; ET = ethylhexyl triazone; HMS = homosalate; MBBT = methylene bis-benzotriazolyl tetramethylbutylphenol; 4-MBC = 4-methylbenzylidene camphor; OC = octocrylene; TDSA = terephthalylidene dicamphor sulfonic acid.

endpoints; Figure 4B), followed closely by OC, BP-8, and BP-1, largely because of the numerous ecotoxicological responses studied by He et al. (2019b) in both larvae and adults in 2 coral species. Five different authors studied OC, resulting in 12% of the total endpoints in Figure 4B. On the other hand, EHMC, despite being included in regulatory developments surrounding UV filters and coral, has only appeared in 2 studies (i.e., 22% of studies and 10% of endpoints in Figure 4B) to date (Danovaro et al. 2008; He et al. 2019a).

A variety of acute (i.e., mortality) and chronic endpoints were studied in the toxicity tests; however, the duration of these tests were variable, and the justification for these durations, biological endpoints, and toxicity thresholds reported is unclear. For example, the duration of the chronic tests varied from 35 to 41 d, and endpoints included mortality, growth, algal density, microbiome changes, and photosynthetic efficiency (Fel et al. 2019; Wijgerde et al. 2020). Meanwhile acute studies ranged from 8 h to 14 d and included the endpoints of mortality, larval settlement, algal density, bleaching, deformity, DNA damage, metabolomic changes, and polyp retraction (Danovaro et al. 2008; Downs et al. 2016; He et al. 2019a, 2019b; Stien et al. 2019, 2020). Chronic studies aim to capture a representative portion of a sensitive life stage and generally study sublethal endpoints pertaining to reproduction and growth. For example, 7- to 21-d tests are conducted for invertebrates (Organisation for Economic Co-operation and Development 2012; US Environmental Protection Agency 2016), 4-d tests for algae (Organisation for Economic Co-operation and Development 2011), and approximately 30-d tests for fish (Organisation for Economic Co-operation and Development 1992); and either a NOEC or an EC10 is derived. Interestingly, a growth endpoint was included in only 2 studies (McCoshum et al. 2016; Wijgerede et al. 2020), whereas He et al. (2019b) included endpoints related to reproduction in their acute exposures (i.e., larval settlement). The He et al. (2019a, 2019b) experiments, despite being 7 to 14 d in length, appear to be defined as an acute study given that assessment factors to convert their data in the risk assessment are used. In contrast, acute endpoints are normally associated with short-term, up to 4-d, exposures and aim to derive either an EC50 or more usually an LC50. Mortality was included in longer-term exposures, for example, by He et al. (2019a, 2019b) in their 7- to 14-d tests in both larvae and adult corals and by Wijgerde et al. (2020) in their 41-d study. Meanwhile, Fel et al. (2019) reported mortality but instead as a validity criterion for their 5-wk exposures rather than a NOEC or an LC50. Meanwhile, Downs et al. (2016) characterized mortality in coral larvae exposed to BP-3 in an acute exposure (24 h), whereas Danovaro et al. (2008) failed to report exposure duration for characterization of their bleaching endpoint entirely. These differences in test length could be necessary depending on the particular coral species; however, studying lethal and sublethal endpoints over the

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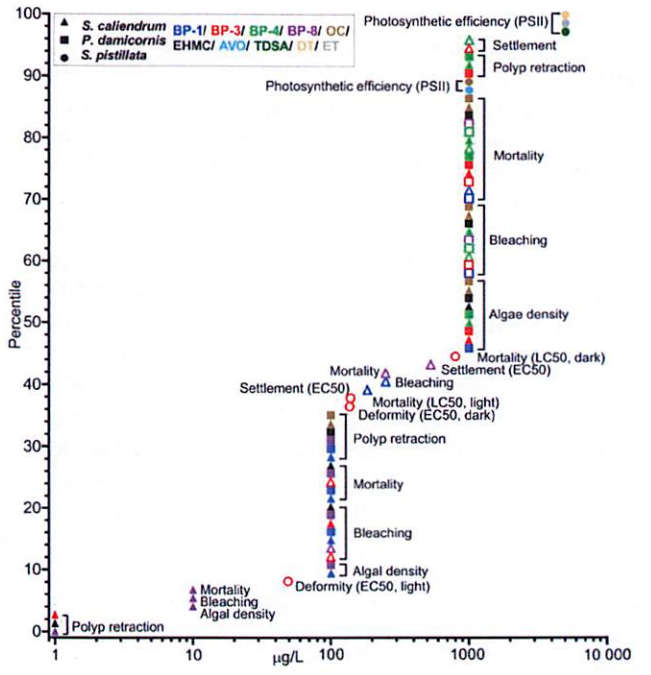


FIGURE 5: Coral cumulative endpoint distribution for all ultraviolet (UV) filters. Symbol shape indicates the test species, symbol color represents the test compound, and when a symbol is hollow it indicates the endpoint is a larva rather than adult. All endpoints are no-observed-effect concentrations (NOECs) unless otherwise stated in parentheses. A cumulative distribution can be interpreted as where along the *x*-axis a NOEC is likely to fall. For example, the 25th percentile NOEC is approximately 100 µg/L, whereas the 75th is approximately 1000 µg/L. Endpoints pertain to both acute and chronic tests. Danovaro et al. (2008), McCoshum et al. (2019), Stien et al. (2019, 2020), and Wijgerde et al. (2020) did not derive suitable endpoints to include. See Supplemental Data for all endpoint details. All UV filter abbreviations are listed in Table 1. Species are *Pocillopora damicornis*, *Seriatopora caliendrum*, and *Stylophora pistillata*. AVO = avobenzone; BP = benzophenone; DT = drometrizole trisilioxane; EC50 = median effect concentration; EHMC = ethylhexyl methoxycinnamate; ET = ethylhexyl triazone; LC50 = median lethal concentration; OC = octocrylene; TDSA = terephthalylidene dicamphor sulfonic acid.

same test duration signals an exploratory investigation rather than a definitive toxicological test.

The specific design of the toxicity test directly impacts the exposure concentration and duration of exposure, which are critical variables in defining toxicity. How test exposure solutions are made and how often they are renewed or maintained ultimately influence the concentration that the organism is exposed to, particularly for chemicals that may rapidly hydrolyze, photodegrade, or bind to test chambers or are taken up rapidly by the test organism. The majority of coral UV filter studies (89%) have employed a static (no renewal of test solution; e.g., Downs et al. 2016; He et al. 2019a, 2019b) or a static renewal-type exposure (i.e., once a week; Fel et al. 2019). This is problematic for maintaining analyte concentration and potentially coral health (discussed in the section *Common methodological issues with characterizing UV filter hazard to coral*). An exception to this is the study by Wijgerde et al. (2020), which states using a flow-through exposure system; however, the setup reported by the authors indicates a static renewal. A typical flow-through system would renew the new test solutions for a complete exposure renewal of 100% a number of times a day and would be beneficial because it would reduce the complications of UV filter loss and potential increases in degradates/metabolites and maintain water quality parameters for optimal coral health.

Common methodological issues with characterizing UV filter hazard to coral. After reviewing the study designs and methodological details of the limited number of coral ecotoxicological studies, several major themes emerged that together could limit their usefulness for reliably characterizing the impact of UV filters on coral and thus their adequacy for risk assessment and ultimately decision-making.

One of the most significant problems identified with the ecotoxicity studies was a lack of analytical verification of exposure concentrations with the exception of the 2019 and 2020 studies, although even these studies conducted verification at a frequency that does not permit accurate assessment of the exposure concentration over the duration of the exposure (Fel et al. 2019; He et al. 2019a, 2019b; Wijgerde et al. 2020). For example, Fel et al. (2019) collected a sample 2 h after analyte introduction to the test system (which was once a week), but the frequency of sample collection beyond that is unclear because it varied from 3 to 20 measures over the 5 wk depending on the UV filter under study. This is key information because significant losses in several analytes were observed, for example, 91 and 48% of avobenzone (AVO) and OC, respectively, from an initial 1000 µg/L exposure. He et al. (2019b) sampled at the beginning (day 0) and the end of the 7-d adult and 14-d larvae experiments. They demonstrated that day 0 values closely matched nominal values for the larval exposures, although they ranged from 100 to 280% in the adult tests. In the adult exposure after 7 d, all BP-4, BP-1, BP-3, and BP-8 treatments (i.e., up to 1000 µg/L) were <LOD. Similarly, He et al. (2019a) reported day 0 concentrations 90–265% of nominal, but loss over time was again apparent because EHMC concentrations were 50 to 87% of nominal on day 1 and <LOD to 2% on day 7. Loss of OC was not as great: at concentrations of 1 µg/L and higher values were 66 to 200% at day 1 and 24 to 61% at day 7. Loss of BP-3 was also observed in the Wijgerde et al. (2020) study, reporting a measured value of 0.06 compared to the nominal 1 µg/L.

These results indicate 2 issues that need to be addressed in future toxicity testing. Firstly, UV filters are significantly lost from test systems, and strategies to maintain exposure concentrations throughout the test need to be undertaken. Otherwise, efforts to observe a significant dose–response relationship could become significantly hampered (Moermond et al. 2017). Secondly, the actual exposure concentration in studies that did not conduct analytical verification is unknown, which is particularly important considering the substantial derivations from nominal values at the start and end of tests observed. Because exposure is not known, over- or underestimations of toxicity could inadvertently be reported, substantially diminishing the reliability of the toxicity data for risk-assessment purposes.

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Further, compared to standard test species, coral are challenging organisms to keep healthy and thriving in a laboratory setting, particularly for chronic tests that often require longer durations for growth differences to be teased out. Usually hard coral symbiotic species are tested where the animal hosts are in tightly controlled symbiotic relationships with dinoflagellate algae of the genus *Symbiodinium* (in addition to bacteria forming the holobiont association). Stressors to either one of the partners have significant impact on the other; for example, under stress corals often lose their algal symbionts, resulting in bleaching. Corals require specific lighting conditions, temperatures, feeding and nutrition, water quality and flow for optimal health, which are often species- and life stage–specific; and acceptable variations are often very tightly bound ranges (e.g., Watanabe et al. 2007). For example, light quantity, quality (spectral range), and photoperiod impact coral growth rate, symbiont density (bleaching), photosynthetic efficiency, oxidative stress, and DNA damage (e.g., see Smith and Birkeland 2007; Schutter et al. 2012; Kuanui et al. 2020). An essential element many adult corals require is adequate water flow, influencing bioenergetics (metabolic rates) and ultimately rate of growth (Sebens et al. 2003; Smith and Birkland 2007; Schutter et al. 2010). Only 2 studies (Fel et al. 2019; Wijgerde et al. 2020) maintained flow with pumps and the rate stated (i.e., 4 or 2.7 mL/min, respectively). The studies by He et al. (2019a, 2019b) and Stien et al. (2019, 2020) used bottles or beakers and <1 L of exposure medium that was aerated, although it is not clear if the bubbling of air provided any significant water flow. Strict temperature control and monitoring are also required during coral toxicity tests. Brown et al. (2000) discussed the additive or synergistic influence of warming seawater and pollutant exposure in the process of coral bleaching. Indeed, Amid et al. (2018) found additive impacts in *Acropora formosa* on photosynthetic capacity when temperature and herbicide exposures were combined. Recently, Wijgerde et al. (2020) also investigated the impact of elevated temperature and BP-3 toxicity to highlight the complexity of multiple stressor effects in coral and the argument for multiscale coral reef management (i.e., local through global).

Only in 2 chronic studies were the corals fed (i.e., with *Artemia* sp. once a day or week in the Fel et al. [2019] and Wijgerde et al. [2020] studies, respectively), yet feeding is known to impact growth and calcification rates and other biological parameters often reported in coral toxicity tests (i.e., chlorophyll content as a proxy for bleaching, protein content; Ferrier-Pagès et al. 2003). Overall these findings highlight the essential need for the monitoring and reporting of water quality and test conditions, which have been limited or missing in many studies to date. As with other standard tests, both negative and positive controls should be included to ensure that coral health and response are optimal and within expected test ranges. To date, no study has included a positive control or repeated an experiment to ensure reproducibility.

Ultraviolet filters are challenging compounds to work with, as evidenced by their substantial losses from coral test systems, as previously discussed in this section. Several UV filters are also poorly soluble (Table 1), so a solvent may be required to get them into solution at the high concentrations required for the test (Organisation for Economic Co-operation and Development 2019b). Solvents could exert an unintended effect; therefore, a solvent control in addition to a negative control (i.e., seawater only) is needed to distinguish between any unintentional abnormalities or effects induced by solvent exposure. A number of solvents have been employed; 3 studies used methanol (Fel et al. 2019; He et al. 2019a, 2019b), whereas Danovaro et al. (2008) used propylene glycol. Three studies (Downs et al. 2016; Stien et al. 2019; Wijgerde et al. 2020) used dimethysulfoxide (DMSO), which is problematic because it can enhance biological uptake of the test substance, an issue that cannot be addressed with a solvent control. For example, Kais et al. (2013) found that >0.1% DMSO increased the uptake of fluorescein into fish embryos and recommended that a maximum of 0.01% DMSO be used in the fish embryo test, as indicated by the Organisation for Economic Co-operation and Development (2019b). The studies by Stien et al. (2019, 2020) used very high concentrations of DMSO (i.e., 0.25% v/v concentration) in comparison to the 5×10^{-4}% v/v used by Downs et al. (2016) and the 0.01% v/v used by Wijgerde et al. (2020), although it should be noted that the latter study did not include a negative control in its experimental design. A 33% mortality of *Acropora tenuis* was observed in the solvent control for the study; but without a true negative control (i.e., no solvent), it is unclear if this mortality is due to the solvent or just the unsuitability of the species to long-term laboratory exposures. This brings back the need for the development of a standard toxicity test for coral species because a >20% mortality rate is unacceptable in any chronic standard invertebrate test species test (e.g., US Environmental Protection Agency 1996, 2016; Organisation for Economic Co-operation and Development 2012). Furthermore, DMSO is a powerful antioxidant (Sunda et al. 2002); therefore, its inclusion in a test investigating oxidative stress (e.g., Downs et al. 2016) is a confounding factor.

Another problem identified was a lack of clarity over the concentration and/or mixture of sunscreen ingredients to which coral were exposed. The Danovaro et al. (2008) study is of limited utility because the concentrations of BP-3 and EHMC are unclear; they report nominal volume to volume concentrations with no information on preparation or purity of the dosing stock. A similar problem was encountered with McCoshum et al. (2016), where volume to volume exposure concentrations of a sunscreen are reported. Their study design also renders their data of limited value given that the coral is exposed to 2 concentrations of a sunscreen product containing BP-3, HMS, EHS, OC, and AVO, so it is impossible to determine whether any effects observed were specifically attributable to any particular UV filter and/or other inactive ingredients.

Only 2 of the 3 acute studies derived an EC50 or LC50 (Downs et al. 2016; He et al. 2019b). This is a result of the concentration spacing, number, and range of test treatments included. For example, He et al. (2019b) included a variety of endpoints using a single dosing range (0.1–1000 µg/L) and number of treatments which resulted in either a NOEC at the highest concentration tested (HNOEC) or a LOEC, with the exception of larval settlement which resulted in an EC50 for

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BP-1 and BP-8. This demonstrates that, for the majority of their endpoints, the dosing range needed to be adjusted for definitive statistical endpoint derivation (i.e., EC[LC]50). Indeed, the authors report that their exposure is acute based on their risk assessment and derivation of a single EC50. On the other hand, the length of their exposure (7–14 d) and the variety of sublethal endpoints mixed in with the lethal adult and larval endpoints provide further confusion over the nature of this test. This is an important consideration because chronic and acute data are used differently in a risk assessment; different endpoints are derived, NOEC and EC10 (chronic test) or EC(LC)50 (acute test); and assessment factors are used, which could significantly impact the outcome of a risk assessment. Downs et al. (2016) studied mortality and deformation in planulae, deriving an LC50 and EC50 under both light and dark conditions. Under light conditions, BP-3 was more toxic, but it should be noted that the reliability of these endpoints is diminished because the test concentrations do not adequately bracket the EC50/LC50 (e.g., the endpoints fall between the 2 lowest concentrations tested, whereas all higher-concentration treatments resulted in 100% mortality or deformation) impairing the accuracy of their results (Moermond et al. 2016). Furthermore, the study highlights statistical problems and toxicological data reporting inconsistencies between the text, figures and tables. For example, in 8-h BP-3 in the light exposures a sub-lethal endpoint (i.e. deformation EC50s) occurs at higher concentrations than mortality (LC50s) and a 24-h light LC50 is listed at 2 orders of magnitude lower (i.e., 1.39 µg/L) than reported in the text (see Table 1 in Downs et al. 2016). These study designs highlight the need for a range-finding test to be followed by a definitive test where a suitable spacing factor and treatment number can be applied that will appropriately bracket statistical endpoints. It also signals a need for a clear definition of suitable chronic and acute endpoints and exposure durations to derive coral toxicity thresholds.

A final issue observed is a lack of environmental relevance. For example, Danovaro et al. (2008) placed coral fragments in sealed plastic bags containing ultrafiltered (0.02 µm) seawater and left them in situ so that important parameters like temperature, dissolved oxygen, light, and flowing water could not be controlled. Another aspect not discussed by authors, with the exception of Fel et al. (2019), was the relevance of their results considering solubility. Several endpoints exceed the solubility of the UV filter under study, a situation highly unlikely to occur in the environment. For example, He et al. (2019a) reported a polyp retraction LOEC in response to OC exposure of 1000 µg/L, while the solubility of OC in freshwater is 40 µg/L (Table 1). Lastly, Downs et al. (2016) reported data from a coral cell toxicity assay using isolated calicoblast cells to demonstrate coral species sensitivity. The 4-h LC50 values observed in the cell lines were much lower than the LC50 observed for planulae by the author for the same species, 42 and 139 µg/L, respectively. The inclusion of in vitro data is a novel approach, but without a positive control to demonstrate that the assay works, the validity of the cell lines as a surrogate measure for whole-coral toxicity is uncertain, especially considering the use of the solvent DMSO. Furthermore, calicoblast cells do not contain the symbiont (see Downs et al. 2010), and implications for the health of the intact coral containing multiple cell types need further investigation. The use of in vitro data rather than whole organisms will in future become an important aspect of environmental risk assessment, as discussed in the 21st-century toxicity testing paradigm (National Academies of Sciences, Engineering, and Medicine 2017); however, much work needs to be done before this is a robust alternative to whole-organism testing. For example, the fish embryo test (OECD 236; Organisation for Economic Co-operation and Development 2013) has taken 10 yr to develop, and a strong correlation with the whole-fish acute test (OECD 203; Organisation for Economic Co-operation and Development 2019a) has been demonstrated. Despite this, the test has yet to achieve ubiquitous regulatory acceptance (Sobanska et al. 2018). In addition to in vitro data, molecular endpoints were reported by Downs et al. (2016), such as DNA damage, are of limited use in their current form because correlations with known toxicological outcomes are missing. On the other hand, Stien et al. (2020) recently published a metabolomic profiling technique to detect stress in coral nubbins exposed to emerging pollutants. Two out of the 10 UV filters studied showed a metabolomic signature related to a stress response. Similar to the molecular endpoints reported by Downs et al. (2016), this stress response is presented without any correlation to a measurable toxicological outcome; and therefore, the information the assay provides is of limited use in a risk-assessment context.

More generally, positive controls would have been a welcome addition to all of the studies to demonstrate that coral respond appropriately to a known toxicant for a particular endpoint because these test systems are not well established. Moving forward, incorporating ecotoxicological good practice (e.g., Harris et al. 2014; Moermond et al. 2016) would significantly improve the quality of future studies, making them more appropriate for risk assessment and decision-making.

Distribution and types of ecotoxicity endpoints and their toxicological significance

The distribution of all ecotoxicity endpoints from the studies reviewed are presented together in Figure 5 irrespective of test type (acute or chronic), exposure time, and biological endpoint tested. All data points correspond to nominal exposures and are NOECs based on nominal exposures unless otherwise stated (i.e., LC50, EC50). In total, endpoints from only 4 studies could be included (Downs et al. 2016; Fel et al. 2019; He et al. 2019a, 2019b). As discussed, the nature of the He et al. (2019a, 2019b) studies is not clear (i.e., acute or chronic). Therefore, in the interest of providing a conservative distribution of coral toxicological thresholds, the data from these studies are reported as NOECs, with the exception of the EC50 for larval settlement for BP-1 and BP-8 (Figure 5). Two studies could not be included because the exposure concentration was not reported in mass to volume or the exposure was to a sunscreen formulation (Danovaro et al. 2008; McCoshum et al. 2016). Wijgerde et al. (2020) could not be included because it consisted of a single UV filter treatment concentration (also the case for McCoshum et al. 2016) and was not a limit test;

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therefore, no meaningful statistical endpoints can be derived (e.g., NOEC, LOEC). Another 2 studies only qualitatively evaluated a polyp retraction endpoint because they focused on metabolomic changes rather than deriving a statistical ecotoxicological endpoint (Stien et al. 2019, 2020). The cell line data reported by Downs et al. (2016) were not included in Figure 5 because the assays were not validated and it is currently unclear how in vitro data relate to whole-organism data, and this should be further investigated. Bleaching and DNA damage (8 h) NOECs were not included because the appropriate toxicological endpoint (EC50) could not be calculated. Conversely, the 24-h deformity (EC50) and mortality (LC50) endpoints are included rather than the 8-h counterparts because of problematic results and shorter test duration (discussed previously in the section *Common methodological issues with characterizing UV filter hazard to coral*).

The majority of NOECs from the reported endpoints fall within the range of 1 to 1000 µg/L (Figure 5). This is influenced heavily by the few studies that are available and the concentrations the authors chose to test. For example, of the 75 endpoints in Figure 5, 88% were derived by He et al. (2019a, 2019b). Based on the currently available data, *S. caliendrum* (triangles, Figure 5) appears to be more sensitive to UV filter exposure than *P. damicornis* (squares), for which a similar data set is available (He et al. 2019a, 2019b). The most sensitive endpoint for BP-3, BP-8, and EHMC was *S. caliendrum* polyp retraction (i.e., LOEC 10 µg/L, NOEC 1 µg/L; He et al. 2019a, 2019b). This is closely followed by algal density, bleaching, and mortality in *S. caliendrum* in response to BP-8 exposure and *S. pistillata* deformity (24-h EC50 in light) in response to BP-3 exposure as reported by Downs et al. (2016). In terms of settlement, *S. caliendrum* larvae appear to be more sensitive to BP-1 and BP-8 (184 and 530 µg/L EC50, respectively) rather than BP-3 or BP-4 (1000 µg/L NOEC). With the exception of bleaching when exposed to BP-3, adult coral do appear to be more sensitive to UV filter exposure; however, this trend is based on limited data. This result is surprising because it is usually the early life stages of species that are more sensitive to contaminants. This point was discussed in Downs et al. (2016), where the 24-h LC50 for *S. pistillata* planulae exposed to BP-3 in the light was 139 µg/L, although this is more sensitive than the LC50s for larval and adult corals exposed to BP-3 in the He et al. (2019b) study (i.e., LC50 > 1000 µg/L) for longer-duration exposures (7–14 d). Furthermore, the response of adult *S. pistillata* exposed to BP-3 was recently investigated by Wijgerde et al. (2020), who found no mortality after a 6-wk exposure to 0.06 µg/L measured (1 µg/L nominal). The least sensitive endpoint appears to be photosynthetic efficiency; Fel et al. (2019) reported a 5000 µg/L NOEC for terephthalylidene dicamphor sulfonic acid (TDSA), drometrizole trisiloxane (DT), and ethylhexyl triazone (ET), organic UV filters that are on the European Union market but not currently authorized for use in the United States (Table 1). Meanwhile, the AVO NOEC for photosynthetic efficiency, which is authorized for use in the United States, was 1000 µg/L (87 µg/L measured), which exceeds solubility for this compound (27 µg/L; Table 1). Unfortunately, data for this endpoint have not been reported for other UV filters for comparison. Overall, limited trends emerge from the ecotoxicity endpoint distribution, but generally, BP-8 appears to be the most potent. What is clear is that many of the endpoints reported correspond to concentrations greater than the solubility of the UV filter (Table 1), indicating a very low likelihood of occurring in the environment.

Many of the NOECs reported for coral actually correspond to the highest concentration tested (HNOEC), indicating that the true NOEC could be higher. Although not an ideal comparison, because of the limited amount of coral toxicity data currently available, we used this information to provide some insight into which UV filters and endpoints each coral species is most sensitive to. For all endpoints studied, exposure to BP-4 resulted in an HNOEC (Figure 6). Also, DT, ET, and TDSA resulted in HNOECs; but because this only includes a single endpoint, it would be premature to comment on their relative potency in comparison to other reviewed UV filters. On the other hand, proportionally BP-8 and BP-1 resulted in the smallest fraction of HNOECs, 15 and 31%, respectively, providing further preliminary evidence that they might be more potent than other studied UV filters. In terms of the endpoints studied, only deformity had no HNOECs; but this was only included in the experiment by Downs et al. (2016; Figure 6, inset). Meanwhile, polyp retraction resulted in an HNOEC only 25% of the time, suggesting that this endpoint may be more sensitive than larval settlement or bleaching, which both resulted in an HNOEC for 50% of tests, although it is unclear what the ramifications of polyp retraction may be and the relationship with individual- or population-level toxicity (Swain et al. 2015).

Overall conclusions regarding the toxicity of UV filters to corals are hampered by the limited amount of data, particularly given the variability in test designs. For risk identification it is important to identify the most sensitive species, life stage, and

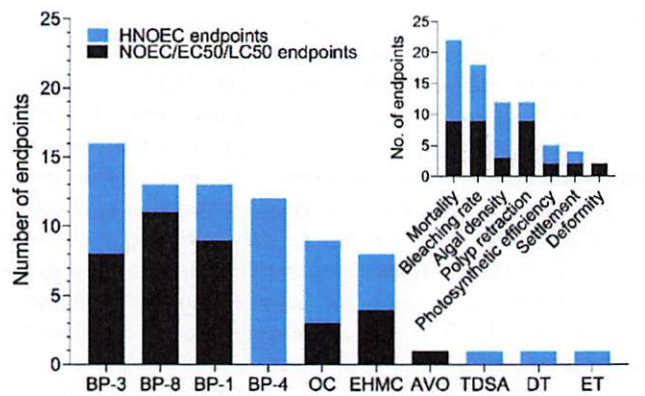


FIGURE 6: The proportion of coral no-observed-effect concentrations observed at the highest concentrations tested to the total number of endpoints presented in Figure 5 per ultraviolet (UV) filter. Data are presented by endpoint for all UV filters in the inset. The UV filter abbreviations are listed in Table 1. AVO = avobenzone; BP = benzophenone; DT = drometrizole trisilioxane; EC50 = median effect concentration; EHMC = ethylhexyl methoxycinnamate; ET = ethylhexyl triazone; HNOEC = highest NOEC; LC50 = median lethal concentration; NOEC = no-observed-effect concentration; OC = octocrylene; TDSA = terephthalylidene dicamphor sulfonic acid.

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biological endpoint(s) for future testing in addition to assessing the relative sensitivity of new test species in relation to the commonly used standard test species.

PRELIMINARY CORAL ENVIRONMENTAL RISK CHARACTERIZATION

A small subset of the exposure studies reviewed conducted a complementary preliminary environmental risk characterization for EHMC (Tsui et al. 2014; He et al. 2019a), benzophenones (Tsui et al. 2014, 2017; He et al. 2019b), and OC (He et al. 2019a). To conduct a risk assessment, it is critical to use high-quality and reliable environmental exposure (e.g., predicted or monitoring) and toxicological (hazard) data (Leonards et al. 2013; Moermond et al. 2016). Often, risk is calculated deterministically, where an risk quotient is calculated by dividing exposure (e.g., predicted or measured) by a predicted-no-effect concentration (PNEC). When an risk quotient is ≥1, a risk is present. Regulatory environmental risk-assessment (ERA) methodologies applied in the United States and Europe are generally aimed at the temperate freshwater environment (Fantke et al. 2018). Assumptions that are based on freshwater species are leveraged to the marine environment simply by increasing the assessment or uncertainty factor applied to toxicity data when no marine data are available (European Chemicals Agency 2008). However, these assessments are designed to protect the environment as a whole, rather than a particular species or taxon (e.g., coral). Currently, there is no established ERA approach specifically for coral (e.g., toxicity test recommendations, endpoints to include, appropriate assessment factors), but the studies reviewed mark an initial step toward how we can assess the impact of chemical stressors on coral.

To characterize UV filter exposure, Tsui et al. (2014) used a worst-case scenario by taking the highest MEC from their monitoring data set (referred to as MEC_{worst}). He et al. (2019a, 2019b) calculated a best- and worst-case MEC using the minimum and maximum MECs collected in their studies and/or the previous data set reported by Tsui et al. (2014). Tsui et al. (2017) took a different approach to characterizing exposure: rather than using a surface-water MEC, they used internal coral concentrations ($MEC_{internal}$) derived from coral tissue they collected. Overall, a limited amount of monitoring data were considered or are even currently available for coral exposure characterization.

In terms of hazard characterization, a PNEC is calculated by dividing an LC(EC)50 (acute data) or NOEC/EC10 (chronic data) by an assessment factor (accounts for inter- and intraspecies variability; European Chemicals Agency 2008). Tsui et al. (2014) derived PNECs using data available in the literature (Danovaro et al. 2008; Downs et al. 2016), whereas He et al. (2019a, 2019b) calculated a PNEC based on each endpoint in their toxicity studies (rather than just the most sensitive). Tsui et al. (2017) took a nonstandard approach by multiplying existing toxicity data (Downs et al. 2016) by their field-based coral bioaccumulation factors to get an $EC(LC)50_{internal}$ and then applying an assessment factor. The resulting $PNEC_{internal}$ was then comparable to their $MEC_{internal}$. In all 4 studies, an assessment factor of 1000 was applied. This value was derived from outdated guidance from the European Commission (2003), which has now been replaced by guidance developed for the implementation of the Registration, Evaluation, Authorization and Restriction of Chemicals program (European Chemicals Agency 2008). By not following these guidelines, existing data were not considered that could impact the assessment factor applied and provide a more holistic marine UV filter risk characterization. According to this guidance, the PNEC should be based on the NOEC rather than the LOEC. Therefore, according to these established approaches, the PNECs derived by He et al. (2019a, 2019b) were not sufficiently conservative for preliminary risk-screening purposes; however, this was likely overcome by applying such a large assessment factor to chronic empirical data. Beyond the assessment factor, there appear to be significant data reliability issues across toxicity studies used to derive PNECs (see previous section *Common methodological issues with characterizing UV filter hazard to coral*). This could be due to the lack of established guidance for the toxicological assessment of coral, but regardless, several aspects key to any toxicological study were missing (Moermond et al. 2016) including missing controls, lack of analytical confirmation of exposure concentrations, and missing mass to volume exposure concentrations (Danovaro et al. 2008; Downs et al. 2016). The reliability of the Downs et al. (2016) coral toxicity data has been questioned previously (Schaap and Slijkerman 2018), which was used for PNEC derivation by Tsui et al. (2014, 2017).

In each of the reviewed studies, risk quotients were derived deterministically (i.e., MEC/PNEC), and the results are summarized in Figure 7. As mentioned, He et al. (2019a, 2019b) used Tsui et al. (2014) monitoring data; therefore, it is mainly the differences in PNEC that are driving the differences in risk quotients between the studies. Based on the median risk quotient, EHMC presents the greatest risk, followed closely by BP-3 (Figure 7). All median risk quotients fall below 1, indicating that possible risks are minimal; however, the existence of particular study sites where risk quotients exceed 1 indicates that further investigations into the impacts UV filters may pose to coral are warranted (Figure 7).

We must acknowledge the limitations of the current data set in terms of methodological issues and completeness (as reviewed) for both monitoring and toxicological data, so much so that drawing any conclusions pertaining to risk of these compounds to coral would be premature. However, regardless of these concerns, a paucity of coral toxicological data restrains the ability of risk assessors and decision-makers to derive reliable PNECs for coral. Alternatively to calculating a PNEC and an risk quotient, a margin of safety could be calculated by directly comparing a NOEC to the environmental concentration (NOEC/M[P]EC). This permits conclusions over the magnitude of the margin of safety (e.g., 1, 10, 100) rather than high versus low risk. Use of the margin of safety is also a reasonable alternative to the not-fit-for-purpose large assessment factors (i.e., 1000) used in all of the coral risk assessments reviewed despite

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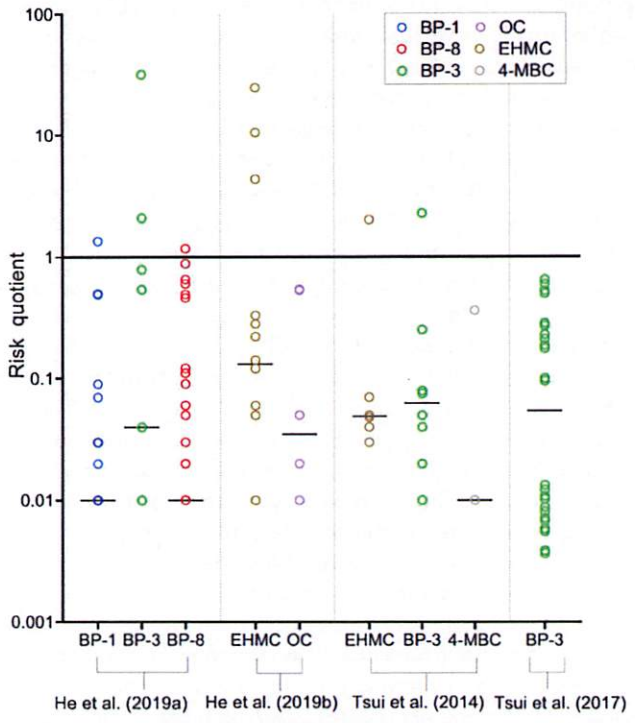


FIGURE 7: Summary of preliminary coral risk characterizations reported in the literature. A line is drawn at $y = 1$ to indicate when risk quotients exceed 1 (i.e., risk present), but note the multiple data quality issues with the underlying toxicity and exposure data identified in the review. The median risk quotient is identified per study per ultraviolet (UV) filter by the horizontal line. All risk quotients were retrieved from the supplemental data files provided in each study, with the exception of Tsui et al. (2017) where internal coral risk quotients were recalculated for the water column to make them comparable with the other data sets (see Supplemental Data for details). The UV filter abbreviations are listed in Table 1. BP = benzophenone; EHMC = ethylhexyl methoxycinnamate; 4-MBC = 4-methylbenzylidene camphor; OC = octocrylene.

the risk assessments being species-specific (not whole ecosystem) and using coral-specific toxicity data. Others have circumvented this issue by deriving PNECs for closely related taxonomic groups, such as algae (Office of Protected Resources 2016; Schaap and Slijkerman 2018). To address this issue, reliable coral hazard data need to be generated (see Moermond et al. 2016). In addition, efforts should be made to investigate and justify the most sensitive and ecologically relevant coral test species and acute and chronic toxicological endpoints for hazard- and risk-characterization purposes. Earlier analysis of toxicological data in the present review indicated that *S. caliendrum* along with larval settlement and adult coral polyp retraction endpoints were most sensitive (He et al. 2019a, 2019b), but data reliability issues related to these studies mean that their findings should be considered with caution.

A key point to consider when conducting ecotoxicological tests and subsequent ERA for coral is the paradigm in which we approach ERA. Priority is placed on higher levels of biological assemblage (individual < species < population < ecosystems) such that population-level effects are of greater importance than effects on the individual. We know environmental responses to be variable, and as such, an effect observed on an individual may not translate into a change in the population. Therefore, careful consideration must be paid to endpoint selection such that it is relevant to an impact on the population rather than the individual. Research is needed to understand how the common coral toxicological endpoints translate into population-level effects. In the context of the coral endpoints studied in response to UV filters thus far, mortality and larval settlement are population-relevant endpoints, whereas the relevance to population-level effects from larval deformity or polyp retraction endpoints is less clear. Those relating to the health of coral symbiosis (i.e., bleaching and loss of algae) and/or the impact to the symbiont itself (i.e., photosynthetic efficiency) are often used as precursors to coral mortality, although it is possible for corals to recover if the stressor is removed.

CONCLUSION AND RECOMMENDATIONS

Organic UV filters do occur in the environment, but according to our analysis, there is limited evidence to suggest that their presence is causing significant harm to coral reefs. Although toxicity studies have observed effects, the majority of studies result in NOECs or LOECs, often observed at the highest concentrations tested. A few EC50 concentrations have been derived and, in the case of BP-3, an LC50. The lowest EC50 across the UV filters was reported for BP-3 (deformity, 49 µg/L), and the second lowest was for BP-1 (larval settlement, 184.1 µg/L). These toxicological thresholds exceed 98 and 100%, respectively, of environmental concentrations observed thus far near coral reefs. But it should be noted that 2% of BP-3 reef concentrations that exceed the EC50 are clear outliers, as reviewed. However, based on the current data set, it would be premature to conclude that environmental concentrations of UV filters do not adversely impact coral reefs. This is due to both extensive data gaps in terms of reliable and relevant environmental exposure and toxicity data. The major recommendations based on the findings from our analyses pertain to research needed on the following 3 aspects: environmental exposure and fate, toxicity testing, and risk assessment. These are summarized in Tables 4 and 5. Table 4 outlines our findings and provides recommendations for lower-tier studies that should be addressed prior to conducting a preliminary risk assessment. If unacceptable risks are identified in the preliminary assessment, further refinement is needed, per the recommendations for higher-tier studies presented in Table 5.

The first aspect, addressed in Table 4, concerns UV filter environmental exposure. Although representative monitoring studies with adequate quality control are useful for establishing UV filter exposure in coral habitats, efforts to model these concentrations are encouraged to predict concentrations that can be used in a preliminary risk assessment. If needed, these predicted data can also inform higher-tier targeted monitoring programs (Table 5). These higher-tier monitoring studies should adequately capture temporal and spatial fluctuations, particularly in relation to where coral is found within the environment. This includes studying depth distribution and

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TABLE 4: Summary of findings and proposed recommendations for ultraviolet filter exposure studies and coral toxicity tests for the purpose of conducting a preliminary coral environmental risk assessment

Category	Finding or conclusion	Recommendations
Exposure	There are limited or no environmental exposure data available for many UV filters in coral habitats including both the water column and sediment. • The majority of data available are only representative of a snapshot in time. Sample replication is also limited. • Several data sets are lacking critical quality assurance/control components (e.g., matrix recovery and compensation strategy, limits of detection/quantification, lab and field blanks, inappropriate sampling containers and storage). • Lack of filtering prior to extraction, difficult-to-relate results to dissolved fraction because many UV filters are highly hydrophobic.	Conduct marine environmental exposure modeling with limited refinements (e.g., excluding site-specific dilution, wash-off, etc.) to generate conservative predictions suitable for lower-tier ERA. • If small monitoring campaigns are conducted, ensure methods, quality assurance/control, and data reporting are complete and transparent; making use of supplementary files in publications should be encouraged. o Focus monitoring studies at various coral reefs sites (e.g. for the United States in Hawaii, Florida, and Puerto Rico).
Toxicity	Many studies currently available are of unknown relevance to population-level endpoints, and all contain significant flaws that reduce their reliability and thus suitability for risk assessment. • Existing endpoints may under- or overestimate toxicity thresholds. • Most coral toxicity studies do not analytically verify their exposure concentrations, and those that do are of limited utility given their sampling design but do demonstrate significant losses of the parent compound. • Many UV filters are relatively insoluble, and multiple solvents have been used in toxicity tests.	Develop a standard coral toxicity test that can generate reliable acute and chronic endpoints from dose–response relationships using appropriate test durations. • Evaluate UV filters to identify the most suitable and sensitive population-relevant biological endpoints (e.g., bleaching, growth, reproduction) and life stages for coral toxicity assessments (i.e., LC50, NOEC). • Ensure use of appropriate solvents that do not enhance chemical uptake or potentially alter conditions of oxidative stress (e.g., MeOH, not DMSO). • A comprehensive and robust test setup that ensures consistent toxic-dose delivery. o A strategy to maintain UV filter concentrations throughout the exposure should be included, for example, a flow-through design. o An analytical sampling plan suitable to calculate robust time-weighted exposure concentrations to derive reliable toxicity thresholds.
Risk assessment	A limited number of coral ERAs have been conducted but utilize generalized (large) assessment factors and measured environmental concentrations and coral toxicity data that are not robust. • Current research suggests risks of UV filters to coral could be present, and further investigation and refinement of the risk assessment is needed. Reliable and relevant toxicity and exposure data are currently lacking but essential for well-informed decision-making/risk mitigation.	Environmental monitoring and toxicity testing recommendations should be implemented, resulting in a robust data set for preliminary deterministic ERA calculation, which would allow for a more accurate risk determination of UV filters to corals. • Develop a tiered coral-specific ERA framework. The framework should incorporate existing data where possible, including leveraging data for other species with suitable assessment factors. If using coral data, apply the margin-of-safety approach rather than assessment factor–driven risk quotients. The lower tiers of the assessment should be deterministic rather than probabilistic because that requires higher-tier modeled exposure data.

ERA = environmental risk assessment; LC50 = median lethal concentration; NOEC = no-observed-effect concentration; UV = ultraviolet.

characterization of the surface microlayer, both important aspects for understanding the true exposure of coral through its various life stages. Temporal variability also needs to be better understood; this could be achieved through the study of exposure on various timescales (e.g., tidal, daily, monthly, seasonal). Also important is the characterization and selection of a variety of sites that include varying levels of anthropogenic (e.g., wastewater effluent impacted, recreational, pristine) and hydrodynamic (e.g., low and high tidal influence, sheltered) influence. Ideally, additional chemical tracers could be used to help determine potential source inputs (e.g., sucralose for wastewater effluent; Oppenheimer et al. 2011). This information can also be used to gain an understanding of UV filter source apportionment. Greater effort should also be put into describing both the particulate and dissolved phases of water samples collected because this could enhance the understanding of exposure pathways of these particularly hydrophobic chemicals. Together, this UV filter fate and occurrence information can be fed into spatially explicit coastal exposure modeling activities, which should be explored as a complementary approach for assessing coral exposure.

In addition to field monitoring, a series of laboratory-based fate studies could provide a wealth of information on the partitioning, persistence, and degradation of UV filters in simulated reef conditions (e.g., salinity, temperature, and light). For example, incubation experiments of UV filters in seawater, with and

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TABLE 5: Summary of findings and proposed recommendations for ultraviolet filter exposure and fate studies and coral toxicity tests for the purpose of refining a coral environmental risk assessment[a]

Category	Finding or conclusion	Recommendations
Exposure and fate	Concentrations of UV filters are highly variable through space and time, and there are limited data at environmentally relevant depths (i.e., at coral reef depth or in the surface microlayer where coral larvae live).	Conduct environmental monitoring studies at varying depths in the water column at various coral reef sites with repeated sampling at the same sites over various timescales (tidal cycle, day, week, month, and season). Include hydrological, water quality, and other potential covariable descriptions at sites.
	There is some evidence that UV filter concentrations are correlated with recreational activity, although it is limited and study-dependent, with some studies showing high UV filter concentrations in areas of no or limited recreational activity.	Conduct comprehensive monitoring programs at sites that differ in anthropogenic influence (i.e., WWTP, recreation, urban versus rural land runoff, or remote sites). Include potential chemical tracers for source apportionment studies (e.g., sucralose as a wastewater tracer).
	• There are multiple sources of UV filters in marine environments including plastics, textiles, paints, wastewater effluent, and overland runoff.	• Conduct follow-on UV filter source apportionment studies. These could include coupling isotopic analysis and leaching studies from common household products to determine the potential sources, for example, from plastics or textiles.
	Many UV filters are highly lipophilic and likely to partition to particles in seawater or organisms. The distribution between the particulate and dissolved phase is understudied and has implications for exposure modeling and uptake by corals.	Assess the partitioning of UV filters between the dissolved and particulate phases (using filtration techniques) in seawater from laboratory and environmental settings.
	Multiple studies have found loss of UV filters in toxicity test exposure solutions and variability in field concentrations during the course of the day.	Study the persistence, degradation (e.g., by photolysis), and metabolism of a variety of UV filters in laboratory studies under conditions pertinent for tropical coral reefs (e.g., spectral quantity and quality, interaction with dissolved organic matter).
	Corals were shown to bioaccumulate some UV filters; but the rate of uptake is unknown, and limited data exist only for a few UV filters in 2 studies.	• Conduct laboratory or in situ coral transplant bioaccumulation studies, determine uptake and depuration rates for UV filters in adult coral fragments, and identify metabolites generated.
Toxicity	There are limited data on the acute and chronic toxicity of UV filters to intact hard coral species in both adult and larval life stages.	Standard tests should be developed using at least 2 coral species and multiple life stages and require toxicity tests for each compound to be conducted in multiple coral species using adult fragments and larvae.
	• Impacts of UV filters differ with species and life stage and are not consistent (i.e., some UV filters are more toxic to larvae, whereas others are more toxic to adult fragments).	• Assess species for development of a standard cnidarian test species for the rapid screening of UV filter toxicity (e.g., the symbiotic tropical anemone [*Aiptasia* spp.], the symbiotic soft coral [*Xenia* spp.], or the fast-growing symbiotic hard coral [*Galaxea* sp.]).
	• Obtaining sufficient adult hard coral fragments and coral larvae for exposure experiments is challenging given permitting requirements, large numbers required for toxicity tests and for larvae the limited potential sampling window of time for collection.	
Risk assessment	Deterministic lower-tier coral environmental risk assessment oversimplifies coral UV filter exposures and assumes the worst-case exposure scenario.	A probabilistic approach could be a suitable strategy to refine coral exposure. This would require higher-tier marine exposure modeling but would provide a more realistic indication of exposure and risk probability.
	A holistic multistressor risk assessment could be important for ensuring effective management and conservation of reef environments given that;	An eco-epidemiological approach could be a useful strategy for evaluating combinations of physical, chemical, and environmental conditions through time to identify dominant stressors.[b] The approach can help optimize management strategies, reveal potential causal relationships, or target site selection for monitoring. This approach is also consistent with the decision framework presented for the persistence and resilience of coral reefs.[c]
	• Multiple UV filters are present in seawater and sediment near coral reefs and in coral tissues.	• Based on the outcome of the eco-epidemiological approach:
	• Exposure of corals to chemical contaminants and costressors (e.g., temperature) results in increased toxicity, although there is very limited evidence for this with UV filters.	o Toxicity studies could be conducted to assess the impact of multiple UV filters to corals.
	• The relative risk of known coral stressors can be ranked against risks from UV filters or other organic pollutants.	o Studies could be conducted to assess the synergistic or additive effect of costressors (e.g., temperature changes) on the toxicity of UV filters to corals.

[a]These studies should be considered after lower-tier recommendations have been filled (Table 4) and a potential risk is demonstrated.
[b]Posthuma et al. (2016), Kapo et al. (2014).
[c]National Academies of Sciences, Engineering and Medicine (2019).
UV = ultraviolet; WWTP = wastewater-treatment plant.

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without simulated "natural" UV light conditions and dissolved organic carbon, could be conducted to assess stability, partitioning, and degradation in seawater. Laboratory fate studies with coral also need to be conducted to determine the uptake, bioaccumulation, and metabolism of UV filters in a variety of coral species. Because there is evidence to suggest that coral UV filter metabolism occurs (Tsui et al. 2017; Stien et al. 2019), analytical detection of metabolites when conducting analyses of coral tissue and/or exposure media would be useful to determine the extent of UV filter metabolism and its role in toxicity. More coral tissue data from the field are also needed and can provide complementary information to laboratory studies to aid in the assessment of exposure, uptake, and bioaccumulation (i.e., partitioning between the dissolved and particulate phases). Characterization of coral dietary exposure (e.g., zooplankton) is also required for this purpose. Finally, a complementary coral health assessment should be completed with any environmental samples near reefs to serve as a reference when discussing exposure. This information could also form a key data set to use within an eco-epidemiological approach (Table 5).

The second major research aspect is a need to conduct more controlled laboratory toxicity tests with justified toxicity endpoints and robust study designs. Based on the studies reviewed, a standardized protocol for coral toxicity testing would be of great value because there is currently no standard toxicity test for corals (Table 4). Research should be conducted to identify sensitive and appropriate coral model species or even surrogate species (e.g., anemones) for toxicity studies using multiple life stages (i.e., adults and larvae). Selected species should be easily cultured and maintained in a laboratory setting for weeks (for chronic tests), provide adequate material for regular testing, and result in minimal variation between tests and species with respect to negative and positive control responses. It is imperative that these studies follow good ecological testing practice to generate reliable data suitable for risk assessment. Acute and chronic tests need to be differentiated and have endpoints included that are suitable for ERA. Acute (<96 h) exposures should focus on lethality and derive an LC50. These acute toxicity tests would ideally include 2 or more species of stony coral and expose adult coral fragments generated from multiple, genetically different individual "parents." Higher-tier chronic exposures should include a suite of sublethal endpoints, preferably those related to growth and reproduction, although research is needed to determine additional suitable and sensitive endpoints (e.g., bleaching, photosynthetic activity, and chlorophyll content); but the goal should be to derive an EC10/NOEC suitable for ERA (e.g., European Chemicals Agency, US Environmental Protection Agency). Because it is still unclear as to the most sensitive life stage to use for a coral, the acute and chronic toxicity studies outlined above could also be conducted in the early life stages (larvae/planulae) of 2 or more coral species including additional developmental endpoints and assessment of life-stage sensitivities. Assessing single-compound toxicity should be the priority for all UV filters. As the body of robust toxicity data develops, investigations into UV filter mixtures, major metabolites, or degradation products could be considered.

This brings us to the third major research aspect, conducting a risk assessment. There is a need to develop a targeted and suitably protective coral ERA framework. This framework could be based on existing marine ERA frameworks (e.g., European Chemicals Agency 2008) and tiered, leveraging data from standard species into the assessment while also addressing coral-specific concerns, thereby enabling researchers and decision-makers to put environmental exposures and coral hazard in the context of risk for corals and marine ecosystems more generally. A systematic framework to determine the risk of UV filters will also help to prioritize risk in terms of other coral contaminants, thereby directing resources to where they will have greatest impact. Ultimately, the environmental risk of UV filters may be realized as a costressor with other factors, such as ocean temperature. In addition, the relative risks of UV filters compared to costressors may be evaluated. There is a potential to investigate these interactions through the eco-epidemiological approach (Table 5), which could provide a mechanism for conducting a holistic ERA for coral. This would allow regulators, policymakers, and scientists to optimize conservation and management activities while enabling the identification of priority stressors that should be most urgently addressed.

There is currently limited evidence to suggest that corals are adversely impacted by environmental exposure to UV filters; however, these major data gaps immediately need to be addressed with high-quality monitoring, fate, and toxicity studies. Together these studies can be used to appropriately quantify the risk of coral to UV filters, thus enabling assessors to make informed, evidence-based decisions that will truly be of benefit for coral health.

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Occurrence and distribution of UV-filters and other anthropogenic contaminants in coastal surface water, sediment, and coral tissue from Hawaii

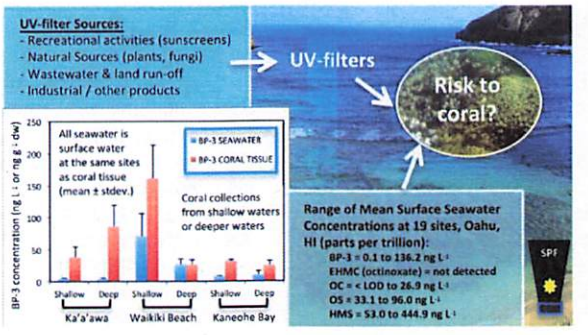
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HIGHLIGHTS

- First report of UV-filters in coral tissue from a USA coral reef.
- At least 8 UV-filters detected in matched surface seawater, sediment and coral tissue from 19 sites in Oahu, Hawaii.
- UV-filter concentrations in the parts per trillion (ng L^{-1}) in surface seawater and in ng g^{-1} dw. in sediment and corals.
- Octinoxate, 11 hormones and sucralose were not detected in surface seawater but surfactant degradation products were.
- Overall highest UV-filter concentrations in all matrices were for homosalate and octisalate.

GRAPHICAL ABSTRACT



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ABSTRACT

The occurrence of UV-filters in the environment has raised concerns over potentially adverse impacts on corals. In this study, the concentrations of 13 UV-filters and 11 hormones were measured in surface seawater, sediment, and coral tissue from 19 sites in Oahu, Hawaii. At least eight UV-filters were detected in seawater, sediment, and coral tissue and total mass concentrations of all UV-filters were <750 ng L^{-1}, <70 ng g^{-1} dry weight (dw), and <995 ng g^{-1} dw, respectively. Four UV-filters were detected in water, sediment, and coral tissue at detection frequencies of 63–100%, 56–91%, and 82–100%, respectively. These UV-filter concentrations generally varied as follows: water, homosalate (HMS) > octisalate (OS) > benzophenone-3 (BP-3, also known as oxybenzone) > octocrylene (OC); sediment, HMS > OS > OC > BP-3; coral, OS ≈ HMS > OC ≈ BP-3. BP-3 concentrations in surface seawater were <10 ng L^{-1} at 12 of 19 sites and highest at Waikiki beach (*e.g.*, 10.9–136 ng L^{-1}). While BP-3 levels were minimal in sediment (*e.g.*, <1 ng g^{-1} dw at 18 of 19 sites), and ranged from 6.6 to 241 ng g^{-1} dw in coral tissue. No quantifiable levels of 2-ethylhexyl 4-methoxycinnamate (also known as octinoxate) were recorded in surface seawater or coral tissues, but 5–12.7 ng g^{-1} dw was measured for sediment at 5 of 19 sites. No

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Coral
Sunscreen

hormones were detected in seawater or sediment, but 17α-ethinylestradiol was present in three corals from Kaneohe Bay. Surfactant degradation products were present in seawater, especially at Waikiki beach. These results demonstrate ubiquitous parts-per-trillion concentrations of UV-filters in surface seawater and is the first report of UV-filters in coral tissue from U.S.A. coastal waters. These data inform the range of environmentally-relevant concentrations for future risk assessments on the potential impacts of UV-filters on coral reefs in Oahu, Hawaii.
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1. Introduction

Over the last few decades, coral reefs around the world have experienced more frequent and extended bleaching episodes and many are now facing serious decline (Hughes et al., 2018). Human activities have been directly and indirectly implicated as major causes of reef decline at global, regional, and local scales (Owen et al., 2005). Climate change (*e.g.*, elevated temperatures, ocean acidification, sea level rise, storm frequency and intensity, and increased freshwater runoff) and human development (*e.g.*, discharge of municipal and industrial wastewater effluent, over-fishing, and agricultural runoff) play a role in coral reef decline (Spalding and Brown, 2015). Elevated temperature is regarded as the main reason for the global decline of coral reefs (Hughes et al., 2018); however, an array of physical (*e.g.*, boat anchor damage, destructive fishing practices and breakage from human recreational activities), biological (*e.g.*, bacteria, viruses and invasive species) and chemical pollutants (*e.g.* nutrients, metals and organic chemicals) have been shown to adversely impact corals (*e.g.*, van Dam et al., 2011). New threats from chemical contaminants of emerging concern may pose challenges for coral reefs in areas with high-density population, tourism, or recreational activity. Recreational activities increase both physical and a potential array of chemical threats to coral reefs since visitors use personal care products (PCPs), release detergent residues from clothes, and increase the wastewater load.

Recently, sunscreens and other PCPs that contain UV-filters have received attention regarding their potential impact to corals. Ultraviolet-filters (UV-filters) are common ingredients in PCPs, such as, sunscreens and cosmetic products, that are added to protect the skin against sunburn, premature aging and skin cancer by absorbing UVA, UVB, and UVC light. These skin care products usually contain a mixture of individual UV-filter chemicals, which are present at various concentrations to provide the desired protection (Chisvert and Salvador, 2007). The maximum percentage of the individual UV-filters that can be contained in products varies by country. For example, in the USA a product can contain a maximum of 6% BP-3 (CAS number 131-57-7) of the total volume, whereas in the European Union (EU) up to 10% BP-3 can be used. In the USA products can also contain up to 15% HMS (CAS number 118-56-9), 10% OC (CAS number 6197-30-4), 7.5% EHMC and 5% OS (CAS number 118-60-5). UV-filters are also added to various other products, including textiles, plastics and paint to prevent photodegradation (Fent et al., 2010). The potential for natural sources for some UV-filters is an overlooked area of research. For example, BP-3 is described by the Centers for Disease Control and Prevention (CDC) as being derived from higher plants (CDC, 2017) and hundreds of natural benzophenones are produced by flowering plants and marine fungi (*e.g.*, Wu et al., 2014).

UV-filters can enter the aquatic environment *via* industrial or municipal wastewater effluent discharges, stormwater runoff, or recreational activities (*e.g.*, swimming or diving) (Giokas et al., 2007). While UV-filters have been widely reported in the aquatic environment (Hopkins and Blaney, 2016), only a few studies have reported environmental concentrations of UV-filters, including, BP-3, 2-ethylhexyl-4-methoxycinnamate (EHMC; also known as octinoxate), homosalate (HMS), octocrylene (OC), and octyl dimethyl-*p*-aminobenzoic acid (ODPABA), in seawater surrounding coral reefs located around the world, mostly in the ng L^{-1} to low μg L^{-1} concentration range (Bargar et al., 2015; Downs et al., 2016; Tashiro and Kameda, 2013; Sánchez Rodríguez et al., 2015; Tsui et al., 2014a, 2014b; Tsui et al., 2017).

Many UV-filters are hydrophobic (*e.g.* the log K_{ow} values for BP-3, HMS, OS, EHMC, ODPABA, and OC are 3.79, 5.00, 5.43, 5.77, 5.8 and 6.88, respectively; Tsui et al., 2017; MarvinSketch) and are, therefore, expected to partition into organic sediment and the tissue of marine organisms. However, only a few studies have shown the presence of UV-filters in sediments from coral reef locations (Tsui et al., 2014a, 2014b; Tsui et al., 2017) and, in one case, bioaccumulation of UV-filters in coral tissues (Tsui et al., 2017). This study reported UV-filters in coral tissues (*e.g.*, 2.8–31.8 ng g^{-1} wet weight (ww) for BP-3, <MDL of 14.7 ng g^{-1} ww for OC and <MDL of 12.4 ng g^{-1} ww for ODPABA; Tsui et al., 2017) and calculated bioaccumulation factors (log_{10}BAF) to be 2.21–3.01, 2.34–2.75, and 2.61–2.88 for BP-3, OC, and ODPABA, respectively.

Only four studies that have investigated the effects of UV-filters on corals (Danovaro et al., 2008; Downs et al., 2014, 2016; McCoshum et al., 2016). Laboratory-based acute toxicity studies with coral planula and *in vitro* cell cultures using a range of concentrations from 0.570 to 228,000 μg L^{-1} have shown bleaching (*e.g.*, loss of algal symbiont cells from the host coral) and mortality following exposure to BP-3 (Downs et al., 2016) and benzophenone-2 (Downs et al., 2014). Placing plastic bags containing coral, sunscreen and/or active ingredients, including BP-3 and EHMC at 33-100 μL L^{-1} concentrations, in the field, Danovaro et al. (2008) found coral bleaching caused by increased viral infections. A study by McCoshum et al. (2016) exposed the soft coral *Xenia* spp. to a sunscreen product, containing BP-3 and other active and inactive ingredients, and found a growth reduction after 28 days exposure to 0.26 mL L^{-1} product.

Toxicity thresholds of effect typically used in risk assessment have only been reported for BP-2 and BP-3. For example, toxicity thresholds were reported for BP-3 by Downs et al. (2016) for coral planulae mortality (24-h LC_{50}; 139,000 ng L^{-1}) and deformity (24-h EC_{50}; 49,000 ng L^{-1}) and *in vitro* coral cell mortality (4-h LC_{50}; 8000–340,000 ng L^{-1}), although exposure concentrations were not analytically verified.

In 2018, BP-3 and EHMC were the focus of legislative action in Hawaii, USA, that banned the sale of sunscreens with these two products starting in 2021 (Hawaii, 2018). To calculate the environmental risk of a chemical, environmentally-relevant concentration data need to be used in toxicity studies to determine chemical exposure, uptake, and effects in the species of interest. To date, only one study has reported measurable concentrations of BP-3 and at only one site in Hawaii (Downs et al., 2016). The occurrence of EHMC and other UV-filters has not been reported in seawater from Hawaii, and UV-filters have not been measured in coral tissues from any U.S.A. coral reef. Importantly, no studies have investigated the environmental concentrations, distribution, and partitioning of UV-filters in matched water, sediment and coral tissue in coastal US waters, although similar work has been conducted for water, sediment, and oyster tissue in the Chesapeake Bay (He et al., 2019). To address these data gaps, we comprehensively assessed the concentrations of 13 UV-filters in matched surface water, sediment, and coral tissue from multiple coral reefs around the island of Oahu, Hawaii.

Recent studies in Hong Kong indicated that recreational activities and wastewater discharges were the major sources of contamination

of UV-filters in coral reef locations (Tsui et al., 2014a, 2014b; Tsui et al., 2017). Therefore, to investigate alternate sources to recreational activities such as, wastewater effluent, land-run off or direct sources into the aquatic environment, additional organic chemicals, such as sucralose and surfactants (in surface water samples), synthetic hormones (in all environmental matrices), and polycyclic aromatic hydrocarbons ((PAHs) in sediment samples) were also analyzed in this study. In addition, many of these chemicals, including steroid hormones, PAHs and surfactants, have also been shown to impact corals, (*e.g.* Kegler et al., 2015; Mitchelmore and Hyatt, 2004; Tarrant et al., 2004). This study represents the first attempt to simultaneously detect and quantify a large suite of UV-filters and other contaminants of current and emerging concern (*e.g.*, hormones) in multiple environmental compartments from U.S.A. coral reefs. Study locations were chosen to represent different hypothesized loadings of UV-filters from municipal, recreational, and tourism activities.

To our knowledge, this study is the first report of UV-filters in coral tissues from the U.S.A. and the occurrence of multiple UV-filters in coastal waters, sediment, and coral tissue from Hawaii.

Results from this work provides insight to the environmentally-relevant concentrations and partitioning behavior of UV-filters in seawater, sediment, and coral tissue in Hawaiian coral reef locations for future risk assessments of the potential toxicological effects of UV-filters on coral reefs and other marine organisms in Oahu, Hawaii.

2. Materials and methods

2.1. Chemicals

Salient information for the 13 UV-filters, sucralose, 11 hormones, and their 12 isotopically-labeled internal standards is summarized in Table S1 of the Supporting Information (SI) and additional details can be found in the SI supporting text (Text S1).

2.2. Sampling locations

Samples were collected from Oahu, Hawaii at three locations, namely Ka'a'awa (October 12, 2017), Waikiki Beach (October 16, 2017), and Kaneohe Bay (October 18, 2017), which were chosen for their hypothesized contamination by UV-filters from recreational activities (see Fig. 1 and Tables S2 and S3 in the SI for additional details). At each location, three samples were collected from shallower (*e.g.*, 0.9–1.8 m) waters and three to four samples were collected from deeper (4.5–10 m) waters. For Ka'a'awa and Waikiki Beach, the shallow and deep waters corresponded to nearshore and offshore sites, respectively. The Ka'a'awa area on the northeast side of Oahu was selected to represent a location with low potential input of UV-filters to the coastal ecosystem due to the low number of houses along the shoreline and the lack of recreational activity at the beaches during the sampling period. Waikiki Beach represented a developed area with high recreational activity and, presumably, a large mass input of UV-filters from beach and water use. The third location, Kaneohe Bay, was chosen to represent an additional area with potential input of UV-filters from popular water-based recreational activities at coral reef outcrops and a large sand-bar site. Water depth at this location varied due to coral outcrops, so the shallow and deep locations at this site do not correlate with distance from the shoreline like at Ka'a'awa and Waikiki Beach. Surface water, sediment, and coral samples collected from the shallow (S) or deeper (D) waters are noted by their site ID (*e.g.*, KB-D4 is Kaneohe Bay, deep site 4). An additional deep water site (KB-D4) was included from the deep end of the sand bar site (KB-S3). The two surface water samples were essentially collected from the same area to compare temporal

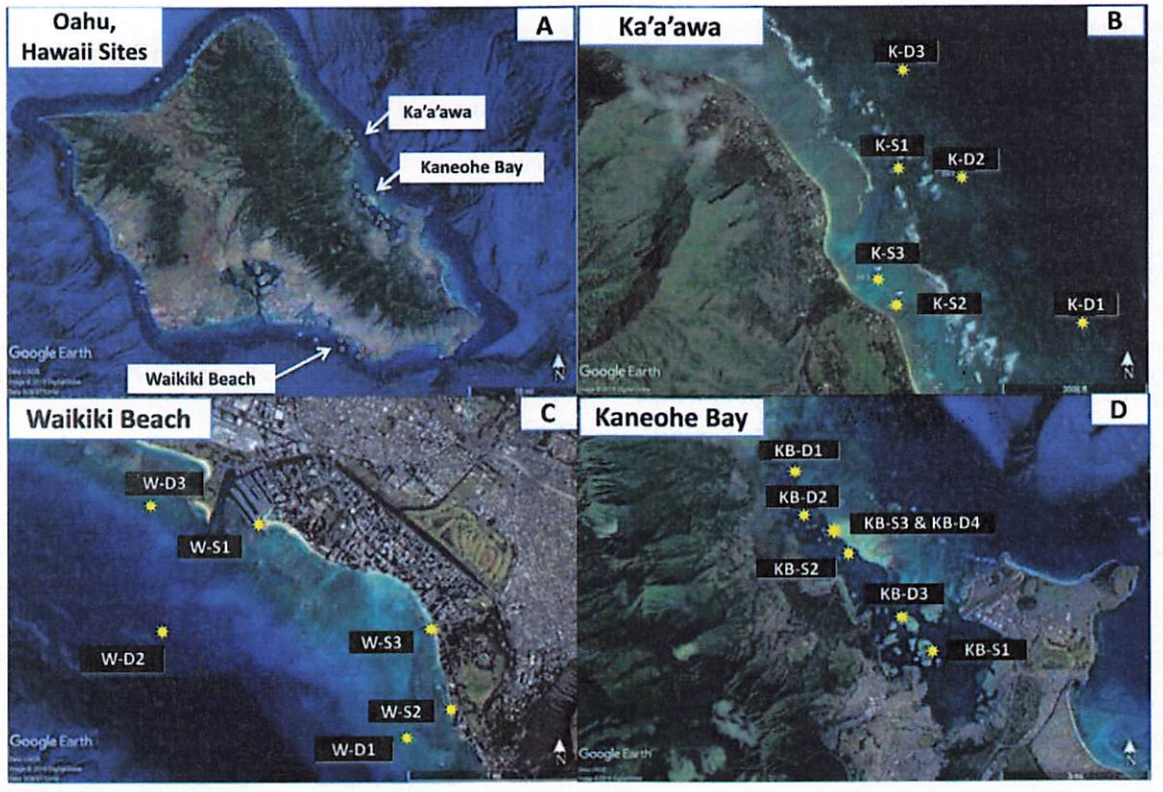


Fig. 1. Location of the three main sampling site locations in Oahu, Hawaii. A. Three main locations, B. Six site locations in Ka'a'awa area, C. Six site locations in Waikiki Beach area, D. Seven site locations in Kaneohe Bay.

variations in UV-filter concentrations before (KB-S3) and after (KB-D4) recreational activities at the sand bar.

2.3. Sample collection

All water, sediment, and coral samples were obtained with assistance from a local charter boat and crew except for the three nearshore sites at Waikiki Beach, where samples were collected by the research team after wading out from the shoreline. Corals were collected under special activity permit number 2018-73. During sample collection, the research team did not use sunscreen or PCPs with organic or inorganic UV-filter active ingredients. Nitrile or latex gloves were used by all sampling personnel, including the divers and onboard teams, when collecting and/or processing samples. Surface water ($n = 3$), sediment ($n = 3$), and coral tissue ($n = 2$–4) samples were collected from six sites at each location. At each site, a global positioning system (GPS) device was used to record the coordinates, and a Yellow Springs Instrument (YSI) probe was placed in the surface water to record salinity, temperature, and pH. Seawater (1 L) was passed through a precombusted glass-fiber filter (Whatman®, GF/F, 0 .7μm). The filters were frozen and transported to Chesapeake Biological Laboratory for chlorophyll analysis by the Nutrient Analytical Services Laboratory. Details on sample collection times, depths, GPS coordinates, and water quality are provided in Tables S2, S3, and S4 of the SI, respectively.

For all UV-filter, hormone, and sucralose analyses, water samples were collected from the surface in 1-L amber glass bottles. Bottle caps were removed when the bottle was approximately 10 in. below the water surface, and the bottles were filled to the top and recapped under water. Similar techniques were used to fill 20 L low-density polyethylene cubitainers (I-CHEM, Thermo Fisher Scientific) with ~10 L of water for ultrahigh resolution negative mode electrospray ionization (ESI) Fourier Transform ion cyclotron resonance mass spectrometry (FT-ICR-MS) analyses. Using a stainless-steel scoop, sediment was deposited into 250 mL or 500 mL amber jars and the lid was immediately replaced. After identification of an appropriate coral specimen, namely a ~2–4 cm finger or lobe of *Porites compressa* or *Porites lobata*, a steel wire cutter was used to collect the coral fragment, which was placed in a 500 mL amber jar, filled with water from the site, and capped. For each site, the water, sediment, and coral samples were immediately returned to the boat and placed on ice in a cooler. The sampling time and other notes about the site (*e.g.*, number of people, weather conditions, *etc.*) were recorded in photographs taken at each site.

2.4. Sample processing and analyte extraction

2.4.1. Surface water

Surface water quality parameters at each of the sampling sites are detailed in Table S4 of the SI. Upon arrival at the laboratory in Hawaii, water samples were filtered through a 1.2-μm glass-fiber filters and acidified with 0.1% (*v*/*v*) 3 M HCl (Fisher Scientific, reagent grade). Solid-phase extraction (SPE) of all analytes from water samples was conducted using the protocol reported for estrogenic hormones and UV-filters in He et al. (2019) with some minor modifications to include additional analytes. A detailed description is provided in Text S2 of the SI. The SPE extraction process was completed in Hawaii, and the extracts were shipped overnight (on ice) to the University of Maryland Baltimore County (UMBC). At UMBC, the extracts were evaporated to dryness with nitrogen gas in the dark. Each sample was reconstituted with 0.5 mL MeOH containing isotopically-labeled internal standards and then mixed with 0.5 mL deionized (DI) water. The final reconstituted samples were stored at −20 °C until liquid chromatography with tandem mass spectrometry (LC-MS/MS) analysis.

2.4.2. Sediment

In Hawaii, sediment samples were kept at −80 °C. Whole sediment samples were shipped to UMBC overnight on −80 °C freezer blocks. At UMBC, sediment samples were lyophilized and stored at −80 °C until extraction. Extraction of all analytes from sediment samples and preparation of the extracts for LC-MS/MS analysis was conducted using the protocols reported by He et al. (2019) with minor modifications (see Text S3 in the SI) to account for the additional analytes. For PAH analysis, sediment samples were transported as above, but to the Chesapeake Biological Laboratory (CBL) for extraction (see Text S6 in SI).

2.4.3. Coral tissue

Upon arrival in the laboratory at Hawaii, coral tissue was removed from the fragments by air-brushing with DI water to avoid interference from the seawater matrix on gravimetric analyses. In Hawaii, the coral tissue was frozen and stored at −80 °C. These samples were shipped to UMBC overnight on −80 °C freezer blocks. At UMBC, coral tissue samples were lyophilized and stored at −80 °C until extraction. The final freeze-dried mass of individual samples was recorded, and 20–50 mg subsamples were processed for extraction in 15 mL centrifuge tubes. Due to the low mass of lyophilized tissue recovered from some coral fragments, most samples were analyzed with one unaltered subsample and one spiked subsample; however, some samples were not analyzed due to the low mass of recovered tissue. When an adequate mass of freeze-dried tissue was available, six subsamples were employed using the protocols from He et al. (2019). The dried extracts were reconstituted and stored according to He et al. (2019). Additional details are included in Text S4 of the SI.

2.5. LC-ESI-MS/MS methods for UV-filter, hormones and sucralose analyses

All analytes were measured using an UltiMate 3000 LC coupled to a Thermo TSQ Quantum Access Max triple quadrupole tandem mass spectrometer (Thermo; Waltham, MA). The method for UV-filters, hormones, and the isotopically-labeled standards following previously reported methods (He et al., 2017, 2019). For sucralose and sucralose-d_6, 50 μL of the reconstituted sample was injected onto an XBridge C18 column (3.0 × 150 mm, 2.5 μm) with a guard column (2.1 × 5 mm, 3.0 μm) containing the same material. A 7-min isocratic elution scheme was employed with (i) 50% LC-MS grade water with 0.1% NH_4OH (pH 10.5) and (ii) 50% MeOH with 0.1% NH_4OH.

Both positive and negative ESI modes were employed at the same time for UV-filters, hormones, and the isotopically-labeled compounds. Sucralose and sucralose-d_6 were analyzed separately and ionized in negative mode. The analytical parameters were described in He et al. (2017, 2019) and are documented in Text S5 of the SI. All analyses were reported as mean ± standard deviation for the water and sediment samples, while one measurement was conducted for most of the coral samples due to limited tissue mass. Table S5 in the SI details the limits of detection (LODs) and limits of quantitation (LOQs) for analytes that were detected at least once in the water, sediment, and coral tissue matrices. Table S18 reports the UV-filter concentrations in quality assurance samples.

2.6. Analytical methods for other organic chemicals

The analysis of 49 individual PAHs (parent and alkylated congeners) in sediments at all three locations followed the methods of Pie et al. (2015) and is detailed in the SI. SPE of dissolved organic matter (DOM) was used to isolate and identify potential wastewater-specific compounds from seawater at the sampling locations. DOM analysis was performed by FT-ICR MS according to the methods described in the SI (Text S7 in the SI).

2.7. Calculations and statistical analyses

To calculate average UV-filter concentrations, replicate measurements that indicated concentrations lower than the LOD and LOQ were assigned values of 0 and the corresponding LOD (see Table S5 in

the SI), respectively. Full data sets for each surface water, sediment, and coral tissue sample are provided in the SI in Tables S6, S7, S8, S9, S10 and S11 of the SI respectively. Bioaccumulation factors for BP-3, HMS, OC, and OS at each site were calculated using Eq. 1.

$$BAF = \frac{[UV-filter]_{tissue}}{[UV-filter]_{water}} \quad (1)$$

BAF calculations used the concentration in coral tissues (mg kg^{-1}) and water (mg L^{-1}). Log BAF values were calculated to compare with published values in coral species. Statistical analyses were run using R (Version 3.4.2) and R studio (Version 1.1.456) with significance determined at the $p = 0.05$ level for all analyses. One-way analysis-of-variance (ANOVA) tests were used to investigate location- and also site-specific differences between UV-filter concentrations in each of the three matrices. The model assumptions were assessed with the Levene's and Shapiro-Wilk tests. If the assumption of normality was not met, data were analyzed with the non-parametric Kruskal-Wallis test and differences between groups were visualized with Dunn's test of Multiple Comparisons. If all assumptions were met, the differences were visualized with Tukey's Honest Significant Differences test. For site-to-site comparisons, significant differences are designated using different letters; the absence of letters indicates the lack of statistically significant differences.

Although the detection and concentration of UV-filters depends on their physical-chemical properties and environmental fate in addition to their use and input into the environment, we performed correlation tests to see if there were any relationships between the concentrations of the most frequently detected UV-filters, namely BP-3, HMS, OC, and OS, in each matrix. No correlation test satisfied the assumption of normality, as tested by the Shapiro-Wilk test, so non-parametric Spearman's Rank Correlations were used. Given the variable number of coral tissues analyzed at each site, the average UV-filter concentration in sediment or water was compared to the average UV-filter concentration in coral tissue. All correlation results were plotted in a scatterplot with the corresponding *p*-value and Spearman's rho. In addition, correlations between the individual UV-filters were performed for all three matrices to investigate if two or more UV-filters were commonly detected together and at what ratio. Significant results are presented in a table showing the p-value and Spearman's rho (r_s).

3. Results and discussion

3.1. Occurrence and distribution of UV-filters in surface seawater

A sample-by-sample summary of average concentrations for all UV-filters detected in surface seawater is detailed in Table S6 of the SI ($n = 57$ discrete samples). Eight of the 13 UV-filters were detected in water from at least one site with five of the UV-filters, namely, BP-3, OC, padimate O (or octyl dimethyl-*p*-aminobenzoic acid; ODPABA), HMS, and OS detected at the majority of sites at concentrations in the <LOD to 626 ng L^{-1} range and with detection frequencies of 100%, 95%, 89%, 65%, and 63%, respectively (for n = 57 samples). The concentration distributions for HMS, OS, BP-3, and OC, which were present at the highest concentrations, are detailed in Figs. 2a, 3a, 4a, and 5a, respectively, and statistical differences between concentrations are indicated. Location-specific UV-filter average concentrations and statistical differences in UV-filter concentration between locations are summarized in Table S7 in the SI. In general, the magnitude of the average UV-filter concentrations decreased as follows: HMS > OS > BP-3 > OC. HMS and OS were detected at all sites and were present at the highest concentrations compared to the other UV-filter analytes, with levels ranging from 53.0 (K—S1) to 625.7 (W—S1) ng L^{-1} and 33.1 (K-D3) to 96.0 (K—S2) ng L^{-1}, respectively. The next highest UV-filter concentrations were for BP-3, OC, and ODPABA with average concentrations per site ranging from below the LOQs to 136.2 (W—S3), 26.9 (W—S3), and 11.2 (W-D3) ng L^{-1}, respectively. Trolamine salicylate (TEAS), EHMC, and 4-methylbenzylidene camphor (4MBC) were detected in 26%, 16%, and 5% of samples, respectively; however, all concentrations were below the LOQs. No detectable levels of avobenzone (BMDBM) were recorded for surface water.

The most commonly reported organic UV-filter in seawater surrounding coral reef habitats has been BP-3 with concentrations typically in the ng L^{-1} to low µg L^{-1} range (*e.g.*, 2.7–5429 ng L^{-1} (Tsui et al., 2014a, 2014b); 13.2–31.7 ng L^{-1} (Tsui et al., 2017); <LOD-3.8 ng L^{-1} (Tashiro and Kameda, 2013); <LOD-3317 ng L^{-1} (Sánchez Rodríguez et al., 2015); and, <LOD-6073 ng L^{-1} (Bargar et al., 2015)), although Downs et al. (2016) reported BP-3 concentrations of <5 to 19.2 µg L^{-1} in Hawaii and 75 µg L^{-1} to 1395 µg L^{-1} at coral reef locations in the US Virgin Islands. The 1395 µg L^{-1} concentration is questionable since total dissolved organic carbon concentrations in seawater from coral reef locations typically range between 0.8 and 1.0 mg L^{-1} (de Goeij and van Duyl, 2007; Hiroshi et al., 2002; Nelson et al., 2011; Tanaka et al., 2011; Yahel et al., 2003).

The aqueous UV-filter concentrations of BP-3 found in the present study are generally on the lower end of previously reported ranges. Of the 19 sites, only seven exhibited BP-3 concentrations >10 ng L^{-1}. The highest BP-3 concentration at Waikiki Beach (W-S3; 136 ng L^{-1}) was two orders of magnitude lower than the previously reported concentration in Oahu, HI (*e.g.*, 19.2 µg L^{-1}, Downs et al., 2016).

The average BP-3 concentrations in seawater ($n = 6$–7 sites per location) from Waikiki Beach (48.5 ± 47.7 ng L^{-1}) were significantly higher than those at Ka'a'awa (4.3 ± 2.3 ng L^{-1}) and Kaneohe Bay (8.6 ± 6.9 ng L^{-1}), suggesting the aqueous UV-filter concentrations corresponded to the number of people on the beach and in the water. Previous studies have also attributed seasonal and temporal differences in UV-filter concentrations to the number of people present on beaches and/or in the water (Bargar et al., 2015; Tsui et al., 2014a, 2014b; Tsui et al., 2017). Indeed, the highest BP-3 concentrations were observed at shallow, nearshore sites at Waikiki Beach (*i.e.*, sites W—S1 and W—S3 at 65.4 ± 9.0 ng L^{-1} and 136.2 ± 10.1 ng L^{-1}, respectively). These sites were located adjacent to beaches that contained a large number of people on the sand and in the water (*e.g.*, >80 people at W—S1 and >580 people at W—S3, see Table S3 in the SI). The W—S2 site was located further away from the main tourist activity areas and < 15 people were present on the beach at this site.

Other UV-filters have been reported in seawater near coral reefs: HMS, 43–1413 ng L^{-1}; EHMC, <LOD-4043 ng L^{-1}; ODPABA, 10.8–22.7 ng L^{-1}; and, OC, <MDL-13.1 ng L^{-1} (Bargar et al., 2015; Tsui et al., 2014a, 2014b; Tsui et al., 2017). The average HMS (53.0–625.7 ng L^{-1}), OC (33.1–96.0 ng L^{-1}), and ODPABA (<LOQ-11.2 ng L^{-1}) concentrations per site for the present study were similar to or lower than those previously reported in other coral reef habitats (see Tables S6 and S7 in the SI). Despite the recent legislative action in Hawaii that has introduced a ban on the sale of sunscreen products containing BP-3 and EHMC (Hawaii, 2018), no published studies have reported EHMC in seawater around Hawaii. To our knowledge, this study is the first report of EHMC in surface seawater from Hawaii. EHMC was detected at 3/19 sites (*i.e.*, K—S1, K—S2, and W—S3) but all concentrations were below the LOQ.

Higher concentrations of some UV-filters were measured in the surface seawater at the shallow/nearshore sites compared to the deep/offshore sites. The UV-filter concentrations in water samples from the shallow sites were significantly different ($p < 0.05$) only for BP-3 at Waikiki Beach with both Ka'a'awa and Kaneohe Bay; no location-based differences in UV-filter concentrations were observed between locations for the deep sites ($p > 0.05$). For the shallow and deep sites within a specific location, BP-3 concentrations were significantly different ($p < 0.05$) only at the Waikiki Beach sites with concentrations of 70.8 ± 62.8 ng L^{-1} and 26.2 ± 15.6 ng L^{-1}, respectively (Table S7 in the SI). At Ka'a'awa, significantly different concentrations ($p < 0.001$) were observed for OS and HMS between the shallow and deep sites, albeit

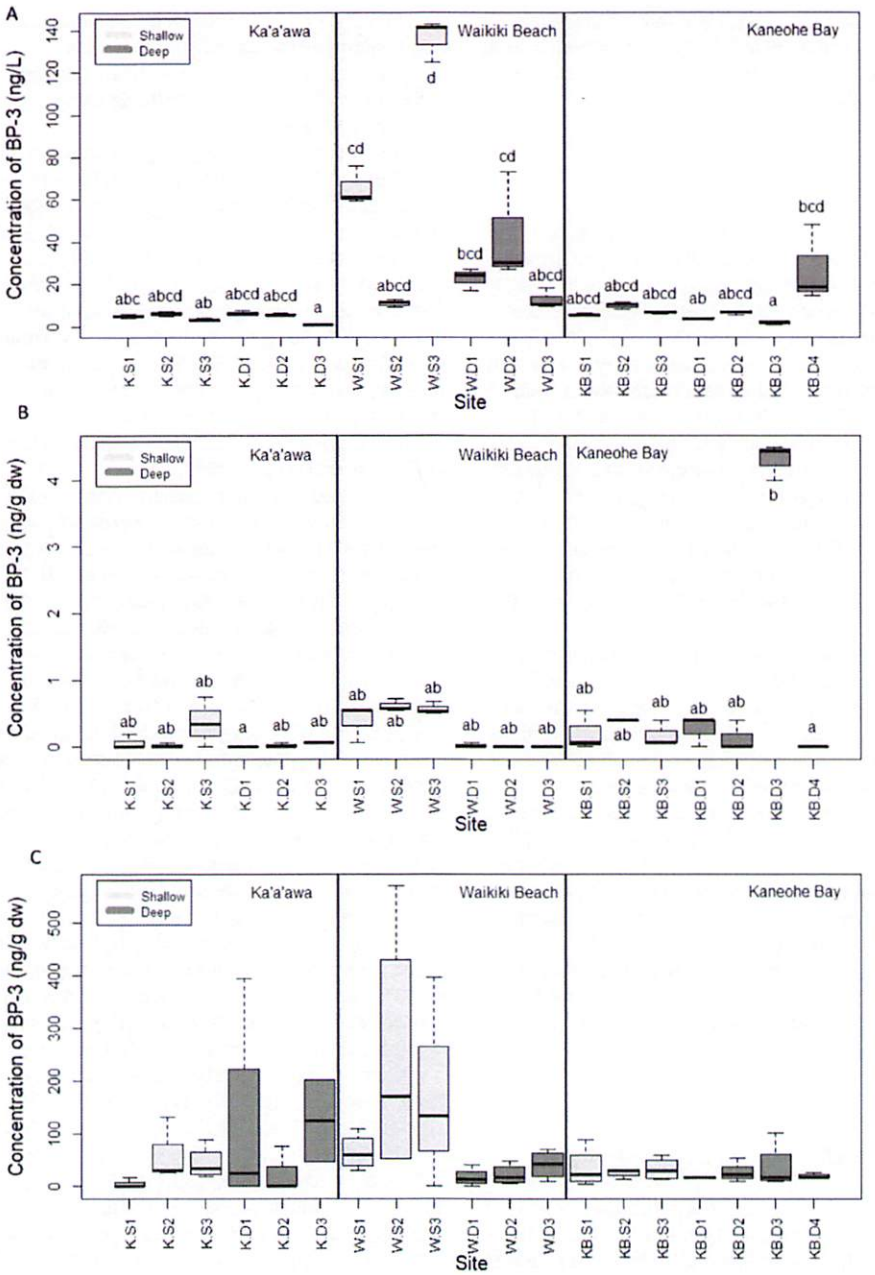


Fig. 2. Concentrations of BP-3 by site in (A) water, (B) sediment, and (C) coral tissue. Letters designate statistically significant differences ($p < 0.05$) between sites using Dunn's test of Multiple Comparisons.

with opposite trends. OS concentrations were higher in the shallow sites, and HMS concentrations were higher at the deep sites. These findings are similar to those reported by Bargar et al. (2015), who found decreasing BP-3, EHMC, and HMS concentrations with increasing distance from the shoreline at two beaches in the US Virgin Islands. Ultimately, the BP-3 and OS concentration trends suggest the source of UV-filters involved recreational activities associated with beach and nearshore water use. Similarly, the concentration of BP-3 and OC at Kaneohe Bay site KB-D4 (co-located with KB-S3) was significantly higher ($p < 0.05$) before water-users arrived at this site than later in the morning after people arrived. The first surface seawater sample was measured at 8 am (KB-S3) and contained 6.6 ± 0.7 ng L^{-1} BP-3 and 2.8 ± 0.1 ng L^{-1} of OC. Later in the morning at 10 am (KB-D4), more than 120 people were using the sand bar to snorkel around the coral reef heads at this site and concentrations of BP-3 and OC increased to 27.0 ± 18.4 ng L^{-1} and 23.6 ± 19.0 ng L^{-1}, respectively. Without including KB-D4, the average UV-filter concentrations at the deeper sites would have been 3.9 ± 2.5 ng L^{-1} for BP-3 and 3.5 ± 5.5 ng L^{-1} for OC. These results, along with the relatively high UV-filter concentrations recorded at the popular nearshore Waikiki Beach sites, suggest that use of sunscreen products was a primary source of UV-filters in coastal water; however, the similar concentrations of HMS and OS at all sites and the higher concentrations of HMS at the Ka'a'awa deeper sites, where there was no recreational activity located does not suggest this and warrants further studies into source (including natural) identification and transport of UV-filters.

As with this study, the majority of UV-filter concentrations reported in seawater surrounding coral reefs have stemmed from surface

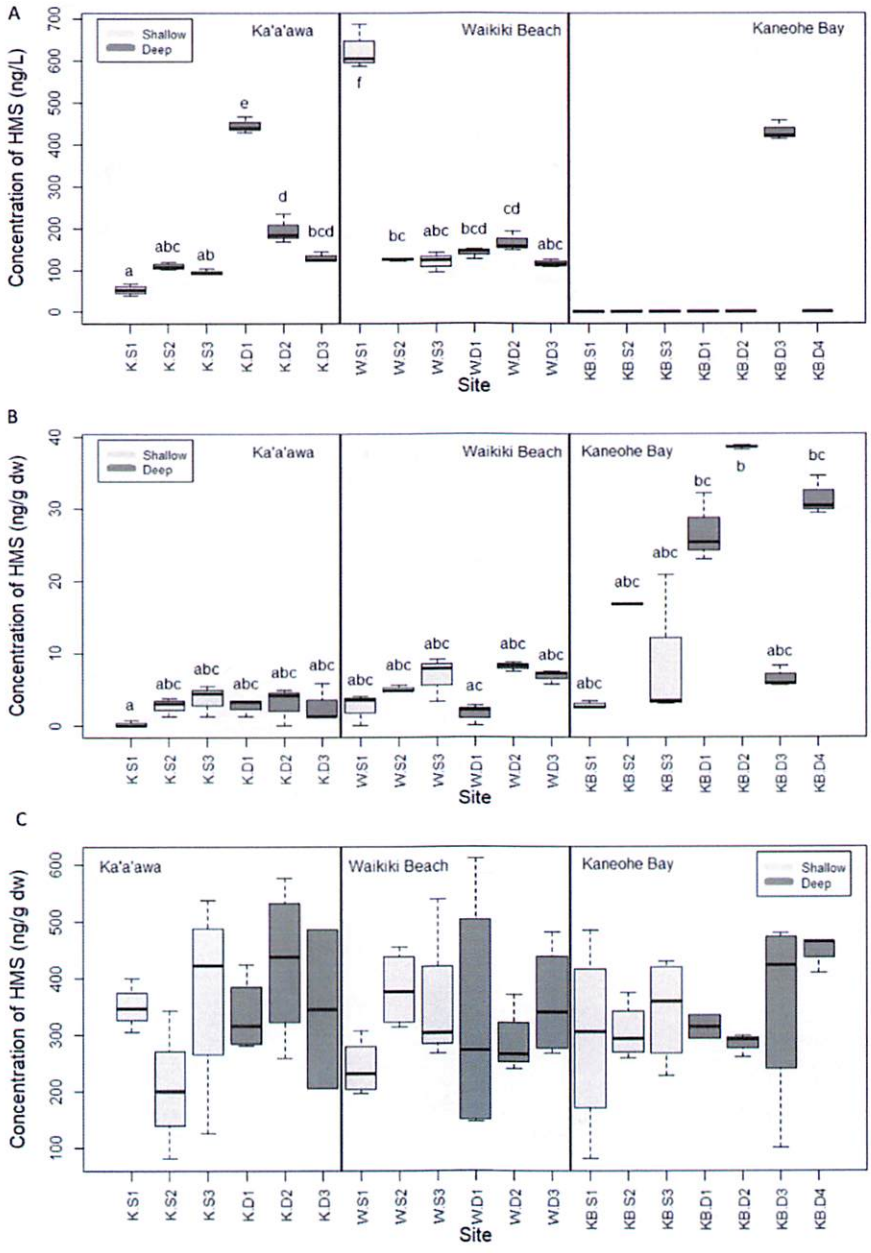


Fig. 3. Concentrations of HMS by site in (A) water, (B) sediment, and (C) coral tissue. Letters designate statistically significant differences ($p < 0.05$) between sites using Dunn's test of Multiple Comparisons. Note: All water concentrations at Kaneohe Bay sites (except KB-D3) could not be quantified.

seawater collections. Tsui et al. (2017) suggested that UV-filter concentrations in surface seawater are conservative values for estimating exposure to coral reefs, especially in recreational areas where UV-filters are most likely entering the aquatic environment by partitioning off of the skin of swimmers and divers. For example, previous studies have reported much higher BP-3 concentrations in surface waters from Hong Kong beach and snorkeling locations than in ambient water collected at coral depth (Tsui et al., 2014a, 2014b; Tsui et al., 2017). The maximum BP-3 and OC concentrations in Hong Kong surface water near coral reefs were 1190 and 674 ng L-1 respectively (Tsui et al., 2014a), over 30 times higher than those detected in bottom water samples collected near the corals (*i.e.*, 13.2–31.7 ng L^{-1} BP-3 and 13–23 ng L^{-1} OC; Tsui et al., 2017). To fully assess the risk of these chemicals to corals, more detailed depth studies are required to inform potential exposure to benthic corals. These assessments should also consider microlayer measurements since UV-filters are formulated into waterproof sunscreens that can be present in films at the water surface. Nearshore reefs are in well-mixed waters, and so coral exposure to UV-filters may differ between shallow and deep sites.

Based on our results and context from previous studies, seawater around coral reefs demonstrates a spatiotemporal variability in aqueous UV-filter concentrations, highlighting the challenges associated with selection of environmentally-relevant concentrations for use in risk assessments for marine organisms, particularly benthic or microlayer dwelling organisms. Environmentally-relevant concentrations are needed to contextualize environmental risk with toxicity thresholds; therefore, more data are required to understand UV-filter concentrations over time and depth in coastal locations, particularly those with sensitive habitats, such as coral reefs. These findings also raise important questions about the concentrations, persistence, and transport of

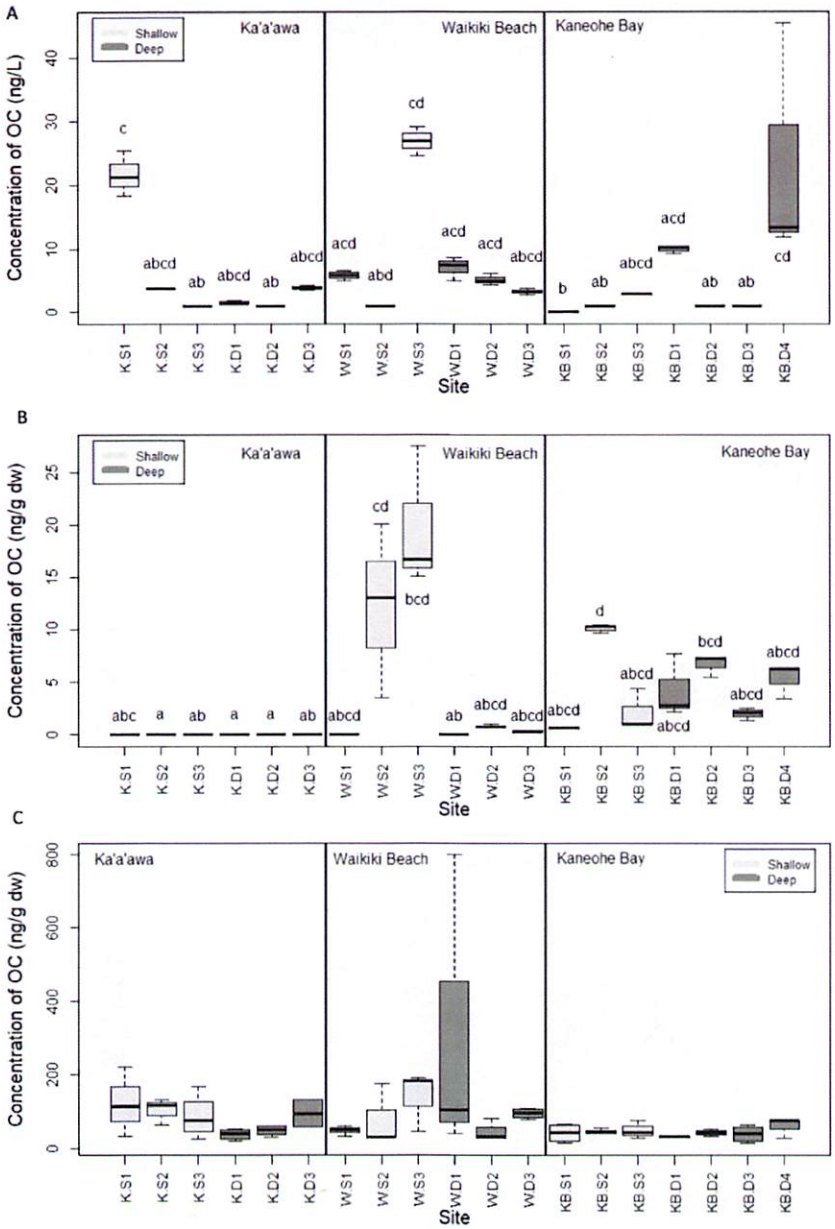


Fig. 4. Concentrations of OC by site in (A) water, (B) sediment, and (C) coral tissue. Letters designate statistically significant differences ($p < 0.05$) between sites using Dunn's test of Multiple Comparisons.

UV-filters in coastal waters through dilution, abiotic and biotic degradation, and sorption, organism uptake, and bioaccumulation processes. The variability in aqueous UV-filter concentrations over short spatial and temporal scales also complicates calculation of bioaccumulation factors for aquatic species as discussed in Section 3.4.

3.2. Occurrence and distribution of UV-filters in sediment

Few studies have measured the distribution of UV-filters in sediment near coral reefs. A sample-by-sample summary of average concentrations for all UV-filters detected in sediment is detailed in Table S8 of the SI ($n = 57$ discrete samples). To date, only one other study has reported UV-filters in sediment from a location with coral reefs (Tsui et al., 2017). The present study is the first to report sediment-phase UV-filter concentrations near U.S.A. coral reefs. Overall, nine of the 13 UV-filters were detected in at least one sample. HMS, OS, OC, BP-3, BMDBM, and EHMC were detected in 91%, 88%, 65%, 56%, 51%, and 42%, respectively, of individual samples (see Table S8 in the SI). The average concentrations and detection frequencies for the four UV-filters detected at the highest concentrations (*i.e.*, BP-3, HMS, OC, and OS) are summarized for the 19 sampling sites and three locations in Table S9 of the SI. For these four UV-filters, the average concentrations in sediment increased in the following order: HMS > OS > OC > BP-3. The UV-filter concentrations at individual sites ranged from below the LOQs to 38.5 ng g^{-1} dw for HMS, 19.6 ng g^{-1} dw for OS, 19.8 ng g^{-1} dw for OC, and 4.3 ng g^{-1} dw for BP-3 (see Table S9 in the SI). The EHMC and BMDBM UV-filters were also present at measurable concentrations in at least one sample. Figs. 2b, 3b, 4b, and 5b contain boxplots showing the concentration distributions for BP-3, OC, OS, and HMS, respectively, and statistical differences for concentrations measured at the 19 sites.

The highest sediment-phase concentrations were recorded for HMS and OS. HMS levels were significantly different at all locations ($p < 0.05$),

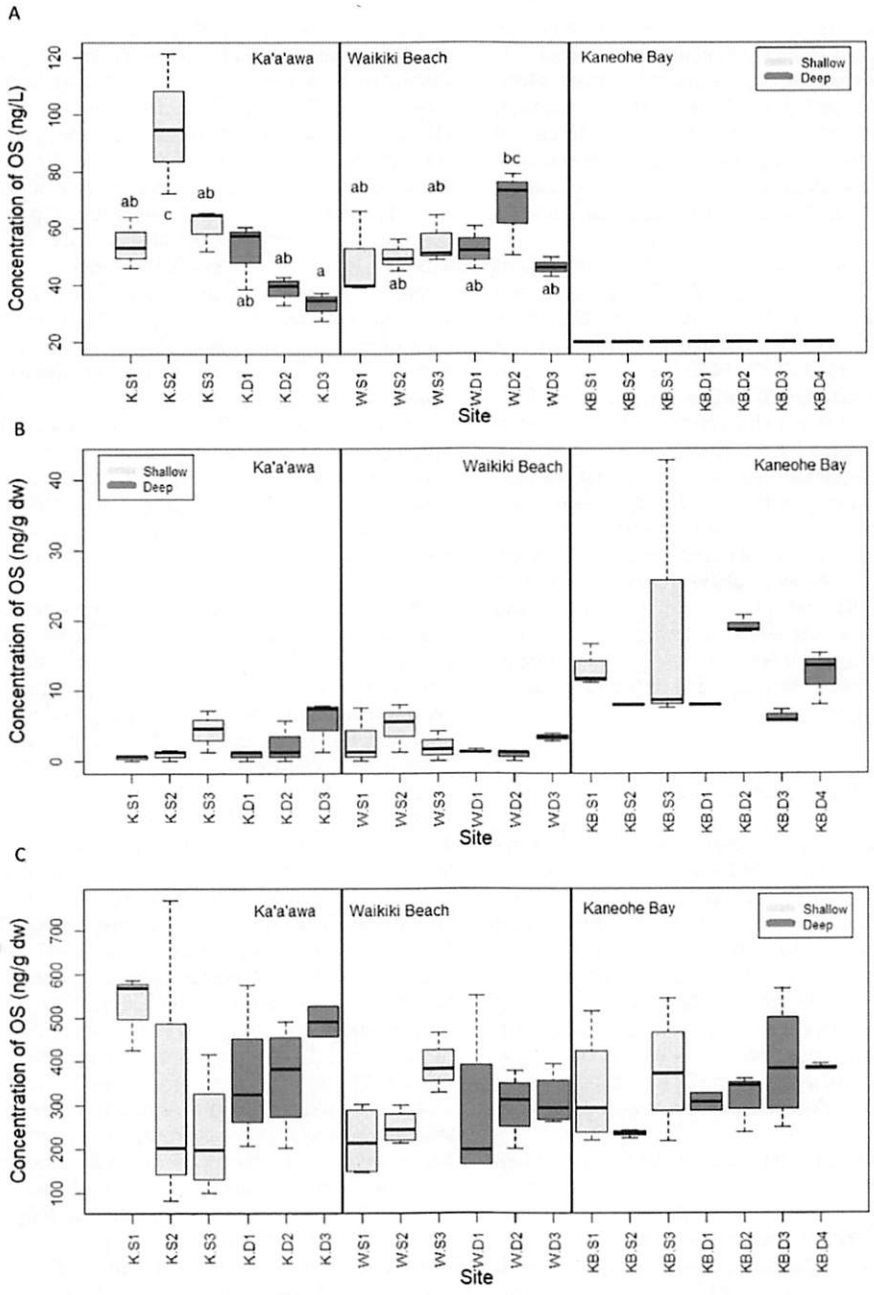


Fig. 5. Concentrations of OS by site in (A) water, (B) sediment, and (C) coral tissue. Letters designate statistically significant differences ($p < 0.05$) between sites using Dunn's test of Multiple Comparisons. Note: All water concentrations at Kaneohe Bay sites could not be quantified.

especially between Kaneohe Bay and Ka'a'awa ($p < 0.001$). These differences were driven by the much higher concentrations measured at the deep sites in Kaneohe Bay. OS concentrations in sediment were significantly different between Kaneohe Bay and both Waikiki Beach and Ka'a'awa ($p < 0.001$), but there was no difference in sediment-phase OS concentrations between Waikiki Beach and Ka'a'awa ($p > 0.05$). Significant differences were also observed for OC concentrations in sediment from Ka'a'awa sediment and both Waikiki Beach and Kaneohe Bay ($p < 0.001$), but the sediment-phase OC levels were not different between Kaneohe Bay and Waikiki Beach. No differences in BP-3 sediment-phase concentrations were identified between any of the locations ($p > 0.05$).

At Kaneohe Bay, the HMS concentrations in sediment from the shallow sites were significantly lower than those from the deep sites ($p < 0.01$). The inverse trend was observed for select UV-filters in sediment from Waikiki Beach, namely higher BP-3 ($p < 0.001$) and OC ($p < 0.05$) concentrations were observed in sediment from the shallow sites compared to the deeper sites.

The higher sediment-phase concentrations of UV-filters measured at sites in Kaneohe Bay were not the sites with the highest aqueous-phase concentrations of these UV-filters (see Tables S7 and S9 in the SI). However, significant correlations between the concentrations in surface water and sediment were observed for HMS and OS ($p < 0.01$ with r_s of 0.3711 and 0.7176 respectively; Fig. S1A and S1B in the SI). The

overall higher values of UV-filters observed at Kaneohe Bay may stem from differences in the composition of sediment from Kaneohe Bay and the other locations. The Kaneohe Bay sediment was finer, siltier, and more likely to contain a higher fraction of organic matter compared to the coarse and sandy sediment collected at Waikiki Beach and Ka'a'awa. These sediment properties may also explain EHMC detection at 5/19 sites, all of which were situated in the Kaneohe Bay location. As discussed above, the high log K_{ow} values for HMS, EHMC, and OS favor UV-filter partitioning into organic-rich sediment.

BP-3 was detected in sediment at 16/19 sites, but the concentrations were fairly low, namely <LOQ to 4.3 ng g^{-1} dw. The aqueous- and sediment-phase concentrations of BP-3 were not significantly correlated across the sites (Fig. S2B of the SI). The highest concentration of BP-3 in sediment was measured at KB-D3 (4.3 ng g^{-1} dw), whereas only 1.6 ng L^{-1} of BP-3 was detected in surface water samples from this site, much lower than the highest concentration of 136 ng L-1 at Waikiki Beach (W—S3). Sediment from sites W—S1 and W—S3, which exhibited the highest aqueous-phase BP-3 concentrations (*e.g.*, 65.4 and 136.2 ng L^{-1} respectively), contained <0.56 ng g^{-1} dw of BP-3. As the log K_{ow} of BP-3 is lower than the other frequently detected UV-filters, the relatively low accumulation in sediment was expected. On the other hand, the highest sediment-phase concentrations of OC were recorded at the W—S2 and W—S3 sites (*e.g.*, 12.22 and 19.79 ng g^{-1} dw), and the W—S3 site exhibited the highest OC concentration in seawater (*e.g.*, 29.2 ng L^{-1}); however, no significant correlation ($p > 0.05$) was found between the water- and sediment-phase OC concentrations (Fig. S3A in the SI).

3.3. Occurrence and distribution of UV-filters in coral tissue

A sample-by-sample summary of average concentrations for all UV-filters detected in coral tissue is detailed in Table S10 of the SI ($n = 67$ discrete samples). This study is the first to report UV-filter concentrations in corals from US waters. Eight different UV-filters were detected in at least one coral tissue sample. Four UV-filters, namely OS, HMS, OC and BP-3 were detected in coral from all 19 sites with detection frequencies of 100%, 100%, 96% and 82%, respectively, indicating the ubiquitous presence of these compounds in Hawaiian coral reefs sampled in this study. The average concentrations of these UV-filters in coral tissue from each site are presented in Table S11 of the SI; furthermore, statistical differences in coral-phase concentrations between locations are noted.

The average UV-filter concentrations in coral tissues from individual sites varied as follows: 5.8–240.9 ng g^{-1} dw for BP-3; 31.3–261.8 ng g^{-1} dw for OC; 210.4–491.0 ng g^{-1} dw for OS; and, 188.7–441.1 ng g^{-1} dw for HMS. Corals are often lipid-rich (Imbs, 2013; Ko et al., 2014) and are expected to bioaccumulate organic chemicals, particularly those with higher Kow values. Indeed, the reported coral-phase concentrations generally align with relative trends in log K_{ow}. Figs. 2c, 3c, 4c and 5c report the distribution and significance of BP-3, OC, OS, and HMS concentrations across the 19 sites, respectively.

Unlike Tsui et al. (2017), we did not detect benzophenone-8 (BP-8) in any of the coral tissue samples (< LOD of 3.03 ng g^{-1} dw). BP-8 has been described as a common metabolic product of BP-3. The two highest UV-filter concentrations in coral tissue from the Tsui et al. (2017) study were BP-3 (31.8 ± 8.6 ng g^{-1} wet weight (ww)) and BP-8 (24.7 ± 10.6 ng g^{-1} ww) although they did not measure HMS and OS which were the two UV-filters found at the highest concentrations in this present study. The different results regarding BP-8 concentrations between these two studies may stem from differences in metabolic activity in corals from HI compared to those in Hong Kong; however, BP-8 was detected in five different coral species, including a *Porites* spp. at most sites (Tsui et al., 2017). For this reason, additional work is recommended to understand metabolism and other transformation reactions of UV-filters in coastal ecosystems.

As the number of coral tissue samples ($n = 2$–4) differed from the number of sediment and water samples ($n = 3$), the average concentrations at each site were used to examine correlations between matrices (see Figs. S4, S5, S6, and S7 in the SI for matrix-based correlations of HMS, OS, OC, and BP-3 concentrations, respectively). For these four UV-filters, no significant correlations ($p > 0.05$) were identified between coral tissue concentrations and water- or sediment-phase concentrations. In addition, no significant differences ($p > 0.05$) were observed for coral-phase concentrations of HMS, OS, or BP-3 between the three sampling locations (see Figs. S3, S4 and S6 in the SI respectively). Although OC levels in coral tissue were similar at most sites, statistically different higher concentrations ($p < 0.05$) were observed for coral collected from Ka'a'awa compared to Kaneohe Bay (Table S11 in the SI). Site W—S3 exhibited the second highest reported OC concentration in coral tissue (*i.e.* 139.2 ± 81.2 ng g^{-1} dw) and the highest seawater concentration (*i.e.*, 26.9 ± 2.3 ng L^{-1}) but no statistically significant correlation between water and coral tissue concentrations existed for the complete dataset ($p > 0.05$; Fig. S5 in the SI). Interestingly, the highest concentration of OC in coral tissue was measured at the W-D1 site (*i.e.* 261.8 ± 360.1 ng g^{-1} dw), where a lower seawater concentration was recorded (*i.e.* 7.0 ± 1.9 ng L^{-1}) compared to other sites in Ka'a'awa and Kaneohe Bay.

BMDBM was detected in coral tissue collected from 5 of 6 Ka'a'awa, 6 of 6 Waikiki Beach, and 1 of the 7 Kaneohe Bay sites with a high detection frequency of 58% across all samples. No significant differences were observed between locations ($p > 0.05$). Interestingly, the highest BMDBM concentrations were recorded in coral tissue from the K'a'a'awa sites (*e.g.*, 170.3 ± 116.8 ng g^{-1} dw at K—S1), which experience lower levels of recreational activity.

BP-3 concentrations in individual coral tissue samples ranged from < LOD to 570.5 ng g^{-1} dw (see Table S10 in the SI). While the highest site average BP-3 concentrations in seawater and coral tissue were found at Waikiki shallow sites, no significant correlation ($p > 0.05$) was found between coral- and aqueous-phase concentrations, for this UV-filter (Fig. S6A in the SI). This observation may be reflective of the sample design. Three water and up to four coral samples were collected from each site at the same time. However, based on the temporal data collected at Kaneohe Bay, aqueous UV-filter concentrations vary throughout the day, depend on the number of recreational beach users, and are likely impacted by tidal transport. The sampling design of this study did not capture the potentially large variation in the fate and transport of BP-3 across spatiotemporal scales. Although sediment and coral tissue are more likely to reflect time-averaged UV-filter concentrations, no correlations were found between BP-3 concentrations in sediment and coral tissue ($p > 0.05$; Fig. S6B in the SI). The only other study that has measured BP-3 in coral tissue was conducted in Hong Kong, where concentrations ranged from 1.0 to 38.4 ng g^{-1} ww (Tsui et al., 2017). To compare data from the present study with those reported by Tsui et al. (2017), the dw concentrations from this study were converted to ww concentrations. Atkinson and Grigg (1984) used a factor of 5.2 to convert dw concentrations to ww in *P. compressa*. Using this conversion factor, the BP-3 concentrations measured in the present study were estimated to be 3.2–51.0 ng g^{-1} ww, which was reasonably similar to the range reported by Tsui et al. (2017) of 2.8 to 31.8 ng g^{-1} ww.

The BP-3 concentrations between individual coral tissues were more variable than the aqueous- and sediment-phase concentrations. Two of the highest BP-3 concentrations in coral tissue were recorded for the shallow, nearshore samples collected at Waikiki Beach. Relatively high BP-3 concentrations (*e.g.*, up to 2393.9 ng g^{-1} dw) were also measured in corals at the three deep, offshore sites at Ka'a'awa (see Table S10 in the SI). The variability of BP-3 concentrations between individual corals and the higher concentrations in corals from deeper water sites that receive less tourist/recreational activity raises additional questions regarding other BP-3 sources (*e.g.*, wastewater effluent and naturally-produced compounds; CDC, 2017; Wu et al., 2014) in this area. These topics warrant further study. The lack of correlation ($p > 0.05$; Fig. S6A

and B in the SI) between surface water concentrations and coral tissue concentrations precludes any useful assessment of the bioaccumulation of BP-3 in corals; however, these data are included in the following section for reference and contextualization with ongoing and future studies. As it is not known if corals are exposed to UV-filters through the aqueous-phase, suspended particles, ingestion of sediment particles, and/or ingestion of food, further studies are recommended to investigate (i) the partitioning of UV-filters between the dissolved and particulate phases and (ii) UV-filter concentrations in prey species to further inform coral exposure pathways.

3.4. Bioaccumulation of UV-filters in coral tissue

Few data have been reported on bioaccumulation of UV-filters in any marine organisms, especially corals. To date only Tsui et al. (2017) have reported BAFs in coral tissue. This calculation assumes steady state conditions, which are unlikely to exist in the current study due to the temporal variability in UV-filter concentrations at the same sites. Tsui et al. (2017) reported log BAF values for BP-3, OC, and ODPABA of 2.21–3.01, 2.34–2.75, and 2.61–2.88, respectively. Table S12 in the SI shows log BAF values calculated using the coral- and water-phase UV-filter concentrations measured at individual sites and locations. The overall average log BCF values for BP-3 and OC calculated using the estimated coral wet weight were 3.92 (range per site from 3.44 to 6.11) and 4.65 (range per site from 4.03 to 5.65) respectively. These values are higher than those reported by Tsui et al. (2017) but followed expected trends from the K_{ow} for the UV filters (*e.g.*, BP-3 and OC K_{ow}'s are 3.79 and 6.88 kg L^{-1} respectively). The lipid content in corals is known to vary between coral species and time of year and it is unclear if and which of these variables may explain our values compared to Tsui et al. (2017) (Imbs, 2013). The overall location average log BAF values for OS and HMS were 4.16 (site range from 4.28 to 4.89) and 3.77 (site range from 3.30 to 4.45) kg L^{-1}. respectively, which was lower than expected according to the relative values of log K_{ow} for the UV-filter analytes.

3.5. Correlation between UV-filters in each environmental matrix

As two or more UV-filters are often present in sunscreens, correlations between individual UV-filters were investigated for all environmental matrices. Table S13 in the SI presents the significant correlations for concentrations of individual UV-filters found for each matrix using Spearman's Rank correlations ($p < 0.05$); furthermore, the mass ratio of the mean concentrations of the two UV-filters was calculated to determine the relative abundance, which may inform source based on active ingredient ratios in consumer products. In surface seawater, significant correlations were found between the OC concentration and the OS and BP-3 concentrations ($p < 0.05$) at 1.0:6.6 and 1.0:3.1 ratios, respectively although the ratio of means did not match the maximum concentrations that could be found in USA products. These results are not surprising given the array of products with differing UV-filters, UV-filters in products at lower than maximal levels, tourists from other countries that have differing maximal percentages of each UV-filter in products and the unknown fate and breakdown of these various UV-filters. In coral tissue, a highly significant ($p < 0.001$) 1:1 ratio was observed between OS and HMS concentrations. In sediment, OC concentrations were significantly correlated ($p < 0.01$) with OS, BP-3, HMS, and BMDBM concentrations; furthermore, BP-3 concentrations were correlated with 4MBC levels ($p < 0.001$) and HMS concentrations were correlated with OS levels ($p < 0.001$). The sediment OC:HMS and OS:HMS ratios were the closet ratio of means compared to expected (*e.g.*, highest percentage ratios expected are 1:1.5 and 1:3 respectively compared with the actual values of 1:2.8 and 1:1.5 respectively).

3.6. Occurrence and distribution of other organic contaminants in seawater, sediment and coral tissue

All of the sites demonstrated influence from other anthropogenic stressors. For example, 6–9 PAHs (of the 49 congeners investigated) were detected in sediments at all three locations, indicating general anthropogenic contamination and some capacity for sediment to harbor organic contaminants despite the sandy properties and, presumably, low organic matter. Total PAH concentrations averaged 3.8 ± 1.8 ng g^{-1}, 2.5 ± 2.1 ng g^{-1}, and 11.1 ± 14.9 ng g^{-1} at Ka'a'awa, Waikiki Beach, and Kaneohe Bay, respectively (see Table S14 in the SI). Specific details and discussion of the detected PAHs and their potential impact to corals are presented in additional text (in the SI, Text S8). A detailed breakdown of PAH concentrations is listed in Tables S15-S17 of the SI.

The FT-ICR-MS data revealed that the overall contributions of degradation products of anthropogenic sulfonic acids (surfactants) varied across locations, indicating the distinct influence of wastewater, runoff from streets and beaches, or direct input from beach users. The high abundance of sulfophenyl carboxylic acids (SPCs), which are degradation products of aromatic linear alkyl benzene sulfonates (LAS), suggested that the Waikiki Beach location was likely the most impacted by treated wastewater effluent (Gonsior et al., 2011) and/or runoff from beaches (Fig. 6A and additional text in the SI). The MS-MS fragmentation pattern of the SPC with the formula $C_{14}H_{19}O_5S$ showed a

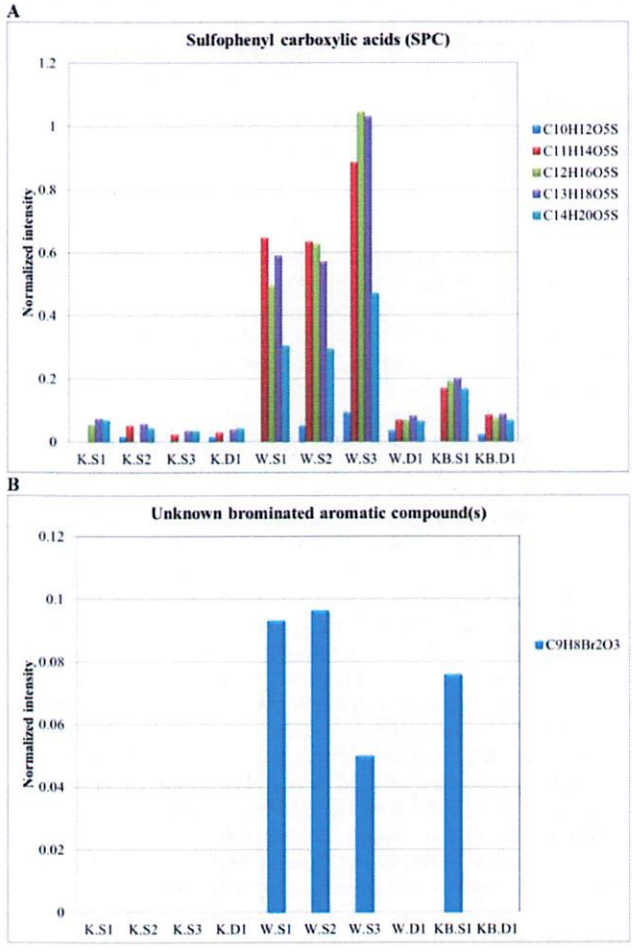


Fig. 6. Normalized intensity of (A) the *m/z* ions corresponding to sulfophenyl carboxylic acids (SPCs) as degradation products of LAS and (B) a brominated aromatic compound of unknown origin. NOTE: measured by negative electrospray ionization non-targeted FT-ICR MS and intensity was normalized to an average intensity of all assigned CHO molecular signature in each individual MS spectrum.

typical loss of $C_6H_{12}O_2$ (see Fig. S7 in the SI), and the spectrum matched well the published record ETS00018 in Mass Bank (Horai et al., 2010). In contrast, Kaneohe Bay, Ka'a'awa Bay, and the W-D1 site at Waikiki Beach showed much less influence from SPCs. In addition, an *m/z* ion with the neutral formula $C_9H_8Br_2O_3$ was confirmed by isotope simulation. The origin of this halogenated compound is not clear, but it was only present at the nearshore Waikiki Beach sites and a shallow site at Kaneohe Bay (KB-S1) (Fig. 6B), also suggesting an anthropogenic source. Halogenated aromatic compounds have been demonstrated to show substantial toxicity to aquatic organisms (Muccini et al., 1999); however, the effect of halogenated aromatic compounds on corals currently remains unknown. Overall, the non-targeted analysis of DOM collected from the study locations supports the presence of a complex mixture of chemical stressors in the coastal ocean of Oahu, Hawaii. Surfactants, in particular, are regarded as problematic compounds for corals and have been shown to cause severe coral tissue losses in Indonesia (Kegler et al., 2015).

The synthetic hormone, 17α-ethinylestradiol, was detected in coral tissue at 2/19 sites in three coral tissue samples. These detections occurred at the shallow KB-S1 (<LOQ-368 ng g^{-1} dw) and KB-S2 (<LOD-413 ng g^{-1} dw) sites located at Kaneohe Bay, again suggesting potential wastewater influences at this site. Synthetic hormones have previously been reported at Kaneohe Bay and laboratory experiments have shown impacts to coral growth rates and reproductive output at environmentally-relevant concentrations (*e.g.* Tarrant et al., 2004). No other hormone detections were recorded for water, sediment, or coral tissue samples. Sucralose, which is often used as a tracer for wastewater and septic systems (Oppenheimer et al., 2011), was not detected in any of the surface water samples and it would argue against a continuous influence of wastewater, but sporadic wastewater exposure is still feasible giving that sucralose is very hydrophilic and does not bioaccumulate.

4. Conclusions

This study reported the ubiquitous presence of many UV-filters in coastal seawater, sediment, and coral tissue from sites around Oahu, HI, vastly expanding the current state of knowledge. The measured concentrations were similar to or lower than previously reported values from HI and other coral reef locations. The seawater and sediment UV-filter concentrations reported in this study can be used in conjunction with toxicological studies to estimate environmental risk to corals and other species. Given the spatiotemporal variability and limited data at coral depth of UV-filter concentrations, more monitoring studies are recommended to determine environmentally-relevant concentrations for inclusion in risk assessments. Although few studies document the effects of UV-filters on coral species and toxicological thresholds, the aqueous BP-3 concentrations at all of the sites in this study are below reported toxicity thresholds of effect that are used in risk assessments. No toxicity thresholds have currently been reported for EHMC, and EHMC was not present at quantifiable concentrations in seawater for any of the sites included in this study. The impact of UV-filters on corals is an emerging field of research and much more data is required to characterize environmental concentrations in seawater around coral reefs together with laboratory studies using analytically-verified environmentally relevant concentrations and biological endpoints suitable for risk assessments. More effort is also needed to contextualize UV-filter concentrations with other anthropogenic chemicals, including those reported in this study, that have been detected in seawater, sediment, and coral tissues to identify local management and policy strategies that prioritize the most important chemical contaminants of concern for the health of coral reefs.

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Appendix A. Supplementary data

The supporting information contains additional information on sampling sites, additional sampling, extraction and analytical protocols, per sample results tables, correlation analyses, data and an expanded discussion on the PAHs detected in sediment and potential effects on corals. Supplementary data to this article can be found online at https://doi.org/10.1016/j.scitotenv.2019.03.034.

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Review of environmental effects of oxybenzone and other sunscreen active ingredients

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4-MBC: 4-methylbenzylidene camphor; UV: ultraviolet; waste water treatment plant (WWTP), parts per million (ppm), parts per billion (ppb), parts per trillion (ppt).

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Abstract

With increasing awareness regarding the risks of sunburn, photoaging and skin cancer, the use of sunscreens has increased. Organic and inorganic filters are used in sunscreen products worldwide. Concerns have been raised on commonly used organic UV filters including oxybenzone (benzophenone-3; BP-3), 4-methylbenzylidene camphor (4-MBC), octocrylene (OC), and octinoxate (ethylhexyl methoxycinnamate; EHMC) on their effects on the environment. Studies have identified UV filters such as oxybenzone, octocrylene, octinoxate and ethylhexyl salicylate (ES) in almost all water sources around the world and have commented that these filters are not easily removed by common waste water treatment plant techniques. Additionally, in laboratory settings, oxybenzone has specifically been implicated as a possible contributor to coral reef bleaching. Furthermore, UV filters such as 4-methylbenzylidene camphor, oxybenzone, octocrylene and octinoxate have been identified in various species of fish worldwide, which has possible consequences for the food chain. As dermatologists, it is important for us to continue to emphasize the public health impact of excessive sun exposure, and to advise our patients about proper photoprotection practice, which consists of seeking shade, wearing photoprotective clothing including hats and sunglasses, and application of appropriate sunscreens.

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Introduction

Skin cancer is the most common malignancy in the United States.[1] Non-melanoma skin cancer (NMSC) affects millions of Americans annually with increasing incidence of both basal and squamous cell carcinomas.[2] Ultraviolet (UV) radiation is a main risk factor for skin cancer development as well as erythema and photoaging. With increasing awareness regarding skin cancer, photoprotection has been widely advocated; sunscreen use is an integral part of photoprotection.

Active ingredients of sunscreens are divided into inorganic (physical) or organic (chemical) filters. Inorganic filters include titanium dioxide and zinc oxide that reflect and refract UV photons; nanosized titanium dioxide also absorbs UV. Organic filters are designed to absorb UVA, UVB, or both. Aside from being used in sunscreen, several UV filters [oxybenzone (benzophenone-3; BP-3), 4-methylbenzylidene camphor (4-MBC), octocrylene (OC), and octinoxate (ethylhexyl methoxycinnamate; EHMC)] are used in cosmetics, shampoos, fragrances, flavors, and as photo-stabilizers in personal products and plastics.[3,4] With such wide applications, it's no surprise that that the Centers for Disease Control suggested that ~96.8% of the US population is exposed to oxybenzone.[4,5] It should be noted that 4-MBC is an approved UV filter in the European Union, but it is not a listed filter in the U.S. Food and Drug Administration monograph.

Researchers have examined the impact of these organic filters. *In vitro,* oxybenzone has anti-androgenic and pro- and anti-estrogenic effects.[6] Oxybenzone, avobenzone (butyl methoxydibenzoylmethane; BMDM), homosalate, octyl dimethyl-p-aminobenzoic acid (padimate O), and octinoxate increased cellular proliferation of breast cancer cells (MCF-7) *in vitro.* Additionally, 4-MBC induced the pS2 protein (a protein regulated by estrogen) in MCF-7 cells and the effects were blocked using an estrogen antagonist, which highlights the hormonal regulation of this process. In rats, 4-MBC and octinoxate applied topically and administered orally led to increased uterine weight.[7] A human study with 32 patient volunteers (men and post-menopausal women) examined hormonal effects of systemic absorption of oxybenzone, 4-MBC and octinoxate. The volunteers applied 2mg/cm^2 of sunscreen with 10% active ingredients (one sunscreen formulation for each of the active ingredients) over their entire body for four days. Luteinizing hormone and follicle stimulating hormone remained unchanged; however, the male patients had minor changes in other sex hormones including testosterone, estradiol and inhibin B.

These changes were thought to be biologically inconsequential.[8] In humans, the rate of systemic absorption of oxybenzone has been estimated as 1-2% with topical application[5,8-14] though others have reported it as high as 10%.[13] Oxybenzone has the highest percutaneous absorption and has been identified in human urine, serum and breast milk[3,4,6,15-18]; however, there have not been any reported toxic effects in humans since 1978 when it became commercially available.[5,11] A mathematical modeling study estimated that it would take 35-277 years of daily usage for humans to achieve the equivalent serum levels of oxybenzone seen in rat models.[5]

Effects on the environment have become a pressing topic. UV filters have been identified in water sources worldwide[6,19-29] with oxybenzone noted as the most frequently detected in the largest concentrations.[23] Organic filters enter the environment through different mechanisms. They are absorbed percutaneously and excreted in the urine, which enters the plumbing. Only ~ 4% of the applied dose was excreted in the urine[14] leaving the majority of the filter on the skin to be washed off in natural water sources or in the shower – all of which enter the water supply.[3,4] Manufacturing and waste run-off produced from factories also places organic filters into the water supply.[3,4] In fact, one study found higher concentrations of oxybenzone in the water supply in metropolitan areas with both commercial and industrial water run-off compared to recreational water sites.[3] Organic filters are prevalent in waste from manufacturing facilities particularly those for sunscreens and cosmetics. With growing awareness of the importance of photoprotection and increasing usage of sunscreens, it's no surprise that these filters have been identified broadly in our water sources. This review article will examine the prevalence of UV filters in water as well as their proposed environmental impacts. To conclude, we will propose potential solutions and alternatives.

106 Water Sources

107 Waste water treatment plants (WWTP) are critical in the water recycling process. Water
108 utilized by humans passes through these facilities for treatment before re-entering rivers and
109 streams. WWTPs worldwide have been tested for UV filters in their influent (incoming water
110 sources) and effluent (water that has been treated). In Brazil, oxybenzone, ethylhexyl salicylate,
111 octinoxate and octocrylene were identified in raw and treated water.[26] Oxybenzone, 4-MBC,
112 octinoxate and octocrylene were all found in WWTPs in Switzerland[22] with oxybenzone
113 concentrations of 69g per 10,000 people per day.[27] Studies performed in Korea, China, U.S.,
114 Japan and Thailand yielded similar results.[29]

115 WWTPs have difficulty treating organic filters due to their innate chemical properties.
116 WWTPs were designed to treat particulates in the water. UV filters, however, have low water
117 solubility, high lipophilicity, and a high organic carbon-water coefficient, which makes it
118 challenging for WWTPs to remove them.[30] It has been shown that oxybenzone was not
119 sufficiently removed by the treatment process[21,26] allowing it to re-enter the water supply as the
120 effluent.

121 The concentrations of organic filters in different water sources has seasonal variations,
122 with higher concentrations in the summer.[22,29,31] In a study done in Korea, an increase of UV
123 filters in the WWTP effluent of over 25% during the summer was reported.[29] This suggests the
124 impact of human behavior on water concentrations both due to recreational activities and the
125 likely increased manufacturing to meet the increased demand. Furthermore, concentrations of
126 filters in the water were higher in densely populous areas.[3,19] Interestingly, UV filters have been
127 identified in the Arctic, which suggests that water currents are dispersing the filters beyond their
128 initial deposition. This has potential significant implications for the environment.[3]

129 Aside from natural water sources, UV filters have been identified in chlorinated water
130 such as swimming pools. Organic filters can react with chlorine to create hazardous by-products
131 called brominated transformation products.[3,32,33] A study examined chlorinated salt water pools
132 for the presence of dioxybenzone, oxybenzone, avobenzone, octinoxate and octocrylene; the only
133 UV filter studied that did not react with chlorine was octocrylene.[33] Chlorinated oxybenzone
134 leads to a higher rate of cell death when studied *in vitro* compared to unchlorinated controls.[32]
135 The ultimate human health impact of chlorinated byproducts will require more studies.
136

Coral Reefs

Coral reefs are a critical component of our environment supporting as many as one million species of fish, invertebrates and algae.[34] Coral belong to the *Cnidaria* family, which are soft bodied animals that engage in symbiosis with algae (*Zooxanthellae*). *Zooxanthellae* live on coral. Their photosynthesis gives coral energy and the algae itself provides the coral's vibrant colors.[34] As coral grows, it forms branching structures culminating in reefs. When coral reefs face oxidative stress from warming ocean temperatures and/or pollutants, they expel algae from their surface turning the coral white (also known as "bleaching"). This process often leads to the coral's demise.[34]

Coral reefs are endangered with warnings/watches imposed by oceanic societies worldwide. Reasons for their endangerment are multifactorial. Arguably, the most important factor is warming ocean temperatures; however, additional factors include pollutants and decreasing ocean salinity.[35] Specifically, oxybenzone has been named a threat to coral reefs worldwide. It has been estimated that as many as 14,000 tons of sunscreen, some containing as much as 10% oxybenzone, is released into coral reef areas annually.[34,36] Ninety percent of snorkeling/diving sites occur on 10% of the world's reefs,[34] which puts approximately 10% of global reefs and up to 40% of coastal reefs at risk for coral bleaching.[34]

Because coral reefs are so diverse, species will be affected differently by organic filters. Juvenile coral (also known as coral larva) is very susceptible to pollutants as are newly settled coral.[36] In contrast, coral that grows more slowly is more resistant as these species have lower bioaccumulation rates.[36]

Researchers utilized *Chlamyodomonas reinhardtii* (a species of green algae) as a model to study the effects of oxybenzone. *In vitro*, *C. reinhardtii* was exposed to varying levels of oxybenzone with the lowest concentrations akin to those encountered in the environment (0.01-0.1 parts per billion (ppb)) up to as high as 5,000 ppb. The higher concentrations of oxybenzone resulted in decreased chlorophyll content and overall growth – though it is notable that these concentrations were higher than currently measured environmental levels.[37] In Okinawa, Japan, oxybenzone levels are elevated at sites of public swimming beaches (0.4-3.8 parts per trillion (ppt)); these levels continue to remain elevated up to 600m away, demonstrating the role of diffusion and ocean currents in dispersal of chemicals. Concentrations at reefs were higher than beaches or rivers.[31]

168 Danovaro et al. propose a mechanism for coral reef bleaching where UV filters activate
169 coral viruses, which culminates in oxidative stress, expulsion of symbiotic algae and thus coral
170 bleaching.[3,34,38] *In vitro*, at concentrations of 33-50 parts per million (ppm), oxybenzone induces
171 coral reef bleaching and death.[3,38] The measured lethal concentration 50 (LC50) for seven
172 different species of coral cells *in vitro* ranges from 8-340ppb.[36] Concentrations of oxybenzone in
173 the ocean surrounding US Virgin and Hawaiian islands ranged from 75-1400 ppb and 0.8-19.2
174 ppb, [3,36] respectively. In Chile and Colombia, oxybenzone was elevated in sediment from nearby
175 coral reefs, with levels up to 2.96 ppb in Chile and 5.38 ppb in Columbia. In Colombia,
176 octinoxate levels reached 47 ppb and 4-MBC, 17.2 ppb. Clearly, these values are in the low to
177 zero toxicity ranges for coral bleaching.[39]
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Food Chain

UV filters have been studied in fish and mammals. In rats, 4-MBC interferes with sexual behavior and reproductive practices.[18,29] In zebrafish, octocrylene alters development in brain and liver.[30] In rainbow trout and Japanese medaka, laboratory studies demonstrated that exposure to high concentrations of oxybenzone led to decreased egg production with significantly fewer hatchings as well as induction of vitellogenin protein in males (a precursor of the egg yolk found only in females).[40] The presence of vitellogenin in male fish suggests possible feminization, which has obvious implications for reproduction.[40]

In Switzerland, white fish, roach and perch found in Swiss lakes had low but detectable amounts of UV filters, mostly 4-MBC. [22] In Norway, cod liver contained UV filters. Octocrylene was the most commonly identified filter (found in 80% of specimens) with oxybenzone being the next most common (50%).[28] White fish also contained oxybenzone and octinoxate.[28] In Spain, similar UV filters were identified in white fish, rainbow trout, barb, chub, perch and mussels.[3,20]

The concentrations present in fish were low; however, one must consider the concepts of bioaccumulation and biomagnification. Bioaccumulation describes the phenomenon where chemicals reach higher concentrations in organisms over time compared to their environment. Brausch and Rand examined bioaccumulation and found that oxybenzone levels were higher in fish compared to water.[3,27] Biomagnification refers to the concept that chemicals become more concentrated and detrimental as one moves higher up the food chain. Chemicals are not removed or broken down by lower organisms; thus, when an animal ingests these lower order organisms, they obtain a higher concentration of the chemical. This suggests a possible negative implication for humans who ingest seafood, although at this time no clear adverse effects in humans have been reported.[41]

Solutions

Given the growing concerns regarding UV filters present in the environment, the public and agencies have been searching for solutions. Legislation has been proposed to ban chemicals that have impacted our food supply.[3,42] On May 1, 2018, the Hawaiian state legislature passed a bill that bans the sale and distribution of sunscreens containing oxybenzone and octinoxate. At the time of this writing, the bill is awaiting the signature of Governor David Y. Ige.[43] If the bill is signed or proceeds without a veto, the law will go into effect in 2021. Additional states have considered similar legislation.

Several aquatic parks have published literature to educate the public regarding the risk of organic filters for the marine environment. Xelhá in Mexico advises tourists to travel with "chemical-free sunscreen" when visiting their park[44]; and, the US National Park Service published an educational pamphlet stating "Remember if it's on your skin, it's on the reef. Be reef friendly! Reduce the amount of sunscreen you leave behind…"[34] Hawaiian Airlines has joined the cause by showing, during the flight, a documentary about reef bleaching and distributing reef-safe sunscreen (containing only inorganic filters).[45]

Photoprotection should include seeking shades when outdoors, wearing photoprotective clothing including swim-wear, wide brimmed hats and sunglasses; only on exposed areas should sunscreens be applied. Practicing photoprotection with the above guidelines, and applying sunscreens with inorganic filters (titanium dioxide, zinc oxide) are an alternative means of protecting oneself from UV radiation.

Aside from limiting continued leaching of UV filters into the environment, means of optimizing their removal from the water supply have been explored. Studies have been done with *Cyperus alternifolius L*, a common wetland plant that absorbs oxybenzone into its root system and accumulates the chemical in its tissues. The plant ultimately converts oxybenzone to chemical conjugates with lower toxicity. This mechanism was evaluated as a means of possibly removing oxybenzone from the environment, with the caveat that these plants would need to be extracted before they undergo natural decay.[46]

Conclusion

With the known effects of UV radiation on erythema, photoaging, and skin cancer development, photoprotection is paramount. However, we must also take into account the impact of our efforts on the environment. UV filters have been identified in many water sources; they are extremely difficult to remove using traditional WWTP practices. With continued use of organic filters, one can surmise that concentrations in our water sources will continue to rise. The effect on coral reefs is clearly multifactorial; however, at increasing concentrations UV filters may play a more instrumental role in bleaching. Furthermore, increasing ocean concentrations will accentuate bioaccumulation and biomagnification, ultimately raising potentially negative consequences in humans. Fortunately, the current detected levels in the environment have been in the lower toxicity ranges for the species of coral studied *in vitro*, and there have been no identifiable toxic effects on humans.

It seems clear that with this growing body of evidence of the negative impacts of organic UV filters in our environment that we should actively explore alternative forms of photoprotection and novel water filtration methods. The effects of inorganic filters on the environment is still being studied but, at this time, physical blockers are recommend as photoprotection alternatives. The concern about the environmental impact of organic UV filters should not detract from educating the public on the importance of photoprotection, namely, to seek shade, wear photoprotective clothing and swim-wear when outdoors, and applying appropriate sunscreens on sun exposed areas. This would allow us to protect our skin from the deleterious effects of sunlight, and at the same time, protect our environment.

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Key Points

- Several organic UV filters such as oxybenzone, octocrylene, octinoxate and 4-methylbenzylidenecamphor have been identified in water sources and in aquatic animals.
- Oxybenzone, in laboratory settings, has been implicated as a possible contributor to coral reef bleaching.
- These concerns have prompted the Hawaii state legislature to pass a bill, in May 2018, banning sunscreens containing oxybenzone and octinoxate, effective in 2021.
- It is important for dermatologists and health care providers to continue to encourage photoprotective measures, which include seeking shade, wearing photoprotective clothing and sunglasses, and on exposed skin, applying appropriate sunscreens.

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Personal Care Products Council
Committed to Safety, Quality & Innovation

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November 18, 2021

Via Electronic Mail
The Honorable Alice Lee
Chair, Maui County Council
200 South High Street, 8th Floor
Wailuku, HI 96793
Email: Alice.Lee@mauicounty.us

RE: Opposition to Proposed Legislation Banning Non-Mineral Sunscreens

Dear Chair Lee:

On behalf of the members of the Personal Care Products Council (PCPC),[1] I am writing to express our opposition to Bill 135, legislation to prohibit the sale, use, or distribution of non-mineral sunscreens. This bill will lead to a serious public health issue by banning essential, safe and effective sunscreen products that Hawaiians currently trust and rely on, particularly since the U.S. has a limited number of approved ingredients to make these products.

The U.S. has Limited Number of Sunscreen Ingredients to Fight Skin Cancer

Sunscreens are a key factor in preventing and reducing the risk of skin cancer and damage from the sun's ultraviolet (UV) rays. Public health organizations, including the American Cancer Society, American Academy of Dermatology, the Mayo Clinic and the Skin Cancer Foundation, recommend using sunscreen as part of a safe sun regimen. The Centers for Disease Control and Prevention's Sun Safety recommendations note the importance of daily sunscreen use, including on cloudy and overcast days, to help prevent most skin cancers. And, according to the World Health Organization (WHO), four out of five skin cancer cases can be prevented by following safe sun practices, including using sunscreen regularly.

Sunscreen ingredients must be approved for use by the U.S. Food and Drug Administration (FDA) and are a crucial and well-recognized tool in the fight against skin cancer and premature skin aging. The U.S. has a limited number of approved sunscreen ingredients to make products that protect consumers from the harmful effects of solar radiation. By banning all non-mineral sunscreens, the County will be able to provide residents and visitors with access to products containing only two of the available active ingredients. This will significantly reduce and limit consumer choice and could result in a shortage of available products.

[1] Founded in 1894, the Personal Care Products Council (PCPC) is the voice and advocate for 600 member companies representing the $499.6 billion global cosmetics and personal care products industry. PCPC's members represent approximately 90% of the U.S. beauty industry and are some of the most beloved and trusted brands in beauty and personal care today. As the manufacturers, distributers and suppliers of a diverse range of products millions of consumers rely on every day – from sunscreens, toothpaste and shampoo to moisturizer, makeup and fragrance – PCPC's member companies are global leaders committed to product safety, quality and innovation.

Hawai'i Residents at Higher Risk for Skin Cancer

With Hawai'i's previous ban on some sunscreen active ingredients, the Maui County legislation would further limit access to products that can help prevent skin cancer – one of the most common yet preventable cancers. Hawai'i residents are at high risk for developing skin cancer. The American Cancer Society estimates that melanoma, the most serious form of skin cancer, will be one of the leading causes of new cancer cases in Hawai'i in 2021. Native Hawaiians and other Pacific Islanders suffer from double the melanoma mortality rate than the State average, according to Hawai'i Health Matters, an innovative web-based community information tool developed by the Hawai'i Health Data Warehouse and the Hawai'i Department of Health. Hawai'i has one of the highest daily UV index averages in the nation, making protecting residents from sun exposure a public health priority.

Legality of Proposed Ordinance in Question

Prior to adoption, PCPC and our member companies believe it is important to assess the legality of the proposed ordinance, especially regarding jurisdictional authority, federal preemption, and commerce clause implications. As a threshold matter, there is the question of whether the County has the authority to regulate consumer behavior allegedly impacting offshore environmental resources. Such authority would seem to be exclusively within the purview of Hawai'i's Department of Land and Natural Resources/Division of Aquatic Resources, as set forth under the State's comprehensive and uniform scheme of statutory regulation for this area of law.

Likewise, there is the question of whether the ordinances are preempted by the federal Food, Drug and Cosmetic Act, which prohibit states and localities from establishing any provision for nonprescription drugs that is different from or in addition to federal requirements. The purpose of such preemption is to provide "national uniformity" with respect to product manufacturing and composition, labeling, and advertising for nonprescription drugs. Similarly, since most sunscreens are imported into Hawai'i from out of state, potential commerce clause ramifications with Maui County's proposed ordinances need to be investigated. Coupled with the logistical difficulty of enforcing the bans proposed by these ordinances, we believe these legal concerns merit a detailed examination before this committee can proceed with adoption.

Environmental Impact of Sunscreens is being Evaluated by the National Academies of Science, Engineering, and Medicine (NASEM)

This ordinance does not consider the full body of scientific evidence to establish whether organic and inorganic UV filters pose an ecological threat to Hawaiian reef systems. This includes considerations such as the suitability and reliability of existing data to assess environmental risks in addition to the well-recognized causes of coral reef decline in Hawai'i and the rest of the world, including climate change, land-based pollution, and other human activities, such as physical damage to corals from recreational activities.[2]

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[2] Mitchelmore, C. L., Burns, E. E., Conway, A., Heyes, A., & Davies, I. A. (2021). A critical review organic ultraviolet filter exposure, hazard, and risk to corals. *Environmental Toxicology and Chemistry*, 40(4), 967–988. https://doi.org/10.1002/etc.4948. See also Burns, E.E. & Davies, I.A. (2021). Coral Ecotoxicological Data Evaluation for the Environmental Safety Assessment of Ultraviolet Filters. *Environmental Toxicology and Chemistry*. DOI: 10.1002/etc.5229. See also Dyer, S.D. & Green, N.S. (2021). Use of Eco-epidemiology to Assess the Potential Risks of UV Filters to Corals. Presentation to National Academies of Science, Engineering and Medicine, 16 September 2021. https://www.nationalacademies.org/event/09-16-2021/docs/D885731178D23BF914365FE2D192B964EC6504FE7A7B.

Policy decisions that will adversely impact public health should not be made ahead of a scientific consensus on this issue. To reduce bias and to synthesize the best available science, the United States Congress directed the NASEM to evaluate the presence and potential impacts of organic and inorganic UV filters in freshwater and marine environments, as well as the potential public health impact of limiting access to sunscreens. The findings of the review, which is sponsored by the U.S. Environmental Protection Agency, are expected in early 2022. Making environmental management decisions on sunscreens based on current insufficient and, in some cases, unreliable scientific data may lead to unintended negative health consequences, such as fewer available sunscreens and an increase in the prevalence of skin cancer while providing limited, if any, environmental improvement. PCPC encourages that industry, academia, NGOs, federal agencies and the state of Hawai'i work together to ensure that both the reef ecosystems and the health of Hawai'i's residents are protected.

By passing this local ordinance, the Maui County Council will create confusion and potentially discourage the use of sunscreens – an important part of a daily safe-sun regimen – putting consumers' health at greater risk. We respectfully ask that you oppose Bill 135.

Thank you for your consideration and the opportunity to comment.

Sincerely,

Karin Ross
Executive Vice President, Government Affairs

Cc:

Keani.Rawlins@mauicounty.us, Council Vice-Chair
Tasha.Kama@mauicounty.us, Presiding Officer Pro Tempore
Gabe.Johnson@mauicounty.us, Councilmember
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TO: Maui County Council
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins, Vice Chair

FROM: Lynn Miyahira on behalf of Public Access to SunScreens (PASS) Coalition

DATE: Friday, November 19, 2021
TIME: 9:00 AM
PLACE: Via videoconference

Re: Bill 135 to prohibit the sale, use, or distribution of non-mineral sunscreens

Position: OPPOSED

Thank you for the opportunity to provide testimony on this important bill. We appreciate the work of the Maui County Council.

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

We ask that the Maui County Council hold off on passing Bill 135 or any other legislation on sunscreen ingredients, until more data on environmental and public health impacts are available.

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

Hawaii Residents Are at Higher Risk for Skin Cancer

Some notable skin cancer and sun safety behavioral statistics include:

- Native Hawaiians and other Pacific Islanders suffer from double the melanoma mortality rate than the State average[i]
- In 2018, more than one in three Hawaii residents surveyed reported having a sunburn in the last 12 months, nearly double from the previous year[ii] – and having just five or more sunburns in your lifetime is known to double your risk for melanoma[iii]
- Researchers have found that just *one* blistering sunburn in childhood or adolescence more than doubles a person's chance of developing melanoma later in life[iv]
- Hawaii has one of the highest daily UV index averages in the nation.[v] On a scale of 0 – 12, Hawaii has over nine months of the year in very-high (8) to extremely high (11) UV indexes, making it crucial public health issue for residents to have access multiple tools to protect them from sun exposure

Science Touted by Sunscreen Ban Advocates Is Flawed

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

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

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

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

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

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

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

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

The conclusion of this NAS study – expected in Spring 2022 – will inform future decisions of policymakers to ensure access to sunscreens while also protecting the coral reefs. Until this study is completed, legislation like Bill 135 should be suspended as there are currently insufficient data to inform a risk/benefit analysis between protecting the marine environment and protecting the public's health. It is important that the Council wait for unbiased scientific analysis and consensus.

FDA Advises Continued Use of Currently Marketed Sunscreens

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

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

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

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

The Hawaii state law signed in July 2018 already eliminated the over-the-counter sale of the ingredients oxybenzone and octinoxate. **Bill 135 would expand this ban to include all non-mineral sunscreens which and could potentially remove approximately 64% of the sunscreens currently available in the United States from being sold in Maui.**

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

Again, we ask that the Council hold off on passing Bill 135, or any other bill on sunscreen ingredients, until more data on environmental and public health impacts are available.

If the Council's intention is to pass this bill now, may we ask the Council consider an extension of the effective date so doctors, healthcare providers and pharmacies can figure out how they will handle sunscreen prescriptions. There are many unanswered questions and no precedence on how sunscreen prescriptions would be implemented. Ensuring access to sunscreens is a public health imperative – especially for skin cancer survivors who have a higher risk of developing further skin cancers.

If you have any questions about the PASS Coalition or the content of this testimony, please feel free to contact me at lmiyahira@ig360inc.com.

Mahalo you for the opportunity to testify.
Sincerely,

Lynn Miyahira
Public Access to SunScreens (PASS) Coalition

[i] http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=2389&localeId=14&localeChartIdxs=1%7C2%7C4
[ii] http://www.hawaiihealthmatters.org/indicators/index/view?indicatorId=3029&localeId=14
[iii] https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/
[iv] https://www.skincancer.org/skin-cancer-information/skin-cancer-facts/
[v] https://www.epa.gov/sunsafety/sun-safety-monthly-average-uv-index
[vi] https://www.sciencedirect.com/science/article/pii/S0048969719310125?via%3Dihub
[vii] https://www.nationalacademies.org/our-work/environmental-impact-of-currently-marketed-sunscreens-and-potential-human-impacts-of-changes-in-sunscreen-usage
[viii] https://www.accessdata.fda.gov/scripts/cder/omuf/index.cfm?event=NewMonograph&ID=D1D673977F06B1486C355A8162942E5B9CC2734AE65E4585CB6C013EDD5B03F3&OMUFID=OTC000006
[ix] https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption
[x] https://www.fda.gov/news-events/fda-voices/shedding-more-light-sunscreen-absorption

Addendum A: We would also like to submit this sample list of sunscreens which will fall under the ban. While not an exhaustive list, it does show how many of the commonly used sunscreens will be taken off the market.

Addendum A

Sample List of Sunscreens that would fall under Maui Sunscreen Ban - November 2021
Bill 135 (2021) - TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS
https://mauicounty.legistar.com/LegislationDetail.aspx?ID=5216131&GUID=39975F22-5331-4084-9236-AAA386F0F220
Only zinc oxide and titanium dioxide would be allowable sunscreen ingredients.

Brand Name	Type	Description	SPF	Active Pharmaceutical Ingredient(s)
Alba Botanica	Lotion	Sunscreen Lotion, Sport, SPF 45, Fragrance Free	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Lotion	Hawaiian Sunscreen Green Tea SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Spray	Hawaiian Sunscreen Coconut SPF 50	50	Avobenzone 3%, Homosalate 15%, Octocrylene 8%, Octyl Salicylate 5%
Alba Botanica	Spray	Sensitive Sunscreen Fragrance Free SPF 50	50	Avobenzone 3%, Homosalate 15%, Octocrylene 8%, Octyl Salicylate 5%
Alba Botanica	Spray	Kids Sunscreen Clear Spray SPF 50	50	Avobenzone 3%, Homosalate 15%, Octocrylene 8%, Octyl Salicylate 5%
Alba Botanica	Lotion	Sheer Shield Sunscreen Sweet Pea Sheer Lotion SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Fluid	Facial Sheer Shield Fragrance Free SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Spray	Maximum Sunscreen Fragrance Free SPF 70	70	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Lotion	Sensitive Sheer Shield Fragrance Free SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Lotion	Soothing Sunscreen Pure Lavender Lotion SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Lotion	Kids Sunscreen Lotion SPF 45	45	Avobenzone 3%, Homosalate 10%, Octocrylene 10%, Octyl Salicylate 5%
Alba Botanica	Spray	Cool Sport Sunscreen Refreshing SPF 50	50	Avobenzone 3%, Homosalate 15%, Octocrylene 8%, Octyl Salicylate 5%
Alba Botanica	Lotion	Hawaiian Sunscreen Aloe Vera SPF 30	30	Avobenzone 3%, Homosalate 7.5%, Octocrylene 7.5%, Octyl Salicylate 5%
Australian Gold	Lotion	Australian Gold Plant Based Lotion Sunscreen, Aloe & Coconut, SPF 50	50	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 5%
Aveeno	Spray	Sunscreen Broad Spectrum Body Spray SPF 60	60	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 10%
Aveeno	Lotion	Protect & Hydrate Sunscreen Face Lotion - SPF 60	60	Avobenzone 3%, Homosalate 13.5%, Octisalate 5%, Octocrylene 10%
Aveeno	Lotion	Aveeno Protect + Hydrate Body Sunscreen Lotion, SPF 60	60	Avobenzone 3%, Homosalate 13.5%, Octisalate 5%, Octocrylene 10%
Aveeno	Lotion	Positively Radient Sheer Daily Moisturizer with Sunscreen	30	Avobenzone 1.5%, Homosalate 5%, Octisalate 4%, Octocrylene 6%
Aveeno	Lotion	Ultra Calming Daily Moisturizing Lotion with Sunscreen	15	Avobenzone 3%, Octinoxate 7.5%, Octisalate 2%
Aveeno	Lotion	Absolutely Ageless Daily Moisturizing Sunscreen	30	Avobenzone 2%, Homosalate 4%, Octisalate 4%, Octocrylene 2%
Babyganics	Spray	Kid's Sunscreen Continuous Spray - SPF 50	50+	Octisalate 5%, Zinc Oxide 15%
Banana Boat	Lotion	Ultra Sport Sunscreen Lotion	30	Avobenzone 2.7%, Homosalate 6%, Octisalate 4.5%, Octocrylene 4.5%
Banana Boat	Spray	Sport Mineral Enriched Sunscreen Spray - SPF 50	50	Homosalate 9%, Octisalate 3%, Octocrylene 6%, Zinc Oxide 7.3%
Banana Boat	Lotion	Sport Ultra Lotion SFP 30	30	Avobenzone 2.7%, Homosalate 6%, Octisalate 4.5%, Octocrylene 4.5%
Banana Boat	Spray	Baby Mineral SPF 50 Enriched Sunscreen Spray	50	Homosalate 9%, Octisalate 3%, Octocrylene 6%, Zinc Oxide 7.3%
Banana Boat	Spray	Protective Dry Oil Clear Sunscreen Spray with Coconut Oil SPF 15	15	Avobenzone 1.5%, Homosalate 5.0%, Octocrylene 3.5%
Banana Boat	Spray	Kids Sport Sunscreen Lotion Spray SPF 50	50	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 6%
Banana Boat	Spray	Simply Protect Kids Sunscreen Spray SPF 50+	50	Avobenzone 3%, Homosalate 9%, Octisalate 4.5%, Octocrylene 6%
Banana Boat	Spray	UltraMist Deep Tanning Dry Oil Continuous Clear Spray SPF 4	40	Homosalate 3.0%, Octocrylene 1.0%
Black Girl Sunscreer	Lotion	Moisturizing Sunscreen Lotion SPF 30	30	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 2.75%
Coola	Lotion	Organic Classic Free Sunscreen	40	Avobenzone 1.75%, Homosalate 5%, Octisalate 2%, Octocrylene 5%
Coola	Lotion	Organic Classic Body Sunscreen Lotion - SPF 30 - Tropical Coconut	30	Avobenzone 1.75%, Homosalate 2.25%, Octisalate 1.5%, Octocrylene 3.75%
Coola	Spray	Organic Classic Body Sunscreen Spray - SPF 30 - Tropical Coconut	30	Avobenzone 2.8%, Octisalate 4.9%, Octocrylene 7.6%
Coola	Stick	Organic Classic Sunscreen Face & Body Stick - SPF 30 -Tropical Coconut	30	Avobenzone 3%, Octisalate 4%, Octocrylene 7%
Coppertone	Spray	Whipped Sunscreen Lotion Spray SPF 50	50	Avobenzone 3%, Homosalate 9%, Octisalate 4.5%, Octocrylene 9%
Coppertone	Lotion	Coppertone Sport SPF 50 Sunscreen Lotion	50	Avobenzone 3%, Homosalate 10%, Octisalate 4.5%, Octocrylene 8%
Cppertone	Lotion	Coppertone Defend & Care SPF 50 Oil Free Face Lotion	50	Avobenzone 3%, Homosalate 8%, Octisalate 4.5%, Octocrylene 6%
CVS Health	Lotion	Ultra Sheer Lotion Broad Spectrum Sunscreen SPF 45	45	Avobenzone 3.0%, Homosalate 10.0%, Octisalate 5.0%, Octocrylene 2.8%
EltaMD	Spray	UV Aero Broad-Spectrum Full-Body Sunscreen Spray, SPF 45	45	Zinc Oxide 9.3%, Octinoxate 7.5%
Goodsense	Lotion	Sunscreen Lotion SPF 30	30	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 10%
Hawaiian Tropic	Lotion	Antioxidant Plus Lotion Sunscreen	50	Avobenzone 2.7%, Homosalate 9%, Octisalate 4%, Octocrylene 5%
Hawaiian Tropic	Lotion	Sheer Touch Ultra Radiance Lotion Sunscreen - SPF 30	30	Avobenzone 2%, Homosalate 3%, Octocrylene 4%
Hawaiian Tropic	Spray	Hawaiian Tropic Silk Hydration Weightless Spray Sunscreen 6 Oz, 30 SPF,	30	Avobenzone 2%, Homosalate 5.5%, Octisalate 4.5%, Octocrylene 4%
Hawaiian Tropic	Spray	Island Sport Sunscreen Spray, Broad Spectrum SPF 30	30	Avobenzone 2%, Homosalate 7%, Octocrylene 5%
La Roche-Posay	Fluid	Anthelios Light Fluid Face Sunscreen SPF 60	60	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 7%.
La Roche-Posay	Lotion	Anthelios Clear Skin Dry Touch Sunscreen SPF 60	60	Avobenzone 3%, Homosalate 15%, Octisalate 5%, Octocrylene 7%
La Roche-Posay	Fluid	Anthelios Sunscreen, Ultra-Light Fluid Face Sunscreen, Oxybenzone-Free -	60	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 7%
La Roche-Posay	Lotion	Anthelios Sunscreen, Melt In Milk Lotion Face and Body Sunscreen - SPF 6	60	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 7%
Max Block	Lotion	Sunscreen Lotion 4 Fl Oz Broad Spectrum Water Resistant SPF 30	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Max Block	Lotion	Sport Sunscreen Lotion Water Resistance Blue 30 SPF	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Max Block	Lotion	Sunscreen Lotion 4 Fl Oz Broad Spectrum Water Resistant SPF 30	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Max Block	Lotion	Sunscreen Lotion 4 Fl Oz Broad Spectrum Water Resistant SPF 30	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Max Block	Lotion	Sport Sunscreen Lotion Water Resistance Blue 30 SPF	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Max Block	Lotion	Sport Sunscreen Lotion Water Resistance Blue 30 SPF	30	Avobenzone 3%, Homosalate 7.5%, Octisalate 5%, Octocrylene 5%
Neutrogena	Lotion	Neutrogena Invisible Daily Defense Sunscreen Lotion	30	Avobenzone 1.5%, Homosalate 5%, Octisalate 4%, Octocrylene 6%
Neutrogena	Lotion	Ultra Sheer Lotion Broad Spectrum Sunscreen SPF 45	45	Avobenzone 3%, Homosalate 15%, Octisalate 5%, Octocrylene 2.8%
Neutrogena	Lotion	Clear Face Liquid Sunscreen Lotion	30	Avobenzone 2.5%, Homosalate 8%, Octisalate 5%, Octocrylene 8%
Neutrogena	Spray	Invisible Daily Defense Sunscreen Face Mist - SPF 50	50	Avobenzone 3% , Homosalate 10%, Octisalate 5%, Octocrylene 10%
Neutrogena	Spray	Invisible Daily Defense Body Sunscreen Broad Spectrum SPF 60+	60+	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 10%
Neutrogena	Spray	Ultra Sheer Body Mist Sunscreen Broad Spectrum SPF 30 Spray	30	Avobenzone 3%, Homosalate 8%, Octisalate 5%, Octocrylene 8%
Neutrogena	Lotion	Hydro Boost Water Gel Lotion	30	Avobenzone 3%, Homosalate 15%, Octisalate 5%, Octocrylene 2.8%
Seaweed Bath Co	Spray	Clear Guard SPF 40 Sport Sunscreen	40	Avobenzone 3%, Octisalate 5%, Octocrylene 10%
Shiseido	Lotion	Urban Environment Oil-Free UV Protector Sunscreen SPF 42	42	Homosalate 5%, Octisalate 5%, Octocrylene 5% and Zinc Oxide 9.7%
Shiseido	Lotion	Ultimate Sun Protector Lotion 50+	50	Avobenzone 2.3%, Homosalate 10%, Octisalate 5%, Octocrylene 5%
Shiseido	Stick	Clear Sunscreen Stick SPF 50+	50	Avobenzone 2.5%, Homosalate 10.0%, Octisalate 5.0%, Octocrylene 10.0%
Solimo	Lotion	Sheer Face Sunscreen Lotion SPF 55 (842379152474 UPC Description)	55	Avobenzone 3%, Homosalate 12%, Octisalate 5%, Octocrylene 10%
Sun Bum	Spray	Original Sunscreen Spray	30	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 3.75%
Sun Bum	Lotion	Original 'Face 50' SPF 50 Sunscreen Lotion	50	Avobenzone 3%, Homosalate 10%, Octisalate - 5%, Octocrylene 10%
Sun Bum	Lotion	Sunscreen Lotion SPF 30	30	Avobenzone 3%, Homosalate 5%, Octisalate 3%, Octocrylene 10%
Sun Bum	Lotion	SPF 50 Lotion	50	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 10%
Sun Bum	Lotion	Oxy Free Zinc Oxide Sunscreen Lotion - SPF 50	50	Homosalate 10%, Octisalate 5%, Octocrylene 10%, Zinc Oxide 7%
Supergoop!	Serum	City Sunscreen Serum SPF 30	30	Homosalate 8%, Octisalate 4%, Avobenzone 3%, Octocrylene 2%
Supergoop!	Lotion	PLAY Everyday Lotion SPF 50 with Sunflower Extract	50	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 7.5%
Supergoop!	Fluid	Unseen Sunscreen SPF 40	40	Avobenzone 3%, Homosalate 8%, Octisalate 5%, Octocrylene 4%
Supergoop!	Fluid	Unseen Sunscreen SPF 40 Limited Edition Jumbo	40	Avobenzone 3%, Homosalate 8%, Octisalate 5%, Octocrylene 4%
TopCare Everyday	Lotion	Ultimate Sheer Sun Lotion Sunscreen SPF 55	55	Avobenzone 3%, Homosalate 10%, Octisalate 5%, Octocrylene 7%
Tula	Gel	Protect + Glow Daily Sunscreen Gel Broad Spectrum SPF 30	30	Avobenzone, Homosalate, Octisalate
Walgreens	Lotion	Sport Lotion Sunscreen SPF 50	50	Avobenzone 3%, Homosalate 10%, Octisalate 4.5%, Octocrylene 8%
Walgreens	Lotion	Broad Spectrum Sport SPF 50 Sunscreen	50	Avobenzone 3%, Homosalate 10%, Octisalate 4.5%, Octocrylene 8%
Walgreens	Lotion	Sunscreen Sport SPF 50	50	Avobenzone 3%, Homosalate 10%, Octisalate 4.5%, Octocrylene 8%
Walgreens	Lotion	Sunscreen Sport SPF 50	50	Avobenzone 3%, Homosalate 10%, Octisalate 4.5%, Octocrylene 8%
up & up (Target)	Lotion	Sport Sunscreen Lotion	50	Avobenzone 3% Homosalate 10% Octocrylene 6%

County Clerk

RECEIVED
2021 NOV 18 PM 3:59
OFFICE OF THE
COUNTY CLERK

From: Kelli Xmission <kelli@xmission.com>
Sent: Thursday, November 18, 2021 3:20 PM
To: County Clerk
Subject: Testimony for Bill 135 (2021) for Maui County Council Meeting Nov. 19th, afternoon to evening: For/Approve Bill 135

You don't often get email from kelli@xmission.com. Learn why this is important

Dear Sirs and Madams,

My name is Kelli Lundgren. I have been a volunteer at Ahihi-Kina'u Natural Area Reserve since 2014. In the past five years, since scientific data first offered evidence that endocrine inhibitors used in many sunscreens stifle coral growth and interrupt fish reproductivity in even the smallest exposures, I have been educating visitors on how they can help present damage to the reef.

Here is what I have learned by helping educate sometimes up to 150 people a day:

1. Almost every person or family I speak to wants to help protect Hawaii's reefs. It's a positive conversation.

2. Reef visitors pull out their "reef safe" sunscreen tube/spray to say that they are helping. And indeed, sometimes they are using safe sunblock (zinc oxide or titanium dioxide). We all smile. But, many times I have to reply: of course you want to help the reef by buying "reef safe," but this spray is not reef safe. It's a marketing term only. The FDA does not have a definition for "reef safe". It can be used in any instance on any product. And it is used vigorously by most sunscreen manufacturers. Visitors become concerned, mostly because they want to do the right thing.

3. As you know, "Oxybenzone" and "Octinoxate" have officially been banned in Hawaii. Still, ten or more other endocrine inhibitors proven dangerous to reefs by scientific evidence (chemicals such as Avobenzone, Homosalate, Octocrylene, etc.), are being used widely in sprays and lotions. It's a catch-up game for science to get these chemicals off the Hawaiian islands and anywhere close to any of the world's reefs.

4. In the meantime, Hawaii's reefs are stressed from sometimes 2000 people a day heading into one reef: Ahihi-Kina'u, Kapalua, Honolua, Maluaka, Olowalu. One teaspoon of any of these chemicals can toxify six olympic sized swimming pools of ocean. At Ahihi, we have 600 to 800 people a day heading into one of the most beautiful reefs on this planet. You can imagine the toxicity. Animal life gets hurt.

5. Toxic sunscreen chemicals will even damage reefs from hotel rooms, homes, and use anywhere on island. I have to tell visitors it matters not just when you go into the ocean or sit on a beach, To help, don't use it at all on island. It gets into the wastewater system and enters the ocean.

6. The visitor experience wading through retail shelves for the right sunscreen is absolutely confusing. They are willing to go back into a store to do the right thing. They have to look past "reef safe." They have to read six point small print under active ingredients. They have to find the 20% of actually safe products by using research skills. It's hard when it's not your expertise.

Here's the positive news if chemical sunscreens were banned from the perspective of a visitor:

Any visitor could walk into any store on island and feel good that what is available on the shelf is safe for the reef. Most visitors want this. That's why they have been buying the misguided reef safe labeled sunscreens. Now they could rest assured they are buying mineral sunblock.

Here's the positive news for sunscreen/sunblock manufacturers:

Almost all sunscreen manufacturers also produce and sell mineral-only sunblocks. Instead of selling 80% chemicals and 20% minerals, they now sell 100% minerals in Maui County. Only their product mix changes. Not their revenue.

Here's the positive news for Hawaii's reef life:

The reefs will heal, and can focus on protecting themselves from other stresses.

I cannot express enough how much visitors appreciate the concept of only mineral sunblock availability on Maui. It makes a vacationer's job easier while they are trying to do the right thing. I hear this over and over when talking to people.

It's change, but also a win/win for all.

——

Best Regards,

Kelli Lundgren
Ahihi-Kina'u Natural Area Reserve Volunteer

INTERNATIONAL LONGSHORE & WAREHOUSE UNION

LOCAL OFFICE • 451 ATKINSON DRIVE • HONOLULU, HAWAII 96814 • PHONE 949-4161

HAWAII DIVISION: 100 West Lanikaula Street, Hilo, Hawaii 96720 • OAHU DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814
MAUI COUNTY DIVISION: 896 Lower Main Street, Wailuku, Hawaii 96793 • KAUAI DIVISION: 4154 Hardy Street, Lihue, Hawaii 96766
HAWAII LONGSHORE DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814

LOCAL 142

RECEIVED
2021 NOV 18 PM 1:04
OFFICE OF THE COUNTY CLERK

November 17, 2021

Maui County Council
Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice Chair
Kalana O Maui Building, 8th Floor
200 S. High Street
Wailuku, HI 96793

STATEMENT OF THE ILWU LOCAL 142 ON COUNTY COMMUNICATION 21-130
Friday, November 19, 2021; 9:00 a.m

Dear Maui County Council:

The International Longshore & Warehouse Union, Local 142 ("ILWU Local 142") **opposes** the proposed bill endorsed by CR 21-130 in its current form. The bill as written, will negatively impact our members. Specifically, our union would like to see the following changes made to the bill:

1. We object to the use of both "lodging capacity" and "structural footprint" language in Section 19.98.040 and suggest replacing it with "**transient accommodation units**" so union jobs relating to redeveloping properties or expanding restaurants, lobbies, grounds and other projects that do not increase the number of units can still proceed.

2. We request clarification that the moratorium ends upon the **passage** of the first piece of legislation that **adopts** any recommendation of the temporary investigative group. The current language in Section 19.98.050 of the bill uses "implementation" of "recommendations." This is vague and subject to different interpretation. The trigger to end the moratorium **must be clear**.

Limiting redevelopment that does not increase the number of units is not consistent with the stated purpose of the moratorium. It is contrary to the Countywide Policy Plan, inconsistent with the general plan and is vague. **The bill needs to allow for renovation and redevelopment that do not increase the number of units**.

Thank you for your consideration of this testimony.

Sincerely,

ILWU Local 142
Maui Division

Roberto Andrion Jr.
Maui Division Director

RA:jkn

November 18, 2021

RECEIVED
2021 NOV 18 PM 7:02
OFFICE OF THE
COUNTY CLERK

Members of the Maui County Council
Kalana O Maui Building, 8th Floor
200 South High street
Wailuku, Hawaii 96793

Aloha Maui County Council,

I would like to fully support Maui Bill 135. This bill will be critical in conserving Maui's coral reefs which are already beleaguered from stresses such as climate change and runoff. Removing the stress of sunscreen pollution can increase the resiliency of Maui's coral reefs to these global and local stressors, and may be the necessary step to allow the reefs to begin recovering. Everyone saw how clear the water was, and how the fish and corals returned during the COVID lockdown of 2020. This *tabula rasa* event is a demonstration of what Maui's water could be without the sheen of sunscreen pollution.

I am specifically testifying against adversarial comments and arguments that have been directed at Maui Bill 135 from some members of the sunscreen industry, including the American Academy of Dermatology Association (AADA).

1. The AADA claims that mineral filters are "less effective filters." This is blatantly false information. Zinc Oxide is a superior UVA filter, and absorbs in the entire UVA wavelength spectrum, while avobenzone absorbance precipitously drops offs before and after 357 nm. ZnO has a level absorption across the entire UVA spectrum. Furthermore, avobenzone is extremely unstable, especially during application, and readily degrades, leaving the user susceptible to sunscreen abuse (thinking they are protected, but they are not being protected). A good scientific source that rebuffs the AADA statement is: https://onlinelibrary.wiley.com/doi/full/10.1111/phpp.12439

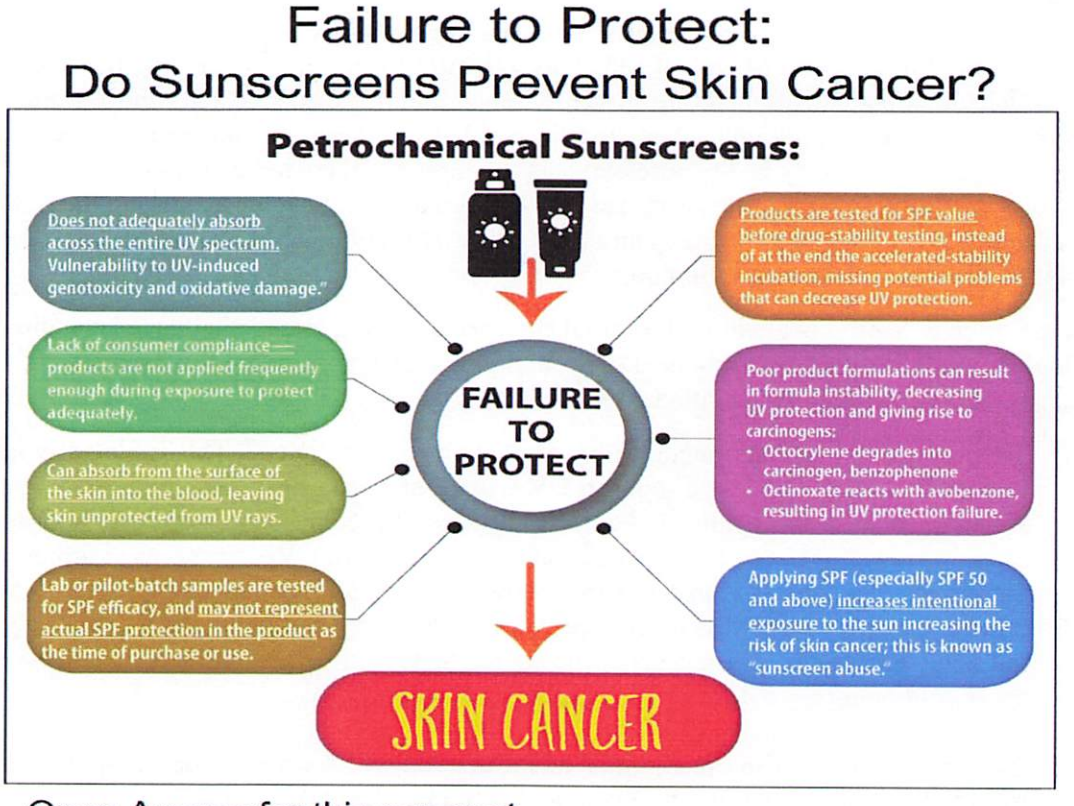
   Even a major sunscreen trade journal advocates for ZnO sunscreen formulations (written by BASF, a major supplier of mineral and petrochemical UV filters). https://www.happi.com/issues/2020-06-01/view_features/best-practices-for-formulating-sunscreen-with-zno/

2. Avobenzone requires OCTOCRYLENE as a product stabilizer. Octocrylene has been proven to breakdown into BENZOPHENONE (in the sunscreen bottle), a known carcinogen, endocrine disruptor, and Monsanto-patented herbicide. Octocrylene causes developmental toxicity in fish, metabolic toxicity in coral, and could potentially cause bleaching in coral (it is a patented herbicide that could attack the coral's algal symbiont). Lawsuits have been filed in the state of California under Proposition 65 that all octocrylene products need to be labeled as containing a substance that is a recognized carcinogen and reproductive toxicant.

3. In June 2021, the European Commission's Scientific Committee on Consumer Safety provided an opinion on HOMOSALATE as being so toxic to humans that it must not be used above a concentration of 0.5% in sunscreens. Currently, in the U.S., homosalate is being used at 15% - 30x over what is considered safe. You can access their full report here:

https://ec.europa.eu/health/sites/default/files/scientific_committees/consumer_safety/docs/sccs_o_244.pdf

4. Petrochemical sunscreens have a history of failing to protect against skin cancer. This can happen for a number of reasons – faulty formulation, sunscreen abuse, over reliance of UVB filters and not enough UVA protection. A recent scientific paper called out these factors of why sunscreens, and especially petrochemical sunscreen formulation, can fail to protect against skin cancer.



Open Access for this paper at
https://www.omicsonline.org/open-access/failure-to-protect-do-sunscreens-prevent-skin-cancer-in-humans.pdf

But we have known this danger regarding sunscreens and failing to protect since at least 2008, when popular science articles were written on the topic:

https://www.livescience.com/2663-sunscreens-fail-protect.html

5. The U.S. Centers for Disease Control specifically state that to reduce the risk of cancer, a person should:

- Stay in the shade.
- Wear clothing that covers your arms and legs.
- Wear a hat with a wide brim to shade your face, head, ears, and neck.
- Wear sunglasses that wrap around and block both UVA and UVB rays.
- Use a broad spectrum sunscreen with a sun protection factor (SPF) of 15 or higher.

https://www.cdc.gov/cancer/skin/basic_info/prevention.htm

Notice Bulleted Point #5. This is the last recommendation by the CDC to reduce the risk of skin cancer. Also note that it does not make the distinction between mineral sunscreen and petrochemical sunscreen. It just says, "use a broad spectrum" sunscreen, and a combination of ZnO/TiO2 using a non-acidic formula provides exactly a "broad spectrum protection."

6. It should also be noted that melanoma rates are on the rise. If sunscreen protected against melanoma, and more people are being encouraged to use sunscreen, why don't we see levels decrease? You can't say more people are outside now that back in the 1920s, because prior to the 1970s, most of the population worked outside, and not indoors. Melanoma rates and sunscreen usage rates see increasing and parallel tracking. The obvious hypothesis to put forth is whether sunscreen use is causing an increase in the rates of melanoma because of the many reasons why sunscreens fail to protect.

7. Several physician groups claim that they have the patient and public welfare in the best interest, but that has not always been the case. In 1939, the first scientific paper was published by Ochsner and DeBakey showed that smoking could be the dominant cause of lung pathologies and lung cancer. It took 25 years before the U.S. Surgeon General issued a report recognizing this causal link. During that time, many physicians fully endorsed tobacco smoking as safe. So much so that there were cigarette advertisements in medical journals up until 1964, when the Surgeon General admitted this terrible travesty.



According to a recent Nationwide survey:

MORE DOCTORS SMOKE CAMELS THAN ANY OTHER CIGARETTE

DOCTORS in every branch of medicine—113,597 in all—were queried in this nationwide study of cigarette preference. Three leading research organizations made the survey. The gist of the query was—What cigarette do you smoke, Doctor?

The brand named most was Camel!

The rich, full flavor and cool mildness of Camel's superb blend of costlier tobaccos seem to have the same appeal to the smoking tastes of doctors as to millions of other smokers. If you are a Camel smoker, this preference among doctors will hardly surprise you. If you're not—well, try Camels now.



CAMELS *Costlier Tobaccos*

And speaking of global warming, we also wanted to share a couple of pages in which *The Lowdown* tries to cast doubt on the cancer causing properties of cigarettes. Reading the article, we'd venture to say that the debate was at about the same place as that over global warming today. Here's a choice line from the piece: "*Air pollution by gasoline vehicles and industrial gasses are a more likely cause of lung cancer.*" Here's



another one: "*Blaming lung cancer on cigarettes may actually be retarding research into the real causes of the disease.*" And what the heck, here's one more: "*Smoking shows no statistical link to the rates of still birth, abortion and birth complications.*" So there you have it—conclusive proof. The alarmists were wrong then, and they're wrong now.

Whether from professional ignorance on the topic, or because the Tobacco Industry paid doctors to support their product and advocate for their safety, the medical field and its associations can and have championed "wrong" positions. Cigarettes were once "physician" tested and approved.

https://www.healio.com/news/hematology-oncology/20120325/cigarettes-were-once-physician-tested-approved

https://med.stanford.edu/news/all-news/2012/01/big-tobacco-led-throat-doctors-to-blow-smoke.html

https://www.history.com/news/cigarette-ads-doctors-smoking-endorsement

Like smoking, sunscreen pollution is a situation where the science and educated legislators are out in front of the issue. It may take time for the medical profession to catch up, but the preponderance of the science in the public literature is that petrochemical sunscreens as they are currently formulated in the U.S. *may* pose both a public health and environmental threat.

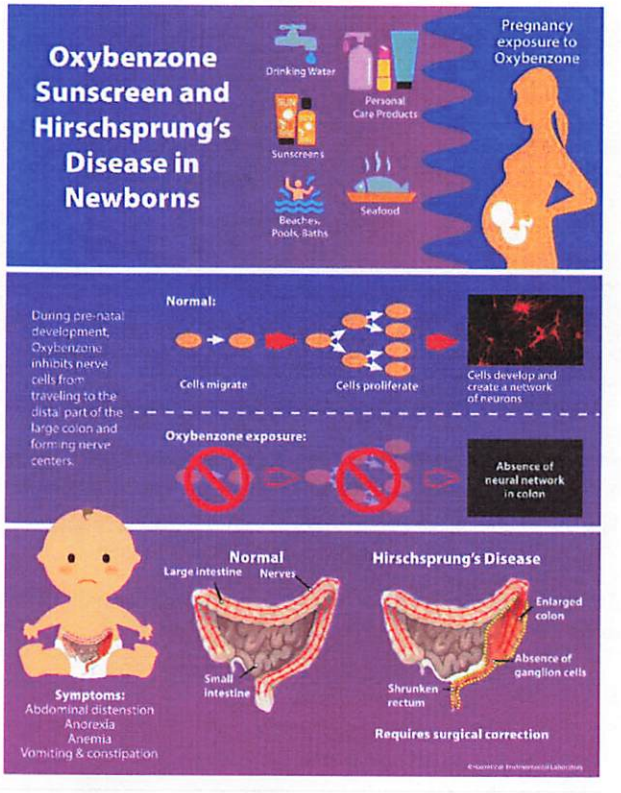
With second-hand cigarette smoke, you can still be afflicted with smoking diseases. And like cigarette smoke, sunscreen pollution by petrochemical sunscreen filters may pose a health risk to pregnant persons, children, and cancer patients. There are a number of individuals and families who are concerned about getting into sunscreen polluted waters. Two U.S. FDA studies showed that oxybenzone, avobenzone, octocrylene, and octinoxate are readily absorbed through the skin, and some UV filters, like oxybenzone, can persist in a person's blood stream for more than 2 weeks at concentrations above the FDA safety action level.

https://jamanetwork.com/journals/jama/fullarticle/2759002

https://jamanetwork.com/journals/jama/fullarticle/2733085

Many individuals, especially pregnant persons in their first trimester, DO NOT want to be exposed to any of these petrochemical sunscreen chemicals, especially homosalate and oxybenzone. Oxybenzone may cause a birth defect called Hirschsprung's Disease. Should these swimmers have to tolerate "second-hand smoke" of sunscreen pollution? Oxybenzone has been shown, at least in vitro, to cause cancer cells to proliferate. Should cancer patients with a HER2-type cancers be exposed to estrogenic endocrine disruptors that readily absorb through their skin?

That is the primary existential problem with pollution, whether it is cigarette smoke, pesticides in our food, or sunscreen pollution - should we tolerate pollution? Some of these doctors and professional associations can be construed to basically telling society that we should endure this unwanted contamination so they can continue to profit without responsibility or accountability.



8. Many professional associations and product-protection lobby firms have made a statement such as:

"The FDA's conclusion from recent studies on sunscreen ingredient absorption "supports the need for further studies to determine the clinical significance of these findings." FDA further stated that "these findings do not indicate that individuals should refrain from the use of sunscreen."

This is technically correct, but egregiously misconstrued.

(A) The U.S. FDA is acting incorrectly. According to the U.S. Federal Food, Drug, and Cosmetic Act of 1938, regulated drugs need to be proved to be SAFE and EFFECTIVE before commercialization is permitted. Sunscreens are drugs. The FDA is acting incorrectly by allowing petrochemical sunscreens to be used in Over-the-Counter sunscreen drugs. The proper protocol is for FDA to prohibit the sale of any sunscreen that is not Category 1, Generally Recognized as Safe and Effective (GRASE). Not following this protocol puts the general public in danger. The FDA proved that petrochemical sunscreens (at least four of them) are readily absorbed into the skin and contaminates the whole body. We know breast milk can be highly contaminated by oxybenzone (the first public study was published in 1992 by the Germans). There are a number of studies demonstrating that oxybenzone and other petrochemicals can cause cancer cell proliferation, can cause cancer (National Toxicology Program), are mutagenic and cause other forms of genotoxic and chromosomal damage. There are a number of studies showing oxybenzone as an estrogenic endocrine disruptor, octinoxate as a thyroid endocrine disruptor, and octocrylene/benzophenone as an endocrine disruptor.

Basically, what the FDA is supposed to legally do is stop the selling of all Category 3-GRASE sunscreen products, and demand industry provide the safety and efficacy data so that an assessment can be done.

How this statement by the FDA should be *correctly* interpreted is that industry MUST provide additional studies, because there is no proof of whether these chemicals are safe or effective. Industry has been non-compliant for over 40 years. We don't know if sunscreen causes melanoma (or prevents skin cancer), but industry NEEDS to produce this data so that we (the public) and the FDA can make that decision.

(B) "these findings do not indicate that individuals should refrain from the use of sunscreen." What this sentence does NOT say is that you should continue to use Category 3-GRASE sunscreen products (all the petrochemical UV filters). It just says "... the use of sunscreen." This "use sunscreen" statement SHOULD be interpreted as using Category1-GRASE sunscreen products, zinc oxide and titanium dioxide. Should you really interpret this as the FDA recommending the public to use an untested, unproven SAFE and unproven EFFECTIVE sunscreen formulation/product?

9. Professional associations, medical doctors, and product-protection firms have been making this statement to legislatures since 2017:

"Sunscreen ingredients have been in use for almost 50 years without any reported systemic adverse side effects."

This is blatantly a false statement. Systemic, adverse side effects regarding petrochemical sunscreens have been documented in the medical and scientific literature for the past 20 years. In fact, the American Contact Dermatitis Society made four of the Category 3-GRASE petrochemical UV filters - oxybenzone, benzophenone, dioxybenzone, sulisobenzone – the 2014 Contact Allergen of the Year.

https://www.mdedge.com/dermatology/article/80980/psoriasis/benzophenones-named-2014-contact-allergen-year

Oxybenzone, since 2012, was associated with endometriosis by independent science groups:

https://pubs.acs.org/doi/abs/10.1021/es204415a

https://www.sciencedirect.com/science/article/abs/pii/S0013935120312391

https://www.sciencedirect.com/science/article/abs/pii/S0015028216613894

Both oxybenzone and its primary metabolite, benzophenone-1, have been known to cause cancer cell proliferation (of a number of different types of cancer) for more than a decade:

https://link.springer.com/article/10.1007/s10565-016-9368-3

https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0060567

https://www.sciencedirect.com/science/article/pii/S1382668915000095

https://www.tandfonline.com/doi/abs/10.1080/15287394.2015.1010464

https://www.sciencedirect.com/science/article/abs/pii/S0300483X13000085

https://www.sciencedirect.com/science/article/abs/pii/S0006295209010624

10. Testimony from product-protection associations and firms will try to manufacture doubt regarding the dozens upon dozens of scientific papers that show that many of these petrochemical UV filters pose a danger to ecological systems, including coral reefs. These testimonies usually only cite a single published paper for their arguments:

> Mitchelmore CS, Burns, EE, Conway A, Heyes A, Davies IA. A critical review of organic ultraviolet filter exposure, hazard, and risk to corals. Environ Toxicol Chem. 2020 (00);00:1-21.

It is highly probable for an objective and rational scientist to extensively critique the arguments and statements of this paper, demonstrating the invalidity of many of their premises, as well as the fallaciousness of their arguments' conclusions. And I would be more than happy to do that with a County Council member. But I would put forth the argument that whether intended or not by the authors, the consequence of this paper is the Manufacturing of Doubt about the veracity and validity of the scientific papers they attack – a tactic used by the product-protection industry for the past 100 years, as it was used in the wars regarding tobacco, leaded gas, glyphosate, talcum powder, polyfluoroalkyl substances, climate change, etc.. To learn more of this tactic, please enjoy reading the following sources:

https://www.sciencedirect.com/science/article/abs/pii/S0095069617303273

https://www.degruyter.com/document/doi/10.1515/reveh-2019-0004/html

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3097156

https://www.newscientist.com/article/mg20627606-200-living-in-denial-how-corporations-manufacture-doubt/

This paper by Mitchelmore et al. was wholly funded and written directly or through financial associations by persons in the product-protection industry – the Personal Care Product Council. The sole purpose of the Personal Care Product Council is to assert and protect the interests of their clients – those being many of the corporate members that manufacture and sell Category 3-GRASE sunscreen products. This begs the question of the motivation and intent of both referencing this paper in testimony, as well as the motivation to have published this paper.

Independent scientists, conservationists, as well as the tourism industry applauds your audaciousness and integrity in trying to manage the potential adverse effects associated with sunscreen pollution through Maui Bill 135.

Furthermore, whether the sunscreen industry admits this or not, your initiative and resolve will make the sunscreen industry better. The U.S. Sunscreen Industry can be perceived as a "fossilized dinosaur"; its formulations with its "8 UV filter ingredients" have not changed in the past 60 years. They have not looked for safer or more ecologically sustainable ingredients or formulations. Maui Bill 135 will breathe new air into the industry by forcing them to innovate and re-examine their values. Passing this bill will place a demand on industry to pursue ecological sustainability for their products. Twenty years from now, because of the council's resolution, society may have a dozen new UV filter ingredients that are safer for people and coral reefs.

Sincerely,

Craig Downs, PhD.

Ua Mau ke Ea o ka ʻĀina i ka Pono

County Clerk

From: Ellen B. McKinley
Sent: Friday, November 19, 2021 11:39 AM
To: County Clerk
Subject: FW: Mineral sunscreens are only Safe and EFFECTIVE (GRASE) (Bill 135)

From: cadowns@haereticus-lab.org <cadowns@haereticus-lab.org>
Sent: Friday, November 19, 2021 11:26 AM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Ellen B. McKinley <Ellen.Mckinley@mauicounty.us>; 'Bagshaw, Jeff W' <jeff.w.bagshaw@hawaii.gov>
Subject: Mineral sunscreens are only Safe and EFFECTIVE (GRASE)

Only mineral sunscreens are GRASE:

This is stated of the U.S. FDA website as of November 16, 2021

- **Active ingredients:** The deemed final order considers sunscreens containing 16 sunscreen active ingredients to be GRASE, consistent with the 1999 stayed (not in effect) sunscreen monograph. Based on new data and changed conditions since issuance of the 1999 monograph, the proposed order proposes GRASE status for sunscreens containing zinc oxide and titanium dioxide; not GRASE status for sunscreens containing aminobenzoic acid (PABA) and trolamine salicylate, because the evidence shows that these sunscreens are not GRASE due to safety issues; and not GRASE status for sunscreens containing cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, padimate O, sulisobenzone, oxybenzone, and avobenzone, because additional data is needed to show that these sunscreens are GRASE.

https://www.fda.gov/drugs/understanding-over-counter-medicines/questions-and-answers-fda-posts-deemed-final-order-and-proposed-order-over-counter-sunscreen

Craig Downs, Ph.D.
Executive Director
Haereticus Environmental Laboratory
A scientific and education 501(c)(3) charitable, non-profit organization
P.O. Box 92, Clifford, Virginia 24533
www.haereticus-lab.org

RECEIVED
2021 NOV 19 AM 11:44
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Roberta Beatty <rsbeatty@yahoo.com>
Sent: Thursday, November 18, 2021 10:38 AM
To: County Clerk
Subject: Request for Amendment of Bill 133: 19.65.030
Attachments: Email confirmation from Ryan.jpeg

You don't often get email from rsbeatty@yahoo.com. Learn why this is important

November 18, 2021

Request for amendment of Bill 133: 19.65.030 to include provision for the transfer of STVR permit from one spouse to another in the event of divorce.

Testimony of Roberta Beatty

I am requesting an amendment to Bill 133: 19.65.030 to include a provision for the transfer of an STVR permit between spouses in the event of divorce. In April 2019, after three years of working with the County, I was granted an STVR for my property in Hana. Unfortunately, my planner, Ryan Quigless, made an error and issued the permit in my husband's name and not mine. In writing, I had instructed the planner to put the permit in my name, but he failed to do so. My husband and I are now getting a divorce, and I will be the sole owner of our Hana property. I very much want to continue living in Hana and running the STVR business that I started and have been managing since receiving my STVR permit.

Sincerely,

Roberta Beatty

RECEIVED
2021 NOV 18 AM 10:41
OFFICE OF THE
COUNTY CLERK

From: Ryan Quigless (ryan.quigless@co.maui.hi.us)
To: rsbeatty@yahoo.com
Date: Monday, April 29, 2019, 07:30 AM HST

Mahalo Roberta. Will do. ← Ryan confirming my name on the permit

Ryan B. Quigless, ASLA
Landscape Architect
Land Use Planner
Department of Planning
County of Maui
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
(808) 270-7376

>>> Roberta Beatty <rsbeatty@yahoo.com> 4/26/2019 7:17 PM >>>
Aloha Ryan,
Oops! I made a big mistake!!! Please put the permit in my name!!! Roberta S Beatty. ← my directions as to permit holder
I'm going to be moving out to Hana to get the business set up and running smoothly.
Thank you so much!!
Mahalo!
Roberta

Sent from my iPhone

On Apr 24, 2019, at 11:28 AM, Ryan Quigless <Ryan.Quigless@co.maui.hi.us> wrote:

Mahalo.

Ryan B. Quigless, ASLA
Landscape Architect
Land Use Planner
Department of Planning
County of Maui
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
(808) 270-7376

>>> Roberta Beatty <rsbeatty@yahoo.com> 4/24/2019 10:33 AM >>>
Please keep it only in my husband's name.

Sent from my iPhone

On Apr 24, 2019, at 10:29 AM, Ryan Quigless <Ryan.Quigless@co.maui.hi.us> wrote:

Aloha Roberta,

In conclusion; Please confirm if the permit is to be in both you and your husband's name, or do you have the permit and manager separate for business purposes and should remain only in your husband's name as you have it in the application. Please confirm.

Mahalo.

Ryan B. Quigless, ASLA
Landscape Architect
Land Use Planner
Department of Planning
County of Maui
2200 Main Street, Suite 619
Wailuku, Hawaii 96793
(808) 270-7376

>>> Roberta Beatty <rsbeatty@yahoo.com> 4/23/2019 8:06 AM >>>
Ryan,
That is such wonderful news! Thank you, thank you!!
Mahalo,
Roberta

Sent from my iPhone

On Apr 23, 2019, at 7:57 AM, Ryan Quigless <Ryan.Quigless@co.maui.hi.us> wrote:

Mahalo Roberta. Your permit approval documents will be sent to you via U.S. Mail, and as I mentioned earlier, I will send a PDF copy in advance of the paper document's arrival.

Best Regards,

RECEIVED
2021 NOV 18 AM 10:41
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Cassandra Abdul <cassandra@nahaleomaui.org>
Sent: Thursday, November 18, 2021 2:14 PM
To: County Clerk; Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Kelly King; Mike J. Molina; Shane M. Sinenci; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura
Subject: Comprehensive Affordable Housing Plan
Attachments: OEWS-2020_publication_Maui County.pdf; Long-term occupational projections 2016-2026 Maui MSA.pdf

Aloha Council Members,
We mentioned information during the recent Council meeting that Council Member Kama had previously provided regarding occupation and income for Maui County.
We were able to locate the information, entitled "Long Term Occupational Projections, 2016-2026 for Maui MSA (attached for your convenience and review.)
We checking the website and were able to find a more current report and provide the portion headed Occupational Employment and Wage Data, May 2020 – Maui MSA (relevant portion attached for your convenience and review.)
We hope you will reconsider the AMI range that this information will impact in the Comprehensive Affordable Housing Plan: Income Group Distribution for Residential Workforce Housing Units (AH-14(5)) by retaining the above-moderate income group.
You are always welcome to call or email me with any questions or if we may be of further assistance.
Mahalo for your support of truly affordable workforce housing in perpetuity.

RECEIVED
2021 NOV 18 PM 2:27
OFFICE OF THE
COUNTY CLERK

Cassandra

Cassandra J Leolani Abdul
Executive Director & Principal Broker
Na Hale O Maui
190 N. Church Street
Wailuku, HI 96793
Ph. 808.244.6110
Mobile 808.304.3533
To learn more about Na Hale O Maui and to make a donation please visit https://www.nahaleomaui.org

Changing lives, one home at a time.

Mission: To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County.

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LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
00-0000	Total, All Occupations	84,180	90,310	6,130	7.3%	610	5,760	4,650	11,020				$41,350
11-0000	Management Occupations	7,250	7,620	370	5.2%	40	300	280	610				$83,330
11-1011	Chief Executives	250	240	-10	-4.0%	>-10	10	10	20	Bachelor's	5+ yrs.	None	$185,860
11-1021	General & Operations Managers	1,090	1,200	110	9.6%	10	70	20	100	Bachelor's	5+ yrs.	None	$88,480
11-2021	Marketing Managers	60	60	10	10.3%	<10	<10	<10	10	Bachelor's	5+ yrs.	None	$76,930
11-2022	Sales Managers	500	530	30	5.8%	<10	30	10	50	Bachelor's	<5 yrs.	None	$75,400
11-2031	Public Relations and Fundraising Managers	40	50	10	11.4%	<10	<10	<10	<10	Bachelor's	5+ yrs.	None	$76,660
11-3011	Administrative Services Managers	170	190	20	8.8%	<10	10	10	20	Bachelor's	<5 yrs.	None	$83,320
11-3021	Computer and Information Systems Managers	40	40	<10	4.9%	<10	<10	<10	<10	Bachelor's	5+ yrs.	None	$108,500
11-3031	Financial Managers	220	260	40	19.0%	<10	10	10	20	Bachelor's	5+ yrs.	None	$87,430
11-3071	Transportation, Storage, and Distribution Managers	70	80	10	10.0%	<10	<10	<10	10	HS/equiv.	5+ yrs.	None	$96,320
11-3121	Human Resources Managers	50	50	<10	5.9%	<10	<10	<10	<10	Bachelor's	5+ yrs.	None	$107,360
11-9013	Farmers, Ranchers, and Other Agricultural Managers	2,460	2,380	-80	-3.4%	-10	40	140	170	HS/equiv.	5+ yrs.	None	n/a
11-9021	Construction Managers	270	290	30	10.9%	<10	10	10	20	Bachelor's	None	Moderate OJT	$146,300
11-9041	Architectural and Engineering Managers	40	40	<10	7.3%	<10	<10	<10	<10	Bachelor's	5+ yrs.	None	$118,700
11-9051	Food Service Managers	360	390	30	8.4%	<10	30	10	40	HS/equiv.	<5 yrs.	None	$79,170
11-9081	Lodging Managers	180	190	10	3.9%	<10	10	10	20	HS/equiv.	<5 yrs.	None	$73,640
11-9111	Medical & Health Services Managers	180	250	70	40.6%	10	10	10	20	Bachelor's	<5 yrs.	None	$98,620
11-9141	Property, Real Estate, Community Association Managers	620	670	50	7.9%	10	20	30	50	HS/equiv.	<5 yrs.	None	$54,410
11-9151	Social and Community Service Managers	70	80	20	23.1%	<10	<10	<10	10	Bachelor's	<5 yrs.	None	$60,430
11-9199	Managers, All Other	310	340	30	10.4%	<10	10	10	30	Bachelor's	<5 yrs.	None	$84,800
13-0000	Business and Financial Operations Occupations	1,920	2,120	200	10.5%	20	120	60	210				$58,550
13-1022	Wholesale and Retail Buyers, Except Farm Products	50	50	>-10	-2.0%	>-10	<10	<10	10	Bachelor's	None	Moderate OJT	n/a
13-1023	Purchasing Agents, Except Wholesale, Retail, & Farm Products	60	60	>-10	-3.5%	>-10	<10	<10	10	Bachelor's	None	Moderate OJT	n/a
13-1041	Compliance Officers	80	90	10	9.5%	<10	<10	<10	10	Bachelor's	None	Moderate OJT	$58,800

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA												
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
13-1051	Cost Estimators	190	210	30	13.4%	<10	10	10	20	Bachelor's	None	Moderate OJT	$40,100
13-1071	Human Resources Specialists	120	130	10	6.5%	<10	10	<10	10	Bachelor's	None	None	$62,770
13-1075	Labor Relations Specialists	70	60	-10	-8.8%	>-10	<10	<10	10	Bachelor's	<5 yrs.	None	$80,100
13-1111	Management Analysts	70	80	10	14.5%	<10	<10	<10	10	Bachelor's	<5 yrs.	None	$114,930
13-1121	Meeting, Convention, and Event Planners	160	190	20	14.0%	<10	10	10	20	Bachelor's	None	None	$58,500
13-1151	Training & Development Specialists	50	60	10	19.6%	<10	<10	<10	10	Bachelor's	<5 yrs.	None	n/a
13-1161	Market Research Analysts and Marketing Specialists	150	190	40	26.2%	<10	10	<10	20	Bachelor's	None	None	$49,860
13-1199	Business Operations Specialists, All Other	200	230	30	16.3%	<10	10	10	20	Bachelor's	None	None	$62,320
13-2011	Accountants and Auditors	410	440	30	7.4%	<10	20	10	40	Bachelor's	None	None	$60,350
13-2072	Loan Officers	120	140	10	11.6%	<10	10	<10	10	Bachelor's	None	Moderate OJT	$52,380
15-0000	Computer and Mathematical Occupations	440	500	60	12.4%	10	20	10	40				$71,470
15-1131	Computer Programmers	90	90	-10	-5.4%	>-10	<10	<10	10	Bachelor's	None	None	$76,050
15-1132	Software Developers, Applications	100	130	40	35.4%	<10	10	<10	10	Bachelor's	None	None	$111,960
15-1142	Network and Computer Systems Administrators	40	40	<10	2.3%	<10	<10	<10	<10	Bachelor's	None	None	$62,940
15-1151	Computer User Support Specialists	50	50	10	14.9%	<10	<10	<10	10	Some college	None	None	$51,940
15-1199	Computer Occupations, All Other	40	50	10	15.4%	<10	<10	<10	<10	Bachelor's	None	None	$92,430
17-0000	Architecture and Engineering Occupations	480	530	50	9.9%	10	20	10	40				$71,230
17-1022	Surveyors	30	40	<10	5.9%	<10	<10	<10	<10	Bachelor's	None	Intern/Res	$60,670
17-2051	Civil Engineers	110	120	10	13.0%	<10	10	<10	10	Bachelor's	None	None	$79,810
17-2071	Electrical Engineers	50	60	10	13.2%	<10	<10	<10	<10	Bachelor's	None	None	$111,630
17-3011	Architectural and Civil Drafters	70	70	<10	2.9%	<10	<10	<10	10	Associate's	None	None	$55,680
17-3012	Electrical & Electronics Drafters	40	40	<10	5.7%	<10	<10	<10	<10	Associate's	None	None	n/a
19-0000	Life, Physical, and Social Science Occupations	400	430	30	7.8%	<10	30	10	40				$52,360
19-4021	Biological Technicians	100	100	10	5.3%	<10	10	<10	10	Bachelor's	None	None	n/a
21-0000	Community and Social Service Occupations	1,200	1,440	240	20.0%	20	90	50	170				$48,140
21-1011	Substance Abuse and Behavioral Disorder Counselors	140	170	30	21.6%	<10	10	10	20	Bachelor's	None	None	n/a

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
21-1012	Educational, Guidance, School, and Vocational Counselors	80	90	10	12.7%	<10	10	<10	10	Master's	None	None	$56,760
21-1021	Child, Family, and School Social Workers	250	300	50	18.0%	<10	20	10	30	Bachelor's	None	None	$53,650
21-1022	Healthcare Social Workers	80	110	30	34.9%	<10	10	<10	10	Master's	None	Intern/Res	$61,490
21-1091	Health Educators	40	50	10	33.3%	<10	<10	<10	10	Bachelor's	None	None	$66,840
21-1093	Social and Human Service Assistants	200	230	40	18.9%	<10	20	10	30	HS/equiv.	None	Short OJT	$36,360
21-1094	Community Health Workers	130	170	30	24.1%	<10	10	10	20	HS/equiv.	None	Short OJT	$30,500
21-1099	Community and Social Service Specialists, All Other	80	100	10	14.3%	<10	10	<10	10	Bachelor's	None	None	$56,950
21-2011	Clergy	70	80	10	13.6%	<10	<10	<10	10	Bachelor's	None	Moderate OJT	$44,730
23-0000	Legal Occupations	240	260	20	7.1%	<10	10	10	20				$66,750
23-1011	Lawyers	110	120	10	5.4%	<10	<10	<10	10	Doct/Prof	None	None	$110,520
23-2011	Paralegals and Legal Assistants	60	70	10	10.2%	<10	<10	<10	10	Associate's	None	None	$58,210
25-0000	Education, Training, and Library Occupations	3,590	3,940	350	9.8%	40	160	170	360				$48,470
25-2011	Preschool Teachers, Except Special Education	120	140	10	10.5%	<10	10	10	10	Associate's	None	None	$35,900
25-2021	Elementary School Teachers, Except Special Education	600	650	50	8.7%	10	20	20	50	Bachelor's	None	None	$59,010
25-2022	Middle School Teachers, Exc. Special & Career/Technical Edu.	280	310	20	8.5%	<10	10	10	20	Bachelor's	None	None	$60,030
25-2031	Secondary School Teachers, Exc. Spcl & Career/Technical Edu.	300	320	30	8.5%	<10	10	10	20	Bachelor's	None	None	$60,970
25-3021	Self-Enrichment Education Teachers	330	380	50	15.6%	10	20	20	40	HS/equiv.	<5 yrs.	None	$47,200
25-3097	Teachers and Instructors, All Other, Exc Substitute Teachers	420	470	50	11.6%	10	20	30	50	Bachelor's	None	None	$44,390
25-3098	Substitute Teachers	160	180	20	11.1%	<10	10	10	20	Bachelor's	None	None	$43,840
25-4021	Librarians	50	50	<10	6.7%	<10	<10	<10	<10	Master's	None	None	$63,540
25-9031	Instructional Coordinators	60	60	10	10.7%	<10	<10	<10	10	Master's	5+ yrs.	None	n/a
25-9041	Teacher Assistants	590	650	60	10.2%	10	30	30	70	Some college	None	None	$29,750
27-0000	Arts, Design, Entertainment, Sports, and Media Occupations	1,470	1,540	70	4.9%	10	80	70	160				$39,120
27-1024	Graphic Designers	100	100	>-10	-2.0%	>-10	10	<10	10	Bachelor's	None	None	$39,910
27-1026	Merchandise Displayers and Window Trimmers	80	80	>-10	-1.2%	>-10	10	<10	10	HS/equiv.	None	Short OJT	$30,630

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
27-2012	Producers and Directors	100	110	10	11.2%	<10	10	<10	10	Bachelor's	<5 yrs.	None	n/a
27-2022	Coaches and Scouts	210	240	30	16.6%	<10	20	10	30	Bachelor's	None	None	$33,640
27-3031	Public Relations Specialists	110	120	10	9.1%	<10	10	<10	10	Bachelor's	None	None	$63,340
27-4011	Audio and Video Equipment Technicians	50	50	<10	8.9%	<10	<10	<10	<10	Postsec.	None	Short OJT	$49,540
27-4021	Photographers	220	210	>-10	-0.9%	>-10	10	10	20	HS/equiv.	None	Long OJT	$34,570
29-0000	Healthcare Practitioners and Technical Occupations	2,420	2,830	400	16.6%	40	60	70	170				$77,040
29-1031	Dietitians and Nutritionists	40	50	10	31.4%	<10	<10	<10	<10	Bachelor's	None	Intern/Res	$70,770
29-1051	Pharmacists	100	100	<10	1.0%	<10	<10	<10	<10	Doct/Prof	None	None	$123,250
29-1062	Family and General Practitioners	120	150	20	18.6%	<10	<10	<10	10	Doct/Prof	None	Intern/Res	n/a
29-1063	Internists, General	40	50	10	20.0%	<10	<10	<10	<10	Doct/Prof	None	Intern/Res	n/a
29-1069	Physicians & Surgeons, All Other	100	120	20	20.8%	<10	<10	<10	10	Doct/Prof	None	Intern/Res	n/a
29-1071	Physician Assistants	50	70	20	50.0%	<10	<10	<10	10	Master's	None	None	$100,830
29-1123	Physical Therapists	90	130	40	41.9%	<10	<10	<10	10	Doct/Prof	None	None	$80,100
29-1141	Registered Nurses	760	850	80	11.0%	10	20	20	50	Bachelor's	None	None	$91,120
29-1171	Nurse Practitioners	40	50	20	50.0%	<10	<10	<10	<10	Master's	None	None	n/a
29-2021	Dental Hygienists	100	130	30	24.3%	<10	<10	<10	10	Associate's	None	None	$75,310
29-2034	Radiologic Technologists	80	90	<10	4.8%	<10	<10	<10	<10	Associate's	None	None	$72,570
29-2052	Pharmacy Technicians	160	190	30	16.2%	<10	10	10	20	HS/equiv.	None	Moderate OJT	$39,230
29-2061	Licensed Practical and Licensed Vocational Nurses	170	210	40	20.6%	<10	10	10	20	Postsec.	None	None	$46,930
29-2071	Medical Records and Health Information Technicians	40	40	<10	7.7%	<10	<10	<10	<10	Postsec.	None	None	n/a
31-0000	Healthcare Support Occupations	1,980	2,420	440	22.3%	40	120	130	290				$35,960
31-1011	Home Health Aides	420	600	190	44.8%	20	30	30	80	HS/equiv.	None	Short OJT	$28,160
31-9011	Massage Therapists	300	360	50	17.8%	10	10	20	40	Postsec.	None	None	$73,460
31-9091	Dental Assistants	200	240	50	23.6%	10	10	10	30	Postsec.	None	None	$38,420
31-9092	Medical Assistants	320	430	110	35.2%	10	20	20	50	Postsec.	None	None	$38,720
31-9099	Healthcare Support Workers, All Other	90	110	20	17.6%	<10	10	10	10	HS/equiv.	None	None	$31,330
33-0000	Protective Service Occupations	2,090	2,180	100	4.6%	10	120	120	250				$49,180
33-1099	First-Line Supervisors, Protective Service Wkrs, All Other	80	70	>-10	-4.0%	>-10	<10	<10	10	HS/equiv.	<5 yrs.	None	$54,520
33-3021	Detectives and Criminal Investigators	40	40	<10	10.3%	<10	<10	<10	<10	HS/equiv.	<5 yrs.	Moderate OJT	n/a

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019. www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA

SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
33-3051	Police & Sheriff's Patrol Officers	300	330	30	8.6%	<10	10	10	20	HS/equiv.	None	Moderate OJT	$66,490
33-9032	Security Guards	600	610	10	1.8%	<10	40	40	80	HS/equiv.	None	Short OJT	$38,710
33-9092	Lifeguards, Ski Patrol, & Other Rec Protective Service Wkrs	180	190	10	6.7%	<10	20	30	50	None	None	Short OJT	$40,920
33-9093	Transportation Security Screeners	160	170	10	6.2%	<10	10	10	20	HS/equiv.	None	Short OJT	$40,580
35-0000	Food Preparation and Serving Related Occupations	13,740	14,670	930	6.8%	90	1,350	1,060	2,500				$37,530
35-1011	Chefs and Head Cooks	280	310	20	8.5%	<10	30	10	40	HS/equiv.	5+ yrs.	None	$77,610
35-1012	First-Line Supervisors, Food Preparation and Serving Workers	720	770	50	7.5%	10	70	30	110	HS/equiv.	<5 yrs.	None	$52,420
35-2011	Cooks, Fast Food	220	210	-10	-5.9%	>-10	20	10	30	None	None	Short OJT	$26,460
35-2012	Cooks, Institution and Cafeteria	140	150	10	4.9%	<10	10	10	20	None	None	Short OJT	$40,810
35-2014	Cooks, Restaurant	1,990	2,190	190	9.7%	20	170	120	310	None	<5 yrs.	Moderate OJT	$39,850
35-2021	Food Preparation Workers	1,050	1,130	80	7.5%	10	90	90	190	None	None	Short OJT	$33,000
35-3011	Bartenders	810	830	20	2.5%	<10	90	40	140	None	None	Short OJT	$54,350
35-3021	Combined Food Prep. and Serving Workers, Including Fast Food	1,600	1,860	260	16.2%	30	160	150	340	None	None	Short OJT	$24,180
35-3022	Counter Attendants, Cafeteria, Food Concession, & Coffee Shop	590	610	20	3.9%	<10	60	70	130	None	None	Short OJT	$26,440
35-3031	Waiters and Waitresses	3,270	3,460	190	5.8%	20	380	250	650	None	None	Short OJT	$46,290
35-3041	Food Servers, Nonrestaurant	450	430	-20	-4.2%	>-10	30	30	60	None	None	Short OJT	$29,400
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	850	900	40	4.8%	<10	70	80	150	None	None	Short OJT	$36,470
35-9021	Dishwashers	790	820	30	3.8%	<10	60	60	130	None	None	Short OJT	$31,430
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	710	750	40	5.5%	<10	80	80	170	None	None	Short OJT	$35,520
37-0000	Building and Grounds Cleaning and Maintenance Occupations	7,830	8,590	770	9.8%	80	510	510	1,100				$37,320
37-1011	First-Line Supervisors, Housekeeping/Janitorial Workers	370	410	40	9.9%	<10	20	20	50	HS/equiv.	<5 yrs.	None	$50,550
37-1012	First-Line Supervisors, Landscaping & Groundskeeping Wkrs	270	310	30	12.0%	<10	20	10	30	HS/equiv.	<5 yrs.	None	$56,910
37-2011	Janitors and Cleaners, Exc. Maids and Housekeeping Cleaners	1,620	1,790	170	10.6%	20	110	110	240	None	None	Short OJT	$35,200
37-2012	Maids & Housekeeping Cleaners	3,430	3,670	240	6.9%	20	200	260	490	None	None	Short OJT	$37,510
37-2021	Pest Control Workers	90	100	10	12.9%	<10	10	<10	10	HS/equiv.	None	Moderate OJT	$36,460
37-3011	Landscaping and Groundskeeping Workers	1,930	2,190	260	13.4%	30	150	100	270	None	None	Short OJT	$35,720

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
39-0000	Personal Care and Service Occupations	3,180	3,650	470	14.8%	50	280	260	590				$29,780
39-1021	First-Line Supervisors of Personal Service Workers	210	240	30	13.5%	<10	10	10	20	HS/equiv.	<5 yrs.	None	$50,060
39-3091	Amusement and Recreation Attendants	330	370	40	10.8%	<10	40	40	80	None	None	Short OJT	$25,820
39-3093	Locker Room, Coatroom, and Dressing Room Attendants	90	90	10	9.3%	<10	10	10	20	HS/equiv.	None	Short OJT	$41,460
39-5094	Skincare Specialists	50	60	10	16.0%	<10	<10	<10	10	Postsec.	None	None	$60,380
39-6011	Baggage Porters and Bellhops	340	360	10	3.2%	<10	30	20	50	HS/equiv.	None	Short OJT	$27,440
39-6012	Concierges	200	210	10	6.5%	<10	20	10	30	HS/equiv.	None	Moderate OJT	$39,860
39-7011	Tour Guides and Escorts	110	120	10	7.9%	<10	10	10	20	HS/equiv.	None	Moderate OJT	n/a
39-9011	Childcare Workers	350	380	30	8.9%	<10	20	30	60	HS/equiv.	None	Short OJT	$23,040
39-9031	Fitness Trainers and Aerobics Instructors	70	80	10	11.9%	<10	10	10	10	HS/equiv.	None	Short OJT	$45,740
39-9032	Recreation Workers	300	350	50	16.6%	10	30	20	60	HS/equiv.	None	Short OJT	$36,200
39-9041	Residential Advisors	50	60	10	18.0%	<10	10	<10	10	HS/equiv.	None	Short OJT	n/a
39-9099	Personal Care and Service Workers, All Other	90	100	10	8.8%	<10	10	10	10	HS/equiv.	None	Short OJT	$32,160
41-0000	Sales and Related Occupations	9,950	10,280	330	3.3%	30	760	610	1,400				$30,000
41-1011	First-Line Supervisors of Retail Sales Workers	1,320	1,390	70	5.1%	10	90	50	150	HS/equiv.	<5 yrs.	None	$44,990
41-1012	First-Line Supervisors of Non-Retail Sales Workers	260	280	20	7.4%	<10	20	10	30	HS/equiv.	<5 yrs.	None	$64,020
41-2011	Cashiers	2,000	1,990	-10	-0.4%	>-10	180	190	370	None	None	Short OJT	$26,390
41-2021	Counter and Rental Clerks	530	550	20	4.0%	<10	40	30	70	None	None	Short OJT	$30,220
41-2031	Retail Salespersons	3,340	3,460	120	3.5%	10	270	220	500	None	None	Short OJT	$27,300
41-3021	Insurance Sales Agents	160	170	10	8.8%	<10	10	10	20	HS/equiv.	None	Moderate OJT	$56,810
41-3041	Travel Agents	160	150	-10	-9.4%	>-10	10	10	20	HS/equiv.	None	Moderate OJT	$37,620
41-3099	Sales Representatives, Services, All Other	580	620	40	7.1%	<10	50	20	80	HS/equiv.	None	Moderate OJT	$74,320
41-4012	Sales Rep., Wholesale & Mfg, Exc. Tech. & Scientific Product	400	440	50	11.4%	<10	30	10	50	HS/equiv.	None	Moderate OJT	$44,630
41-9011	Demonstrators and Product Promoters	120	130	10	6.8%	<10	10	10	20	None	None	Short OJT	$27,190
41-9021	Real Estate Brokers	90	100	<10	4.4%	<10	<10	10	10	HS/equiv.	<5 yrs.	None	$52,270
41-9022	Real Estate Sales Agents	140	150	10	5.0%	<10	10	10	10	HS/equiv.	None	Moderate OJT	$82,390

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA												
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
43-0000	Office and Administrative Support Occupations	10,380	10,570	190	1.9%	20	640	540	1,200				$39,330
43-1011	First-Line Supervisors of Office and Admin. Support Workers	900	960	60	6.9%	10	50	40	100	HS/equiv.	<5 yrs.	None	$53,640
43-2011	Switchboard Operators, Including Answering Service	170	120	-40	-26.6%	>-10	10	10	20	HS/equiv.	None	Short OJT	$44,780
43-3011	Bill and Account Collectors	30	30	<10	3.1%	<10	<10	<10	<10	HS/equiv.	None	Moderate OJT	$35,580
43-3021	Billing and Posting Clerks	130	160	30	19.2%	<10	10	10	20	HS/equiv.	None	Moderate OJT	$37,570
43-3031	Bookkeeping, Accounting, and Auditing Clerks	830	820	-10	-1.2%	>-10	40	50	90	Some college	None	Moderate OJT	$41,690
43-3051	Payroll and Timekeeping Clerks	70	70	<10	1.5%	<10	<10	<10	10	HS/equiv.	None	Moderate OJT	$47,420
43-3071	Tellers	280	250	-30	-10.4%	>-10	20	10	30	HS/equiv.	None	Short OJT	$31,170
43-4051	Customer Service Representatives	880	940	60	6.8%	10	70	50	120	HS/equiv.	None	Short OJT	$36,660
43-4071	File Clerks	60	50	-10	-11.7%	>-10	<10	<10	10	HS/equiv.	None	Short OJT	$41,130
43-4081	Hotel, Motel, and Resort Desk Clerks	620	650	30	4.7%	<10	60	40	100	HS/equiv.	None	Short OJT	$44,560
43-4131	Loan Interviewers and Clerks	70	80	10	8.6%	<10	<10	<10	10	HS/equiv.	None	Short OJT	$45,970
43-4161	Human Resources Assistants, Except Payroll and Timekeeping	70	70	<10	0.0%	<10	<10	<10	10	Associate's	None	None	$43,400
43-4171	Receptionists and Information Clerks	390	430	40	10.8%	<10	30	30	60	HS/equiv.	None	Short OJT	$33,490
43-4181	Reservation & Transportation Ticket Agents & Travel Clerks	480	550	70	15.3%	10	30	20	60	HS/equiv.	None	Short OJT	$48,800
43-5032	Dispatchers, Except Police, Fire, and Ambulance	80	70	>-10	-4.0%	>-10	<10	<10	10	HS/equiv.	None	Moderate OJT	$40,550
43-5051	Postal Service Clerks	70	70	>-10	-5.7%	>-10	<10	<10	10	HS/equiv.	None	Short OJT	$60,100
43-5052	Postal Service Mail Carriers	120	110	-10	-6.1%	>-10	<10	<10	10	HS/equiv.	None	Short OJT	$58,930
43-5061	Production, Planning, and Expediting Clerks	80	90	10	8.8%	<10	10	<10	10	HS/equiv.	None	Moderate OJT	$51,420
43-5071	Shipping, Receiving, and Traffic Clerks	150	150	>-10	-2.0%	>-10	10	10	20	HS/equiv.	None	Short OJT	$39,880
43-5081	Stock Clerks and Order Fillers	1,080	1,150	70	6.5%	10	80	60	150	HS/equiv.	None	Short OJT	$29,460
43-6011	Executive Secretaries and Administrative Assistants	370	310	-60	-17.5%	-10	20	20	30	HS/equiv.	<5 yrs.	None	$55,650
43-6012	Legal Secretaries	100	80	-20	-21.9%	>-10	<10	10	10	HS/equiv.	None	Moderate OJT	$47,670
43-6013	Medical Secretaries	130	170	40	33.1%	<10	10	10	20	HS/equiv.	None	Moderate OJT	$40,360
43-6014	Secretaries, Except Legal, Medical, and Executive	980	930	-50	-5.6%	-10	50	50	100	HS/equiv.	None	Short OJT	$40,680

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA

SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
43-9022	Word Processors and Typists	70	50	-20	-32.8%	>-10	<10	<10	10	HS/equiv.	None	Short OJT	n/a
43-9061	Office Clerks, General	1,300	1,290	-10	-0.9%	>-10	70	80	150	HS/equiv.	None	Short OJT	$33,370
43-9199	Office and Administrative Support Workers, All Other	120	120	10	7.8%	<10	10	10	10	HS/equiv.	None	Short OJT	$23,720
45-0000	Farming, Fishing, and Forestry Occupations	980	850	-130	-13.5%	-10	100	30	120				$37,870
45-2092	Farmworkers and Laborers, Crop, Nursery, and Greenhouse	680	560	-120	-18.3%	-10	70	20	80	None	None	Short OJT	$32,110
45-2093	Farmworkers, Farm, Ranch, and Aquacultural Animals	80	80	10	6.6%	<10	10	<10	10	None	None	Short OJT	n/a
47-0000	Construction and Extraction Occupations	4,350	4,850	510	11.6%	50	290	160	510				$61,550
47-1011	First-Line Supervisors, Const. Trades & Extraction Wkrs	310	340	40	12.8%	<10	20	10	30	HS/equiv.	5+ yrs.	None	$75,980
47-2031	Carpenters	1,140	1,250	110	9.3%	10	70	40	120	HS/equiv.	None	Apprenticeship	$62,570
47-2051	Cement Masons and Concrete Finishers	130	140	10	10.8%	<10	10	10	20	None	None	Moderate OJT	$88,930
47-2061	Construction Laborers	490	560	70	13.2%	10	40	20	60	None	None	Short OJT	$62,360
47-2073	Operating Engineers and Other Construction Equipment Oprs.	240	280	40	16.7%	<10	20	10	30	HS/equiv.	None	Moderate OJT	$81,320
47-2111	Electricians	490	530	40	8.6%	<10	40	20	60	HS/equiv.	None	Apprenticeship	$72,240
47-2141	Painters, Construction and Maintenance	340	370	20	7.0%	<10	20	10	30	None	None	Moderate OJT	$52,630
47-2152	Plumbers, Pipefitters, and Steamfitters	370	430	60	15.2%	10	30	20	50	HS/equiv.	None	Apprenticeship	$53,950
47-2181	Roofers	70	80	10	10.0%	<10	10	<10	10	None	None	Moderate OJT	$43,550
47-2211	Sheet Metal Workers	40	50	<10	9.5%	<10	<10	<10	10	HS/equiv.	None	Apprenticeship	n/a
47-2231	Solar Photovoltaic Installers	50	70	20	48.9%	<10	<10	<10	10	HS/equiv.	None	Moderate OJT	$53,080
47-3014	Helpers--Painters, Paperhangers, Plasterers, & Stucco Masons	30	30	<10	6.5%	<10	<10	<10	<10	None	None	Short OJT	n/a
47-4011	Construction and Building Inspectors	40	40	<10	5.3%	<10	<10	<10	<10	HS/equiv.	5+ yrs.	Moderate OJT	$56,290
47-4071	Septic Tank Servicers and Sewer Pipe Cleaners	30	40	10	20.6%	<10	<10	<10	10	HS/equiv.	None	Moderate OJT	n/a
49-0000	Installation, Maintenance, and Repair Occupations	3,170	3,420	250	7.7%	20	190	120	330				$53,890
49-1011	First-Line Supervisors of Mechanics, Installers, Repairers	250	270	30	10.9%	<10	10	10	20	HS/equiv.	<5 yrs.	None	$66,310

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LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
49-2022	Telecomm. Equip. Installers & Repairers, Exc. Line Install	100	90	-10	-8.0%	>-10	10	<10	10	Postsec.	None	Moderate OJT	$90,700
49-3011	Aircraft Mechanics and Service Technicians	180	210	30	17.1%	<10	10	10	20	Postsec.	None	None	$63,540
49-3021	Automotive Body and Related Repairers	60	60	10	12.3%	<10	<10	<10	10	HS/equiv.	None	Long OJT	$50,430
49-3023	Automotive Service Technicians and Mechanics	360	380	20	6.1%	<10	20	10	40	Postsec.	None	Short OJT	$50,330
49-3031	Bus and Truck Mechanics and Diesel Engine Specialists	130	140	20	12.5%	<10	10	<10	10	HS/equiv.	None	Long OJT	$57,460
49-3042	Mobile Heavy Equipment Mechanics, Except Engines	40	40	10	13.2%	<10	<10	<10	<10	HS/equiv.	None	Long OJT	$55,350
49-9071	Maintenance and Repair Workers, General	1,250	1,330	80	6.2%	10	70	50	130	HS/equiv.	None	Moderate OJT	$48,550
49-9098	Helpers--Installation, Maintenance, Repair Workers	70	70	10	9.0%	<10	10	<10	10	HS/equiv.	None	Short OJT	$40,010
49-9099	Installation, Maintenance, and Repair Workers, All Other	70	80	10	8.6%	<10	<10	<10	10	HS/equiv.	None	Moderate OJT	$48,170
51-0000	Production Occupations	1,890	1,880	-10	-0.7%	>-10	130	100	220				$39,420
51-1011	First-Line Supervisors of Production & Operating Workers	180	180	10	2.8%	<10	10	10	20	HS/equiv.	<5 yrs.	None	$58,560
51-3011	Bakers	250	250	<10	1.6%	<10	20	20	40	None	None	Long OJT	$41,800
51-3021	Butchers and Meat Cutters	100	110	10	7.1%	<10	10	10	10	None	None	Long OJT	$43,690
51-3022	Meat, Poultry, and Fish Cutters and Trimmers	60	60	10	8.5%	<10	10	<10	10	None	None	Short OJT	n/a
51-3092	Food Batchmakers	50	30	-10	-26.1%	>-10	<10	<10	<10	HS/equiv.	None	Moderate OJT	$25,090
51-4121	Welders, Cutters, Solderers, and Brazers	70	80	<10	5.5%	<10	10	<10	10	HS/equiv.	None	Moderate OJT	$66,330
51-6011	Laundry & Dry-Cleaning Workers	400	410	10	2.5%	<10	30	30	60	None	None	Short OJT	$35,430
51-8031	Water and Wastewater Treatment Plant and System Operators	90	80	>-10	-2.3%	>-10	<10	<10	10	HS/equiv.	None	Long OJT	$46,360
51-9061	Inspectors, Testers, Sorters, Samplers, and Weighers	30	30	>-10	-3.3%	>-10	<10	<10	<10	HS/equiv.	None	Moderate OJT	n/a
53-0000	Transportation and Material Moving Occupations	5,240	5,740	500	9.6%	50	370	280	700				$37,270
53-1021	First-Line Supervisors, Helpers, Laborers, & Material Movers	50	60	10	11.3%	<10	<10	<10	10	HS/equiv.	<5 yrs.	None	n/a

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

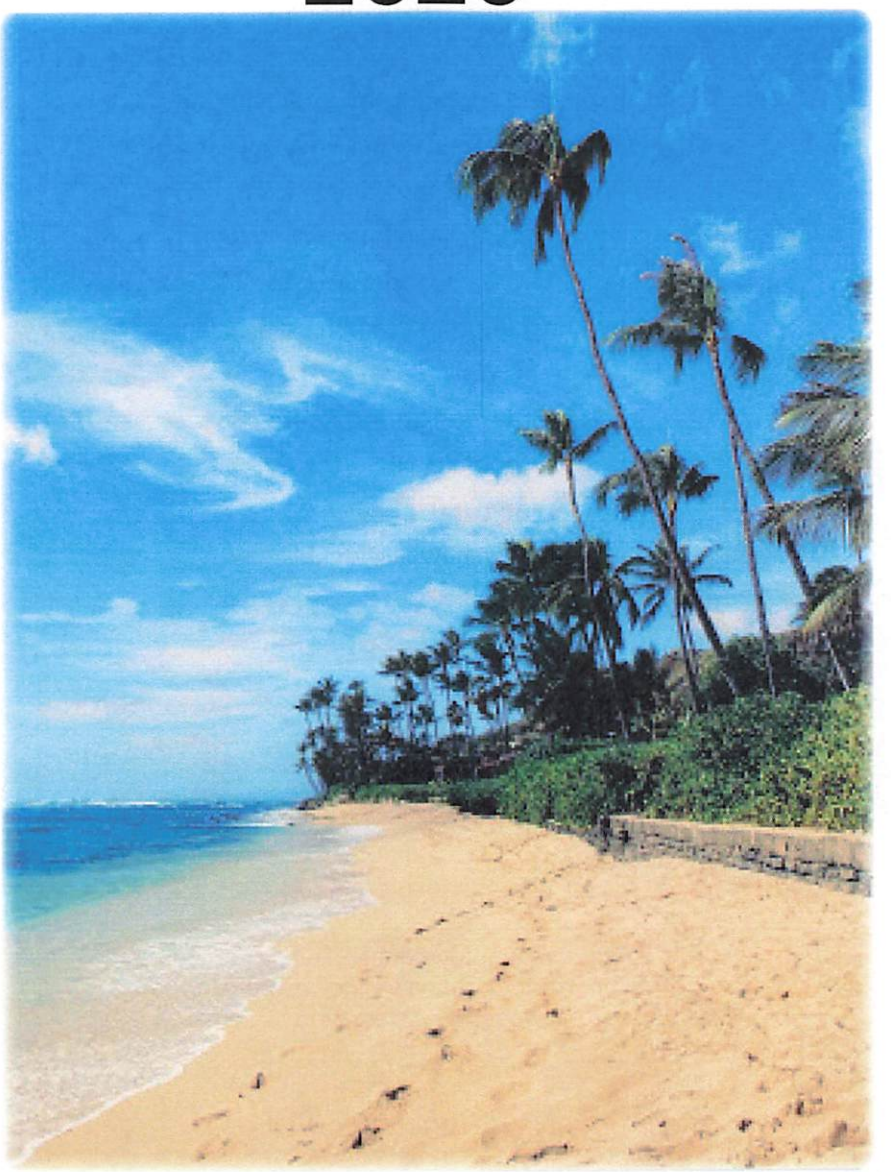
LONG-TERM OCCUPATIONAL PROJECTIONS, 2016-2026, MAUI MSA													
SOC Code	Occupation Title	Employment		Change (2016-26)		Annual Average Openings				BLS Educational & Training Values			2018 Median Wages
		2016	2026	Number	Percent	Change	Transfers	Exits	Total	Education	Work Exp	Job Training	
53-1031	First-Line Supervisors, Transportation & Vehicle Operators	150	170	20	12.3%	<10	10	10	20	HS/equiv.	<5 yrs.	None	n/a
53-3022	Bus Drivers, School or Special Client	280	330	50	18.9%	10	10	20	40	HS/equiv.	None	Short OJT	$39,670
53-3031	Driver/Sales Workers	220	240	20	9.9%	<10	20	10	30	HS/equiv.	None	Short OJT	$29,230
53-3032	Heavy and Tractor-Trailer Truck Drivers	370	400	30	7.6%	<10	20	20	40	Postsec.	None	Short OJT	$52,670
53-3033	Light Truck or Delivery Services Drivers	370	380	10	3.0%	<10	20	20	40	HS/equiv.	None	Short OJT	$39,140
53-3041	Taxi Drivers and Chauffeurs	360	380	20	4.4%	<10	20	20	40	None	None	Short OJT	$32,190
53-5021	Captains, Mates, and Pilots of Water Vessels	350	380	30	7.7%	<10	20	10	40	Postsec.	<5 yrs.	None	$46,850
53-6021	Parking Lot Attendants	190	200	10	6.3%	<10	20	10	30	None	None	Short OJT	$25,910
53-6061	Transportation Attendants, Except Flight Attendants	310	350	40	11.3%	<10	20	30	50	HS/equiv.	None	Short OJT	$33,100
53-6099	Transportation Workers, All Other	130	150	20	15.2%	<10	10	10	20	HS/equiv.	None	Short OJT	$41,900
53-7051	Industrial Truck and Tractor Operators	110	110	10	5.6%	<10	10	<10	10	None	None	Short OJT	$44,410
53-7061	Cleaners of Vehicles and Equipment	290	320	40	12.3%	<10	30	20	50	None	None	Short OJT	$24,950
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	770	830	60	8.2%	10	70	40	120	None	None	Short OJT	$36,120
53-7064	Packers and Packagers, Hand	220	210	-10	-4.1%	>-10	20	10	30	None	None	Short OJT	$25,780
53-7081	Refuse and Recyclable Material Collectors	100	120	10	13.7%	<10	10	10	10	None	None	Short OJT	$25,510

Note: Employment totals may not add due to rounding to the nearest ten. Number and percent change is calculated before employment is rounded.

Source: Hawaii State Department of Labor and Industrial Relations, Research and Statistics Office, July 2019, www.hiwi.org

STATE OF HAWAII

Occupational Employment & Wages 2020



September 2021

DBEDT

STATE OF HAWAII • DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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For more employment and wage data,
visit:https://dbedt.hawaii.gov/economic/
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Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
00-0000	**All Occupations**	**66,990**	**$25.27**	**$52,550**	**$21.21**	**$44,130**
11-0000	**Management Occupations**	**3,280**	**$47.59**	**$98,980**	**$40.90**	**$85,080**
11-1011	Chief Executives	40	$100.02	$208,050	$97.55	$202,890
11-1021	General and Operations Managers	1,120	$50.47	$104,970	$42.27	$87,930
11-2021	Marketing Managers	50	$52.80	$109,820	$51.29	$106,690
11-2022	Sales Managers	200	$53.75	$111,790	$45.94	$95,560
11-2030	Public Relations and Fundraising Managers	40	$39.46	$82,080	$34.48	$71,720
11-3010	Administrative Services and Facilities Managers	140	$44.54	$92,640	$42.44	$88,270
11-3021	Computer and Information System Managers	50	$61.96	$128,880	$54.19	$112,710
11-3031	Financial Managers	230	$48.12	$100,090	$41.26	$85,820
11-3121	Human Resources Managers	30	$50.10	$104,200	$46.93	$97,620
11-9021	Construction Managers	200	$55.60	$115,640	$47.93	$99,690
11-9031	Education and Childcare Administrators, Preschool and Daycare	N/A	$27.13	$56,430	$23.80	$49,510
11-9032	Education Administrators, Kindergarten through Secondary	110	N/A	$104,870	N/A	$101,200
11-9041	Architectural and Engineering Managers	30	$55.15	$114,710	$62.13	$129,230
11-9051	Food Service Managers	100	$41.97	$87,300	$40.59	$84,430
11-9081	Lodging Managers	150	$38.64	$80,360	$36.04	$74,970
11-9111	Medical and Health Services Managers	70	$63.43	$131,930	$62.39	$129,760
11-9141	Property, Real Estate, and Community Association Managers	330	$31.25	$65,000	$30.09	$62,590
11-9151	Social and Community Service Managers	100	$30.89	$64,260	$27.90	$58,040
11-9198	Personal Service Managers, All Other	70	$43.86	$91,230	$43.87	$91,250
13-0000	**Business and Financial Operations Occupations**	**1,670**	**$31.19**	**$64,880**	**$28.21**	**$58,680**
13-1020	Buyers and Purchasing Agents	140	$26.11	$54,310	$24.49	$50,940
13-1041	Compliance Officers	90	$29.55	$61,470	$27.26	$56,700
13-1051	Cost Estimators	60	$36.80	$76,550	$30.46	$63,360
13-1071	Human Resources Specialists	120	$31.91	$66,380	$31.63	$65,800
13-1111	Management Analysts	50	$41.77	$86,890	$40.19	$83,600
13-1121	Meeting, Convention, and Event Planners	140	$29.15	$60,630	$28.74	$59,780
13-1131	Fundraisers	30	$30.31	$63,050	$28.81	$59,930
13-1151	Training and Development Specialists	N/A	$23.41	$48,700	$19.29	$40,130
13-1161	Market Research Analysts and Marketing Specialists	230	$28.89	$60,100	$25.37	$52,780
13-1198	Project Management Specialists and Business Operations Specialists, All Other	160	$35.95	$74,780	$33.76	$70,220
13-2011	Accountants and Auditors	340	$29.98	$62,370	$27.63	$57,470
13-2052	Personal Financial Advisors	40	$51.98	$108,120	$24.64	$51,260
13-2072	Loan Officers	80	$25.96	$53,990	$26.39	$54,900
13-2098	Financial and Investment Analysts, Financial Risk Specialists, and Financial Specialists, All Other	30	$32.54	$67,690	$29.26	$60,850
15-0000	**Computer and Mathematical Occupations**	**470**	**$43.74**	**$90,980**	**$40.09**	**$83,390**
15-1211	Computer Systems Analysts	90	$36.48	$75,880	$35.58	$74,010
15-1232	Computer User Support Specialists	60	$24.47	$50,900	$24.50	$50,960
15-1244	Network and Computer Systems Administrators	50	$35.44	$73,720	$31.93	$66,410
15-1256	Software Developers and Software Quality Assurance Analysts and Testers	140	$55.97	$116,420	$55.86	$116,200

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean Hourly	Mean Annual	Median Hourly	Median Annual
17-0000	**Architecture and Engineering Occupations**	**440**	**$41.54**	**$86,400**	**$37.75**	**$78,510**
17-2051	Civil Engineers	130	$43.65	$90,790	$41.84	$87,020
17-2071	Electrical Engineers	40	$59.26	$123,270	$58.50	$121,670
17-2199	Engineers, All Other	30	$51.10	$106,290	$51.43	$106,980
17-3011	Architectural and Civil Drafters	50	$26.76	$55,670	$27.91	$58,060
17-3031	Surveying and Mapping Technicians	30	$24.51	$50,990	$21.77	$45,280
19-0000	**Life, Physical, and Social Science Occupations**	**470**	**$32.09**	**$66,750**	**$27.00**	**$56,160**
19-3031	Clinical, Counseling, and School Psychologists	50	$56.75	$118,050	$38.55	$80,180
21-0000	**Community and Social Service Occupations**	**1,340**	**$23.94**	**$49,790**	**$22.29**	**$46,370**
21-1012	Educational, Guidance, and Career Counselors and Advisors	130	$30.91	$64,290	$30.24	$62,890
21-1018	Substance Abuse, Behavioral Disorder, and Mental Health Counselors	60	$26.64	$55,410	$26.20	$54,500
21-1021	Child, Family, and School Social Workers	250	$24.84	$51,680	$24.28	$50,490
21-1022	Healthcare Social Workers	40	$32.57	$67,740	$33.42	$69,500
21-1023	Mental Health and Substance Abuse Social Workers	80	$25.22	$52,460	$23.34	$48,550
21-1091	Health Education Specialists	50	$27.34	$56,880	$23.32	$48,510
21-1093	Social and Human Service Assistants	390	$19.25	$40,050	$18.41	$38,280
21-1094	Community Health Workers	90	$15.29	$31,800	$14.34	$29,820
21-1099	Community and Social Service Specialists, All Other	110	$28.07	$58,380	$28.95	$60,220
21-2011	Clergy	70	$22.26	$46,310	$21.85	$45,450
23-0000	**Legal Occupations**	**230**	**$39.88**	**$82,960**	**$30.12**	**$62,640**
23-1011	Lawyers	90	$50.34	$104,710	$56.25	$117,000
23-2011	Paralegals and Legal Assistants	70	$25.63	$53,320	$24.20	$50,330
25-0000	**Education, Training, and Library Occupations**	**3,730**	**$26.20**	**$54,490**	**$24.43**	**$50,810**
25-1199	Postsecondary Teachers, All Other	70	N/A	$61,370	N/A	$59,240
25-2011	Preschool Teachers, Except Special Education	110	$17.83	$37,080	$17.52	$36,440
25-2021	Elementary School Teachers, Except Special Education	600	N/A	$62,840	N/A	$62,200
25-2022	Middle School Teachers, Ex. Special & Career/Tech. Education	280	N/A	$62,250	N/A	$61,920
25-2031	Secondary School Teachers, Ex, Special & Career/Tech. Education	440	N/A	$65,030	N/A	$63,600
25-3021	Self-Enrichment Teachers	310	$31.33	$65,170	$21.58	$44,890
25-3031	Substitute Teachers	330	$21.64	$45,000	$22.17	$46,120
25-3097	Tutors and Teachers and Instructors, All Other	390	N/A	$43,690	N/A	$45,880
25-4022	Librarians and Media Collections Specialists	40	$31.44	$65,400	$30.10	$62,620
25-9031	Instructional Coordinators	80	$38.76	$80,620	$38.02	$79,080
25-9045	Teaching Assistants, Except Postecondary	500	N/A	$32,380	N/A	$31,190
27-0000	**Arts, Design, Entertainment, Sports, and Media Occupations**	**840**	**$26.30**	**$54,710**	**$22.54**	**$46,870**
27-1023	Floral Designers	N/A	$21.07	$43,830	$21.56	$44,850
27-1024	Graphic Designers	30	$24.43	$50,820	$25.76	$53,580
27-1026	Merchandise Displayers and Window Trimmers	N/A	$16.32	$33,940	$14.46	$30,070
27-2012	Producers and Directors	30	$37.28	$77,540	$30.35	$63,130
27-2022	Coaches and Scouts	140	N/A	$46,060	N/A	$37,460
27-2031	Dancers	50	N/A	N/A	N/A	N/A

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
27-2042	Musicians and Singers	90	$33.19	N/A	$32.15	N/A
27-3031	Public Relations Specialists	110	$29.89	$62,180	$32.06	$66,690
27-4021	Photographers	40	$20.92	$43,520	$18.41	$38,280
29-0000	**Healthcare Practitioners and Technical Occupations**	**3,080**	**$46.83**	**$97,400**	**$41.21**	**$85,720**
29-1021	Dentists	N/A	$49.55	$103,060	$39.19	$81,510
29-1031	Dietitians and Nutritionists	30	$37.94	$78,920	$36.05	$74,980
29-1051	Pharmacists	100	$62.90	$130,820	$64.64	$134,450
29-1071	Physician Assistants	50	$52.37	$108,920	$51.50	$107,110
29-1123	Physical Therapists	90	$36.27	$75,440	$36.38	$75,670
29-1127	Speech-Language Pathologists	30	$39.28	$81,700	$37.18	$77,340
29-1131	Veterinarians	40	$43.96	$91,430	$31.31	$65,130
29-1141	Registered Nurses	1,160	$48.60	$101,080	$52.08	$108,330
29-1215	Family Medicine Physicians	70	$114.14	$237,420	*	*
29-1228	Physicians, All Other, and Ophthalmologists, Except Pediatric	90	$117.91	$245,250	*	*
29-1248	Surgeons, Except Ophthalmologists	N/A	$86.62	$180,160	$73.55	$152,990
29-1292	Dental Hygienists	90	$39.04	$81,200	$38.50	$80,080
29-2010	Clinical Laboratory Technologists and Technicians	100	$26.19	$54,470	$23.77	$49,440
29-2034	Radiologic Technologists and Technicians	90	$37.83	$78,680	$38.03	$79,110
29-2052	Pharmacy Technicians	160	$19.70	$40,970	$19.70	$40,970
29-2055	Surgical Technologists	N/A	$23.97	$49,850	$23.03	$47,910
29-2061	Licensed Practical and Licensed Vocational Nurses	170	$24.68	$51,340	$24.40	$50,740
29-2081	Opticians, Dispensing	N/A	$25.17	$52,350	$25.49	$53,010
29-2098	Medical Dosimetrists, Medical Records Specialists, and Health Technologists and Technicans, All Other	50	$21.61	$44,940	$21.42	$44,550
29-9098	Health Information Technologists, Medical Registrars, Surgical Assistants, and Healthcare Practitioners and Technical Workers, All Other	N/A	$24.56	$51,080	$23.25	$48,350
31-0000	**Healthcare Support Occupations**	**2,150**	**$18.01**	**$37,450**	**$16.84**	**$35,020**
31-1120	Home Health and Personal Care Aides	1,070	$15.22	$31,660	$14.36	$29,880
31-1014	Nursing Assistants	250	$17.30	$35,980	$17.70	$36,820
31-9011	Massage Therapists	150	$29.72	$61,820	$32.86	$68,350
31-9091	Dental Assistants	130	$20.20	$42,010	$20.44	$42,510
31-9092	Medical Assistants	280	$19.69	$40,950	$19.01	$39,540
31-9099	Healthcare Support Workers, All Other	130	$22.31	$46,410	$22.78	$47,380
33-0000	**Protective Service Occupations**	**1,910**	**$28.84**	**$60,000**	**$27.78**	**$57,780**
33-1090	Miscellaneous First-Line Supervisors, Protective Service Workers	80	$30.25	$62,920	$31.08	$64,650
33-3051	Police and Sheriff's Patrol Officers	270	$35.71	$74,280	$36.18	$75,250
33-9032	Security Guards	580	$18.71	$38,920	$18.45	$38,380
33-9092	Lifeguards, Ski Patrol, and Other Recreational Protective Service Workers	100	$24.39	$50,730	$25.42	$52,880
33-9093	Transportation Security Screeners	190	$25.53	$53,110	$25.61	$53,260
33-9098	School Bus Monitors and Protective Service Workers, All Other	40	$21.62	$44,980	$17.68	$36,780

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
35-0000	**Food Preparation and Serving Related Occupations**	**10,390**	**$21.72**	**$45,180**	**$18.26**	**$37,980**
35-1011	Chefs and Head Cooks	150	$43.67	$90,840	$44.55	$92,650
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	720	$28.60	$59,490	$28.48	$59,240
35-2012	Cooks, Institution and Cafeteria	100	$22.58	$46,970	$22.81	$47,440
35-2014	Cooks, Restaurant	1,320	$21.73	$45,200	$20.86	$43,380
35-2015	Cooks, Short Order	N/A	$14.18	$29,490	$13.44	$27,950
35-2019	Cooks, All Other	N/A	$20.22	$42,060	$17.92	$37,280
35-2021	Food Preparation Workers	900	$17.95	$37,330	$17.73	$36,880
35-3011	Bartenders	500	$31.07	$64,630	$28.74	$59,780
35-3023	Fast Food and Counter Workers	2130	$13.54	$28,170	$12.90	$26,830
35-3031	Waiters and Waitresses	2,590	$27.51	$57,210	$26.41	$54,920
35-3041	Food Servers, Nonrestaurant	110	$20.72	$43,090	$18.72	$38,940
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	720	$19.42	$40,390	$18.02	$37,480
35-9021	Dishwashers	480	$16.15	$33,600	$15.12	$31,450
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	400	$17.95	$37,330	$16.81	$34,970
37-0000	**Building and Grounds Cleaning and Maintenance Occupations**	**5,640**	**$19.33**	**$40,200**	**$19.00**	**$39,510**
37-1011	First-Line Supervisors of Housekeeping and Janitorial Workers	210	$30.09	$62,580	$29.15	$60,630
37-1012	First-Line Supervisors of Landscaping, Lawn Service, and Groundskeeping Workers	130	$27.38	$56,950	$27.34	$56,860
37-2011	Janitors and Cleaners, Except Maids and Housekeeping Cleaners	1,060	$18.50	$38,480	$18.40	$38,260
37-2012	Maids and Housekeeping Cleaners	2,570	$19.07	$39,670	$19.15	$39,840
37-2021	Pest Control Workers	50	$17.44	$36,280	$17.13	$35,620
37-3011	Landscaping and Groundskeeping Workers	1,550	$18.26	$37,980	$17.77	$36,950
37-3013	Tree Trimmers and Pruners	N/A	$17.86	$37,150	$18.61	$38,700
39-0000	**Personal Care and Service Occupations**	**2,210**	**$18.45**	**$38,380**	**$16.62**	**$34,560**
39-1098	First-Line Supervisors of Personal Service and Entertainment and Recreation Workers, Except Gambling Services	170	$23.85	$49,610	$24.98	$51,950
39-2021	Animal Caretakers	N/A	$11.97	$24,900	$11.59	$24,120
39-3031	Ushers, Lobby Attendants, and Ticket Takers	60	$15.74	$32,730	$14.25	$29,650
39-3091	Amusement and Recreation Attendants	440	$18.10	$37,650	$17.12	$35,610
39-5012	Hairdressers, Hairstylists, and Cosmetologists	N/A	$16.94	$35,230	$15.82	$32,900
39-6011	Baggage Porters and Bellhops	260	$14.67	$30,510	$12.25	$25,490
39-6012	Concierges	190	$23.19	$48,230	$23.08	$48,000
39-7010	Tour and Travel Guides	160	$17.80	$37,020	$17.00	$35,360
39-9011	Childcare Workers	250	$12.67	$26,350	$11.71	$24,350
39-9031	Exercise Trainers and Group Fitness Instructors	110	$23.50	$48,870	$19.41	$40,370
39-9032	Recreation Workers	210	$20.08	$41,770	$20.91	$43,500
39-9041	Residential Advisors	N/A	$17.19	$35,750	$17.43	$36,250
39-9098	Crematory Operators and Personal Care and Service Workers, All Other	110	$19.36	$40,260	$12.94	$26,910
41-0000	**Sales and Related Occupations**	**7,770**	**$20.01**	**$41,610**	**$16.44**	**$34,190**
41-1011	First-Line Supervisors of Retail Sales Workers	900	$22.99	$47,830	$21.66	$45,060
41-1012	First-Line Supervisors of Non-Retail Sales Workers	140	$31.48	$65,480	$30.34	$63,100
41-2011	Cashiers	1,780	$15.38	$31,980	$14.54	$30,250

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
41-2021	Counter and Rental Clerks	380	$17.05	$35,460	$14.74	$30,660
41-2022	Parts Salespersons	60	$19.71	$40,990	$18.36	$38,190
41-2031	Retail Salespersons	3,160	$16.27	$33,850	$15.19	$31,590
41-3011	Advertising Sales Agents	40	$29.06	$60,440	$25.94	$53,950
41-3021	Insurance Sales Agents	40	$26.18	$54,460	$27.02	$56,200
41-3041	Travel Agents	90	$23.25	$48,370	$20.62	$42,890
41-3091	Sales Representatives of Services, Except Advertising, Insurance, Financial Services, and Travel	600	$34.63	$72,020	$23.17	$48,190
41-4011	Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products	30	$43.36	$90,190	$40.36	$83,950
41-4012	Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	310	$29.87	$62,140	$22.95	$47,740
41-9021	Real Estate Brokers	N/A	$28.64	$59,580	$23.99	$49,890
43-0000	**Office and Administrative Support Occupations**	**8,070**	**$20.94**	**$43,560**	**$20.04**	**$41,690**
43-1011	First-Line Supervisors of Office and Administrative Support Workers	850	$27.32	$56,830	$26.73	$55,590
43-2011	Switchboard Operators, Including Answering Service	50	$20.98	$43,630	$21.93	$45,610
43-3011	Bill and Account Collectors	60	$18.80	$39,100	$18.03	$37,490
43-3021	Billing and Posting Clerks	80	$20.71	$43,070	$19.05	$39,630
43-3031	Bookkeeping, Accounting, and Auditing Clerks	500	$21.66	$45,050	$20.52	$42,670
43-3051	Payroll and Timekeeping Clerks	50	$22.79	$47,410	$23.00	$47,840
43-3061	Procurement Clerks	30	$24.66	$51,300	$19.55	$40,670
43-3071	Tellers	270	$17.72	$36,850	$17.67	$36,750
43-4051	Customer Service Representatives	480	$19.38	$40,310	$18.60	$38,690
43-4061	Eligibility Interviewers, Government Programs	N/A	$22.64	$47,090	$21.86	$45,460
43-4071	File Clerks	50	$23.86	$49,630	$22.36	$46,500
43-4081	Hotel, Motel, and Resort Desk Clerks	570	$21.16	$44,010	$21.90	$45,550
43-4161	Human Resources Assistants, Except Payroll and Timekeeping	40	$21.44	$44,590	$21.70	$45,130
43-4171	Receptionists and Information Clerks	470	$17.41	$36,220	$17.02	$35,400
43-4181	Reservation and Transportation Ticket Agents and Travel Clerks	290	$20.01	$41,610	$18.89	$39,280
43-5032	Dispatchers, Except Police, Fire, and Ambulance	120	$22.27	$46,310	$21.50	$44,710
43-5051	Postal Service Clerks	70	$26.34	$54,780	$30.28	$62,980
43-5052	Postal Service Mail Carriers	140	$25.60	$53,250	$23.94	$49,790
43-5061	Production, Planning, and Expediting Clerks	60	$23.96	$49,830	$24.29	$50,530
43-5071	Shipping, Receiving, and Traffic Clerks	70	$21.08	$43,840	$19.97	$41,530
43-6011	Executive Secretaries and Executive Administrative Assistants	230	$29.56	$61,490	$29.62	$61,600
43-6012	Legal Secretaries	N/A	$25.85	$53,760	$25.05	$52,090
43-6013	Medical Secretaries	50	$20.68	$43,020	$20.92	$43,520
43-6014	Secretaries & Admin. Assistants, Ex. Legal, Medical, and Executive	960	$21.76	$45,270	$21.67	$45,080
43-9061	Office Clerks, General	1,580	$17.87	$37,170	$17.08	$35,520
45-0000	**Farming, Fishing, and Forestry Occupations**	**200**	**$20.44**	**$42,510**	**$19.26**	**$40,060**
45-2092	Farmworkers and Laborers, Crop Nursery, and Greenhouse	60	$19.30	$40,150	$18.50	$38,480
47-0000	**Construction and Extraction Occupations**	**3,690**	**$32.36**	**$67,300**	**$30.77**	**$64,000**
47-1011	First-Line Supervisors of Construction Trades and Extraction Workers	300	$40.15	$83,520	$39.20	$81,530
47-2031	Carpenters	820	$34.41	$71,570	$32.27	$67,130

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
47-2044	Tile and Stone Setters	80	$27.32	$56,830	$27.43	$57,050
47-2051	Cement Masons and Concrete Finishers	70	$39.29	$81,730	$38.39	$79,860
47-2061	Construction Laborers	540	$29.11	$60,560	$30.51	$63,460
47-2073	Operating Engineers and Other Construction Equipment Operators	280	$36.03	$74,940	$32.84	$68,300
47-2081	Drywall and Ceiling Tile Installers	110	$43.58	$90,640	$46.46	$96,640
47-2082	Tapers	N/A	$44.47	$92,500	$46.83	$97,400
47-2111	Electricians	360	$36.37	$75,640	$34.68	$72,140
47-2141	Painters, Construction and Maintenance	220	$24.61	$51,190	$25.91	$53,890
47-2152	Plumbers, Pipefitters, and Steamfitters	220	$27.30	$56,790	$24.56	$51,080
47-2181	Roofers	120	$25.05	$52,110	$25.10	$52,210
47-2231	Solar Photovoltaic Installers	60	$27.32	$56,830	$27.07	$56,310
47-3015	Helpers- Pipelayers, Plumbers, Pipefitters, and Steamfitters	30	$18.90	$39,310	$20.73	$43,130
47-4011	Construction and Building Inspectors	50	$29.93	$62,250	$29.58	$61,520
47-4051	Highway Maintenance Workers	N/A	$14.76	$30,690	$13.98	$29,080
49-0000	**Installation, Maintenance, and Repair Occupations**	**2,830**	**$27.97**	**$58,170**	**$27.31**	**$56,810**
49-1011	First-Line Supervisors of Mechanics, Installers, and Repairers	280	$35.53	$73,900	$33.89	$70,480
49-3011	Aircraft Mechanics and Service Technicians	110	$27.70	$57,620	$28.03	$58,300
49-3021	Automotive Body and Related Repairers	70	$23.88	$49,680	$19.82	$41,220
49-3023	Automotive Service Technicians and Mechanics	260	$25.82	$53,710	$26.69	$55,520
49-3031	Bus and Truck Mechanics and Diesel Engine Specialists	140	$28.61	$59,520	$28.25	$58,750
49-3042	Mobile Heavy Equipment Mechanics, Except Engines	40	$31.08	$64,640	$30.45	$63,350
49-3053	Outdoor Power Equipment and Other Small Engine Mechanics	50	$26.28	$54,660	$27.19	$56,550
49-3093	Tire Repairers and Changers	50	$21.00	$43,670	$20.02	$41,630
49-9021	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	110	$33.92	$70,550	$33.87	$70,450
49-9041	Industrial Machinery Mechanics	40	$26.15	$54,390	$26.39	$54,880
49-9052	Telecommunications Line Installers and Repairers	N/A	$35.29	$73,410	$35.93	$74,730
49-9071	Maintenance and Repair Workers, General	1,210	$24.63	$51,240	$24.51	$50,980
49-9098	Helpers--Installation, Maintenance, and Repair Workers	70	$22.64	$47,080	$23.11	$48,070
51-0000	**Production Occupations**	**1,460**	**$23.21**	**$48,280**	**$20.54**	**$42,710**
51-1011	First-Line Supervisors of Production and Operating Workers	140	$35.24	$73,300	$30.94	$64,360
51-2090	Miscellaneous Assemblers and Fabricators	30	$15.40	$32,020	$14.70	$30,570
51-3011	Bakers	240	$20.62	$42,890	$20.12	$41,850
51-3021	Butchers and Meat Cutters	40	$22.05	$45,860	$22.04	$45,850
51-3092	Food Batchmakers	60	$18.84	$39,190	$18.03	$37,500
51-4121	Welders, Cutters, Solderers, and Brazers	30	$33.64	$69,960	$30.28	$62,970
51-6011	Laundry and Dry-Cleaning Workers	360	$18.63	$38,750	$18.57	$38,630
51-8031	Water and Wastewater Treatment Plant and System Operators	110	$26.02	$54,120	$27.09	$56,340
51-9111	Packaging and Filling Machine Operators and Tenders	30	$14.84	$30,860	$14.80	$30,770
51-9195	Molders, Shapers, and Casters, Except Metal and Plastic	N/A	$22.01	$45,790	$19.49	$40,540
51-9198	Helpers--Production Workers	40	$17.30	$35,980	$16.64	$34,600
53-0000	**Transportation and Material Moving Occupations**	**5,140**	**$19.34**	**$40,230**	**$17.68**	**$36,770**
53-1047	First-Line Supervisors of Transportation and Material Moving Workers, Except Aircraft Cargo Handling Supervisors	280	$32.39	$67,370	$29.13	$60,600
53-2012	Commercial Pilots	30	N/A	N/A	N/A	N/A

Occupational Employment and Wage Data, May 2020 - Maui MSA

SOC Code	Occupational Title	Employment	Mean		Median	
			Hourly	Annual	Hourly	Annual
53-3031	Driver/Sales Workers	210	$16.16	$33,620	$12.50	$26,010
53-3032	Heavy and Tractor-Trailer Truck Drivers	230	$25.46	$52,960	$25.53	$53,100
53-3033	Light Truck or Delivery Services Drivers	490	$18.71	$38,920	$18.38	$38,240
53-3052	Bus Drivers, Transit and Intercity	120	N/A	N/A	N/A	N/A
53-3058	Passenger Vehicle Drivers, Except Bus Drivers, Transit and Intercity	350	$16.77	$34,880	$15.12	$31,450
53-5021	Captains, Mates, and Pilots of Water Vessels	130	$23.58	$49,040	$23.22	$48,290
53-5022	Motorboat Operators	N/A	$25.02	$52,040	$23.68	$49,260
53-6021	Parking Attendants	220	$14.26	$29,660	$12.10	$25,180
53-6031	Automotive and Watercraft Service Attendants	80	$15.22	$31,660	$14.30	$29,740
53-6061	Passenger Attendants	N/A	$16.26	$33,830	$15.10	$31,400
53-7061	Cleaners of Vehicles and Equipment	340	$14.30	$29,750	$13.66	$28,410
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	650	$19.36	$40,280	$20.25	$42,110
53-7064	Packers and Packagers, Hand	N/A	$17.70	$36,820	$18.17	$37,780
53-7065	Stockers and Orders Fillers	860	$17.13	$35,620	$16.32	$33,950
53-7081	Refuse and Recyclable Material Collectors	N/A	$25.67	$53,380	$25.77	$53,600

Data is prepared by Dept. of Business, Economic Development & Tourism, Labor Research Branch (OEWS) in cooperation with BLS.
N/A = Estimate is not available.

**This wage is equal to or greater than $100.00 per hour or $208,000 per year.*

Notes: Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.

Annual wages have been calculated by multiplying the hourly mean wage by a "year-round, full-time" hours figure of 2,080 hours; for those occupations where there is not an hourly mean wage published, the annual wage has been dirctly calculated from the reported survey data.

Wages for some occupations that do not generally work year-round, full time, are reported either as hourly wages or annual salaries depending on how they are typically paid.

From: Chase Amouyal <chaseamouyal@kiheicharter.org>
Sent: Wednesday, November 17, 2021 1:16 PM
To: County Clerk
Subject: Bill 135

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OFFICE OF THE
COUNTY CLERK

You don't often get email from chaseamouyal@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. . .

Thank You so much for attempting to save our coral reefs,I truly do appreciate you helping the coral reefs for our future generations. It will possibly restore the coral reefs in maui forever, think of the next time you go snorkeling in 5 years from now, the coral reefs won't be worse than they are now, Because the reefs are our most important attractions to the eye because they are so beautiful.

Sincerely,
Chase A. 7B kihei charter school.

From: Luz Arnal <luzarnal@kiheicharter.org>
Sent: Wednesday, November 17, 2021 1:14 PM
To: County Clerk
Subject: My support for Bill 135

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You don't often get email from luzarnal@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. When I look at the Bill and the way that the authors consider other people including the ecosystem, I am grateful because they are willing to help. These people are educated and know the consequences of what would happen if there were to be thousands of people every year buying sunscreen and being in the ocean. classmates and I have been learning about the effects and threats from this problem. I believe that if we have the ability and opportunity to conserve coral reefs, we should. Consumers sometimes don't know about the effects of non reef safe sunscreen. Because of this, little attention has been given to the effects of sunscreen; over 70% of coral from the entire world has been bleached. When people snorkel they mostly go places with amazing coral and beautiful colors but over time the coral gets bleached and loses all of the colors and fish. Losing the profit from tourists and killing of the ocean. If we banned these chemicals, the ocean would be safer and people and ocean ecosystems would be healthier. The amazing coral reefs would 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

Opposition to Bill 135

Dear Maui County Council Members,

Mahalo for your concern about maintaining the beauty of Hawaii. With that said, my opposition to Bill 135 and my concern is that mineral only sunscreens would result in less access for the public that would result with negative health outcomes in the long-run. Only mineral ingredients in sunscreens may result with more expensive sunscreens/sunblock for sale that would result with less people using necessary sun protection. This is a equity issue- most people might not be able to afford more expensive sunscreens. In future years we may find a higher diagnosis of various types of skin cancer.

Mahalo,
Cynthia Au
1073 Kinau Street
Honolulu, HI 96814

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COUNTY CLERK

County Clerk

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From: Tamara A. Paltin
Sent: Thursday, November 18, 2021 12:09 PM
To: Cynthia Au; County Clerk
Subject: Re: Opposition to Bill 135

Thank you, I disagree they can wear a hat a or other forms of protection in that case these other chemical sunscreens are toxic to humans and our marine environment

Get Outlook for iOS

From: Cynthia Au <cynthiakyau@gmail.com>
Sent: Thursday, November 18, 2021 11:15:29 AM
To: County Clerk <County.Clerk@mauicounty.us>
Subject: Opposition to Bill 135

You don't often get email from cynthiakyau@gmail.com. Learn why this is important

Opposition to Bill 135

Dear Maui County Council Members,

Mahalo for your concern about maintaining the beauty of Hawaii. With that said, my opposition to Bill 135 and my concern is that mineral only sunscreens would result in less access for the public that would result with negative health outcomes in the long-run. Only mineral ingredients in sunscreens may result with more expensive sunscreens/sunblock for sale that would result with less people using necessary sun protection. This is a equity issue- most people might not be able to afford more expensive sunscreens. In future years we may find a higher diagnosis of various types of skin cancer.

Mahalo,
Cynthia Au
Honolulu, HI 96814

County Clerk

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From: Derek Barona <derekbarona@kiheicharter.org>
Sent: Tuesday, November 16, 2021 12:01 PM
To: County Clerk
Subject: Bill 135 Testimony

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November 16, 2021

Dear Maui County Council,

I think Bill 135 is a great idea and here are some reasons why it should be enacted. Firstly this could make a big headstart in restoring our reefs and helping our ocean. Also this can keep our future generations from being deformed or having problems mentally or physically. We can make endangered species populations rise back up because they would have living homes they could survive off of. Then maybe in future we could enact this bill into other Hawaiian counties and make Hawai'i completely reefs safe.

I am writing to you today to express my support for Bill 135. . .

FRIENDS OF HANAUMA BAY

Dedicated to the conservation of coastal and marine environments, emphasizing stewardship of the natural resources of Hanauma Bay

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Council of the County of Maui
Regular Meeting of November 19, 2021 9:00 a.m.
Meeting Site: Online Only
via BlueJeans link https://maui.bluejeans.com/295235670

November 17, 2021

Re: STRONG SUPPORT OF BILL 21-135: A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO RPOHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS

Aloha Maui County Council,

On behalf of the Board of Directors of Friends of Hanauma Bay, mahalo for the opportunity to testify in strong support of Bill 21-135. Maui County led Hawai'i in the effort to ban chemical sunscreens in 2017, and we are pleased to add our support for Bill 21-135 which also prohibits their use.

This is the next important step to help ensure public health and the health of our fragile marine environments, further emphasized by the FDA's recent proposal to classify all non-mineral organic UV filters found in OTC sunscreens as Category II - Not Generally Recognized as Safe and Effective due to lack of evidence of their safety and effectiveness.

The Personal Care Product Industry has had more than 40 years to prove the safety and effectiveness of products containing non-mineral UV filters, yet still hasn't done so, because they simply aren't safe and effective. Enough is enough.

We applaud Maui County residents and the Maui County Council for your courageous leadership on this issue, and look forward to seeing similar sucessful efforts throughout our State.

Mahalo for considering our testimony. Please pass Bill 21-135!

Sincerely,
Lisa Bishop
President
(808) 748-1819

County Clerk

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COUNTY CLERK

From: S. Leihuanani Bissen <slbissen@gmail.com>
Sent: Friday, November 19, 2021 8:20 AM
To: County Clerk
Cc: S. Leihuanani Bissen
Subject: Strong Support for Aina Kupuna Bill 118

You don't often get email from slbissen@gmail.com. Learn why this is important

TO: Chair Alice Lee and Members of the Maui County Council

Aloha mai kakou,
On behalf of my Kupuna MOLOA KUKAHIKO (AUWELOA),
ALFRED KALAWAIANUI NAKOA
EDNA NAKOA(BISSEN)
and my children and grandchildren....

I strongly support the Aina Kupuna Bill 118 and seek your support in this matter. Mahalo for the countless hours and consideration you have already provided.

We mahalo you and send aloha to you and your lineage now and for always.
Mai Ka Pu'uwai,

Always with Aloha!
Sheron Leihuanani Bissen
808.855.8123
"Never forget who you are and where you come from"
wisdom from Violet Ho'okano Nakoa, my tutu!

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Testimony from the Hawaii Skin Cancer Coalition **Against**

Bill Number 135, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS"

To the Honorable Chair and Members of the Maui County Council:

The members of the Hawaii Skin Cancer Coalition voice our strong opposition to Bill #135, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS."

While the intent of this bill is to prevent the decline of our precious coral reefs, it may in fact have the opposite effect and promote coral decline for the following **reasons:**

1) Recent studies have identified that mineral sunscreens and the physical residue they leave in our ocean may cause more damage to coral reefs and are also damaging to marine life.

Additionally, this bill is premature as:

2) The EPA has convened a national committee of scientific experts to examine the ecological and human effects of sunscreens. The committee's recommendations are expected to be released in Spring 2022. The ban may countermand the findings of this national effort to examine the effects of sunscreen components and their constituent chemicals.

3) The ban may inadvertently create an illegal market for sunscreen products and booster disingenuous efforts to profit from illegally conferring reef-safety status on marketed sunscreens.

Finally:

4) The bill will remarkably reduce the effectiveness of currently marketed sunscreens to prevent sunburn, premature aging and skin cancers. Currently, skin cancer in the most common cancer type in the US with more than 5 million cases diagnosed each year for an average annual treatment cost of $8.1 billion.

The Hawaii Skin Cancer Coalition is a collaborative effort between concerned local organizations and businesses including, the University of Hawai'i Cancer Center, American Cancer Society, Hawaii Pathologists' Laboratory, the Friends of the University of Hawai'i Cancer Center, the Hawaii Dermatological Society, Kaiser Permanente, Kuakini Health System, the Hawaii Lifeguard Association, Queen's Healthcare Plan, the Hawaii Ophthalmological Society. All of these organizations share a common goal to help prevent skin cancer.

The Hawaii Skin Cancer Coalition's mission is to provide clear, concise messages on skin cancer prevention and early detection for both the public and health professionals based upon current and accurate information.

REFERENCES:

1) Fel, JP., Lacherez, C., Bensetra, A. *et al.* Photochemical response of the scleractinian coral *Stylophora pistillata* to some sunscreen ingredients. *Coral Reefs* **38,** 109–122 (2019). https://doi.org/10.1007/s00338-018-01759-4

   https://phys.org/news/2019-03-beaches-sunscreens-coral-reefs.html

   https://phys.org/news/2019-02-insufficient-evidence-sunscreen-coral-reefs.html

2) Environmental Impact of Currently Marketed Sunscreens and Potential Human Impacts of Changes in Sunscreen Usage | National Academies at:

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

3) Haereticus Environmental Laboratory (Not certified by the FDA or EPA for this function) at:
   https://haereticus-lab.org/protect-land-sea-certification-3/

4) Rogers HW, Weinstock MA, Feldman SR, Coldiron BM. Incidence estimate of nonmelanoma skin cancer (keratinocyte carcinomas) in the US population, 2012. JAMA Dermatol 2015; 151(10):1081-1086.

   Cancer Facts and Figures 2021. American Cancer Society. https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2021/cancer-facts-and-figures-2021.pdf. Accessed January 13, 2021.

   Stern, RS. Prevalence of a history of skin cancer in 2007: results of an incidence-based model. Arch Dermatol 2010; 146(3):279-282.

Thank you for the opportunity to submit testimony on behalf of the Hawaii Skin Cancer Coalition. For more information, please contact us at 808-284-9097.

Sincerely,

Kevin D. Cassel, DrPH
President
Hawaii Skin Cancer Coalition

County Clerk

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From: Deashia Lei Chang <deashialeichang@gmail.com>
Sent: Thursday, November 18, 2021 8:29 AM
To: County Clerk
Subject: Strong Support for ʻĀina kūpuna Bill 118

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

Aloha Chair Alice Lee & Members of the Council,

My name is Deashia Lei Chang and I am in STRONG SUPPORT of ʻĀina Kūpuna Bill 118 and it's amendments. This bill will allow many Hawaiian families to continue their legacy on their land, within their ʻohana. It will continue on the history of their ʻĀina that can be passed down for generations. This bill gives families the opportunity to afford to stay in their homes without being pushed out due to rising taxes.

Mahalo for the opportunity to make this be an option for families that have ʻĀina kūpuna. Mahalo Vice-Chair Keani Rawlins-Fernandez for presenting this bill.

Sent from my iPhone

County Clerk

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From: changnatasha <changnatasha@yahoo.com>
Sent: Thursday, November 18, 2021 10:01 PM
To: County Clerk
Subject: Strong Support for ʻĀina Kūpuna Bill 118

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Aloha! Im in front support for the 'Aina Kupuna bill. Thank you for everyone's support. Let's make a difference for our people. Mahalo

Sent from my Galaxy

County Clerk

From: Nicole Critchlow <nicolecritchlow@kiheicharter.org>
Sent: Friday, November 19, 2021 9:07 AM
To: County Clerk
Subject: Support for Bill 135

You don't often get email from nicolecritchlow@kiheicharter.org. Learn why this is important

Dear Maui County Council,

I am writing to you today to express my support for Bill 135:

People don't realize how bad the effects of non reef safe sunscreen is. Up to 6,000 tons of sunscreen are estimated to wash into coral reefs around the globe each year. Most of that is full of Homosalate and Parabens, which aren't only bad for the environment, but also bad for you, with inhaling non reef sunscreen is even worse than it seeping into your skin. In fact, says Craig A. Downs, Ph.D., executive director of the nonprofit Haereticus Environmental Laboratory, though oxybenzone and octinoxate are the most widely studied, there are several other chemicals used in sunscreens and other personal care products that research suggests might be an environmental threat. This is why I fully support Bill 135.

Sincerely,
Nicole Critchlow
7th Grade, Kihei Charter School

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County Clerk

From: Luella Crutcher <luellacrutcher@yahoo.com>
Sent: Thursday, November 18, 2021 6:12 PM
To: County Clerk
Subject: 'Aina Kupuna Bill 118

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

Dear Chairman Lee and members of the Council, Thankyou so much for addressing this long-standing issue by establishing new ordinance that provides tax relief for lands dedicated as 'Aina Kupuna and your support for the bill and amendments.
Sincerely,
Luella Nohea Chang Crutcher

Sent from my iPhone

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In Support of Maui's Bill 135 (2021) to Prohibit the sale, use or distribution of non-mineral sunscreens

Joseph C. DiNardo, MS - Toxicologist

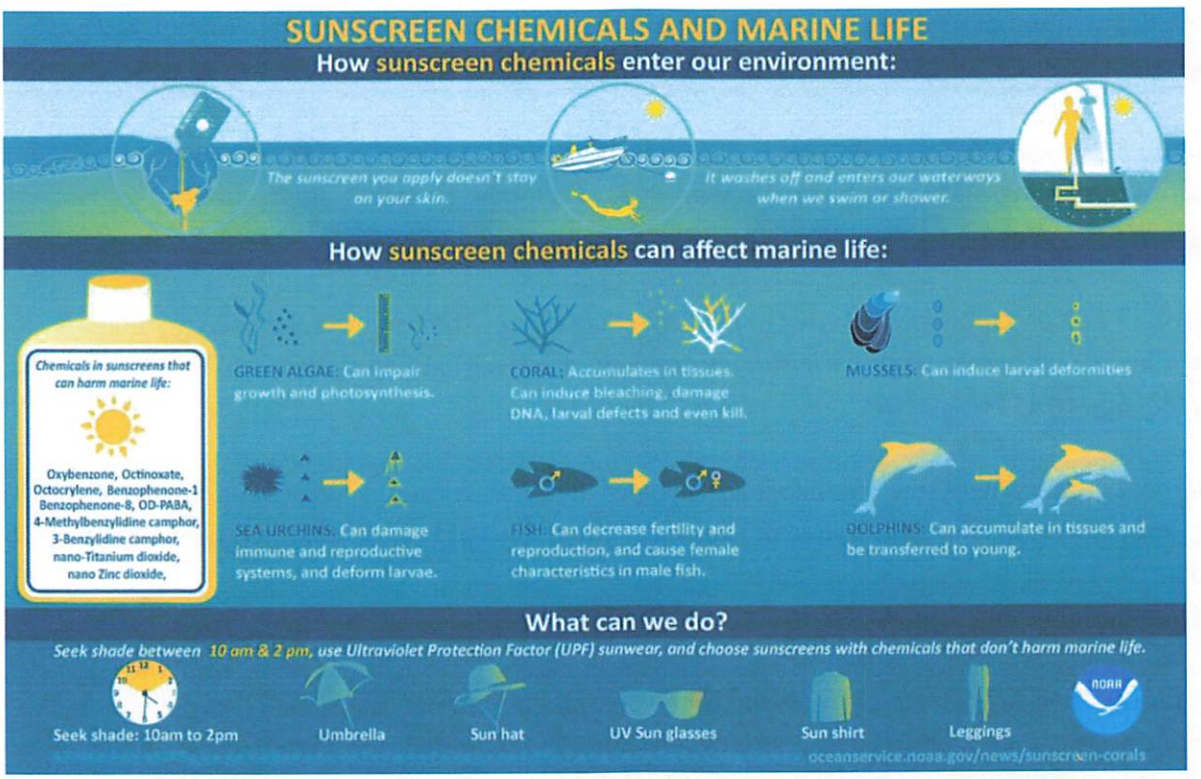
November 18, 2021

I would like to thank the Council of the County of Maui for the opportunity to comment on this very important environmental and human health bill relating to non-mineral sunscreens (organic sunscreen actives). The following 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.

Below are the references to a number of scientific publications, citizen petitions and critiques on studies that my colleagues and I have published demonstrating the toxicity of various organic sunscreen actives currently under FDA scrutiny. Not only are these chemicals toxic to the environment but also clearly toxic to human life and should not be allowed for sale.

Additionally, I would like to reiterate that the U.S. National Oceanic and Atmospheric Administration (NOAA) has already recognized that several sunscreen actives not only harm coral but also cause damage to algae, mussels, sea urchins, fish and dolphins.

https://oceanservice.noaa.gov/news/sunscreen-corals.html



Please support Bill 135 (2021) prohibiting the sale, use or distribution of non-mineral sunscreens to protect Maui's aquatic life and citizens.

Mahalo!

Scientific Publications:

1) C.A. Downs, Elizabeth Bishop, M. Silvia Diaz Cruz, S. Abbas Haghshenas, Didier Stien, Alice M.S.Rodriguese, Cheryl M.Woodley, Adrià Sunyer-Caldú, Shadan Nasseri Doust, William Espero, Gene Ward, Aref Farhangmehr, S. Maryam Tabatabaee Samimi, Michael J. Risk, Philippe Lebarone, Joseph DiNardo. Oxybenzone contamination from sunscreen pollution and its ecological threat to Hanauma Bay, Oahu, Hawaii, U.S.A. In Press Journal Pre-proof Available at https://www.sciencedirect.com/science/article/abs/pii/S004565352103352X

2) Downs CA, DiNardo JC, Stien D, Rodrigues AMS, Lebaron P. Correspondence: Response to the Letter to the Editor by Dr. Christian Surber. Chem Res Toxicol. 2021 Aug 11. doi:10.1021/acs.chemrestox.1c00217.

3) DiNardo JC, Downs CA. Failure to Protect: Do Sunscreens Prevent Skin Cancer in Humans? Toxicol: Open Access 2021, 7:3-8 Available at https://www.omicsonline.org/open-access/failure-to-protect-do-sunscreens-prevent-skin-cancer-in-humans.pdf

4) Downs CA, DiNardo JC, Stien D, Rodrigues AMS, Lebaron P. Benzophenone accumulates over time from the degradation of octocrylene in commercial sunscreen products. Chem. Res. Toxicol. 2021, 34, 4, 1046–1054. DOI: 10.1021/acs.chemrestox.0c00461

5) DiNardo JC, Downs CA. Fall from GRASE: The Sunsetting of the Sunscreen Innovation Act. American Journal of Dermatological Research and Reviews. 2021, 4:39. DOI: 10.28933/ajodrr-2020-12-2805. Available at https://escipub.com/Articles/AJODRR/AJODRR-2020-12-2805.pdf

6) DiNardo, J.C. Correspondence: Letter to the Editor regarding "The banned sunscreen ingredients and their impact on human health: a systematic review". Int J Dermatol. August 15, 2020, 60:e19 https://doi.org/10.1111/ijd.15087

7) DiNardo, J.C. and Downs, C.A.; Should a Toxicological Risk Assessment of Ubiquitous Chemicals Be Done Using Data From Only One Source of Exposure? Open Acc J of Toxicol. 2020; 4(2):555633. DOI: 10.19080/OAJT.2020.04.555633. Available at https://juniperpublishers.com/oajt/pdf/OAJT.MS.ID.555633.pdf

8) DiNardo, J.C. and Downs, C.A.; Why Evaluate the Sunscreen Active Oxybenzone (Benzophenone-3) for Carcinogenicity and Reproductive Toxicology or Consider it Unsafe for Human Use? Dermatol Res 2019; 1:1-3. Available at http://scivisionpub.com/pdfs/why-evaluate-the-sunscreen-active-oxybenzone-benzophenone3-for-carcinogenicity-and-reproductive-toxicology-or-consider-it-unsafe-f-932.pdf

9) DiNardo, J.C. and Downs, C.A.; Can Oxybenzone Cause Hirschsprung's Disease? Reprod Toxicol. 2019 Jun;86:98-100. doi: 10.1016/j.reprotox.2019.02.014.

10) DiNardo, J.C. and Downs, C.A.; Should We Use Products Containing Chemical UV Absorbing Sunscreen Actives on Children? Clin Dermatol Res J 2019, 4:1-2. https://www.scitechnol.com/peer-review/should-we-use-products-containing-chemical-uv-absorbing-sunscreen-actives-on-children-Y0cB.php?article_id=9314

11) DiNardo, J.C. and Downs, C.A.; Dermatological And Environmental Toxicological Impact Of The Sunscreen Ingredient Oxybenzone (Benzophenone-3). J Cosmet Dermatol, 2018 Feb;17(1):15-19.

FDA and National Toxicology Program Communications:

12) FDA-1978-N-0018-15832 Comments on Proposed 2019/2021 Sunscreen monograph (November 11, 2021) https://www.regulations.gov/comment/FDA-1978-N-0018-15832

13) FDA-2021-P-0985 (September 9, 2021) HI, CA, FL and VI Citizen Petition on 3 Toxic O's https://www.regulations.gov/search?filter=FDA-2021-P-0985

14) FDA-2021-P-0508-0001 Remove Octocrylene Products from Store Shelves Petition (August 5, 2021): https://www.regulations.gov/document/FDA-2021-P-0508-0001

15) FDA-2021-P-0680-0001 Remove Octocrylene from Category III to Category II Petition (June 3, 2021): https://www.regulations.gov/document/FDA-2021-P-0680-0001

16) FDA-2020-P-1297 SPF 30+ Petition (April 17, 2020): https://www.regulations.gov/search?filter=FDA-2020-P-1297

17) FDA-1978-N-0018-1508 (April 5, 2019) – Toxicological Review (350 – 400 references noted) … https://www.regulations.gov/search/comment?filter=FDA-1978-N-0018-1508

18) FDA-1978-N-0018-1081 (March 11, 2019) – General Sunscreen Comments (29 references noted) … https://www.regulations.gov/search/comment?filter=FDA-1978-N-0018-1081

19) National Toxicology Program (NOVEMBER 19, 2019) – Carcinogenicity Testing on Oxybenzone https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2019/december/publiccomm/dinardo20191119_trprp_508.pdf

20) National Toxicology Program (September 21, 2021) – Modified One-Generation Reproductive Toxicity Testing on Oxybenzone https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2021/october/publiccomm/dinardo_oxybenzone20210928_trprp_508.pdf

21) National Toxicology Program (September 21, 2021) – Modified One-Generation Reproductive Toxicity Testing on Octinoxate https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2021/october/publiccomm/dinardo_octinoxate20210928_trprp_508.pdf

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County Clerk

From: Denis Dudley <DKLD@rogers.com>
Sent: Thursday, November 18, 2021 8:29 PM
To: County Clerk
Subject: Re: Bill 135(2021)
Attachments: EXECUTUVE SUMMARY - Update on Bill 135 (2021) in Hawaii.docx; 10 ESTABLISHED FACTS ABOUT SOLUBLE ORGANIC UV FILTERS.docx

You don't often get email from dkld@rogers.com. Learn why this is important

To the County Clerk,
Maui County:
Please find attached two documents that provide a medical perspective on why Sunscreens that use Petrochemical or Soluble UV Filters are NEITHER SAFE NOR EFFECTIVE, and as they are non-biodegradable they pollute, harm and bioaccumulate in the entire global environment, including humans and wildlife. I do hope you will enter them into the record and consider them in your deliberations.

Yours truly,
Dr. Denis K. L. Dudley MD, FRCS(C).
Mobile: 613-292-8457.

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County Clerk

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From: ALISON Ferguson <ferguson.ali@gmail.com>
Sent: Friday, November 19, 2021 6:53 AM
To: County Clerk
Subject: In Support of Maui County Bill 135 (2021)

You don't often get email from ferguson.ali@gmail.com. Learn why this is important

Dear Honorable Maui County Councilmembers,

I am a frequent and long time visitor to the Hawaiian Islands. I am in strong support of Bill 135 prohibiting the sale, use, or distribution of non-mineral sunscreens that have questionable effects on the health of humans and marine life. On September 24, 2021, the 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 sulisobenzone.

It is in the people's best interest that we apply the Precautionary Principle which asserts 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.

Sincerely,

Alison Ferguson

1078 Peninsula St

Ventura CA 93001

County Clerk

From: BJ Fogg PhD <bjfogg@stanford.edu>
Sent: Wednesday, November 17, 2021 12:14 PM
To: County Clerk
Subject: Bill 135 -- My written testimony

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You don't often get email from bjfogg@stanford.edu. Learn why this is important

I'm a resident of Maui. I surf in south Maui about 150 times a year, usually wearing sunscreen.

I strongly support the proposal to prohibit non-mineral sunscreens on our island.

In addition, I believe we need to be clearer about which sunscreens are actually "reef safe" as opposed to "reef friendly" or other confusing terms.

Here's my story of failure . . .

I have a Ph.D. from Stanford, and I'm a good researcher. I've tried to buy and use only "reef safe" sunscreen. But this week I learned I've made mistakes.

Over the last year or so, I purchased 12 brands of sunscreen. I got them all out today and looked at the ingredients carefully. I was bewildered to learn that 5 of the 12 products were NOT reef safe. I thought they ALL were. (In fact, one brand I bought at the surf shop says "reef safe" on it but yet contains 7% octinoxate.)

Please take steps to limit the sale of sunscreens that are not reef safe. Also, if there's a way to do so, let's stop people from bringing damaging sunscreens to Maui when they visit.

Thank you,

BJ Fogg, PhD
Adjunct Faculty, Stanford University
bjfogg@stanford.edu

Maui Resident, living at 4955 Makena Road, Kihei

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November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. I strongly believe that this bill will further help not only to protect the beautiful coral reefs but the community around us here in Maui. The Chemicals stated in Bill 135 are in 3,500 products today. Non-reef safe sunscreen is killing marine life and our bodies, we need to stop this now. These chemicals disrupt the reproduction of marine life. I believe bill 135 will have a positive impact on marine life. ¨Let's say 10% of Maui and visitors get in the ocean each day, maybe 14,000 people; now let's imagine half of those people put on about one ounce of sunscreen, or half of the bottle that goes into the ocean affects marine life and the community. No matter what sunscreen you use, it will eventually go into the ocean. Hawaii's environment is being severely impacted by non reef safe sunscreen. Again, I'd like to restate my support for bill 135 to ban the use, sale, and distribution of non-reef safe sunscreen.

Sincerely,

Arayanna Foster
7th Grade at Kihei Charter Middle School

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November 18, 2021

Aloha Council Chair Lee and Maui County Council Members,

I am one of your nextdoor neighbors living on the island of Hawai'i. As such, I share your concern for the health of our ocean and the stress placed on our living corals by climate change and the pollution of our near shore waters. I was excited to hear about Maui County Bill 135 and wanted to add my support for the passage of this bill prohibiting the sale, use, or distribution of non-mineral sunscreens that have questionable effects on the health of humans and marine life.

I understand that on September 24 of this year, the FDA issued a proposed order naming two minerals products- zinc oxide and titanium oxide – to be generally recognized as safe and effective. The rest of the products do not seem to have enough data to support that classifiction.

I think it is in all of our best interest if the Precautionary Principle is followed in this instance leaving the burden of proof for potentially harmful actions by industry resting on the asssuraance of safety, and when there are threats of serious damage, uncertainty be resolved in favor of prevention.

I thank you and hope you will support this bill as the consequences of do anything other will be dire for our marine life and for the quality of our own lives in this beautiful and fragile environment.

Sincerely,

JoAnn Bishop Freed
73-1166 Mahilani Drive
Kailua Kona, HI 96740

County Clerk

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COUNTY CLERK

From: Hana Freet <hanafreet@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:16 PM
To: County Clerk
Subject: Testimony for Bill 135

You don't often get email from hanafreet@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. I believe that this bill will help not only our coral reefs but everything around us. The chemicals stated in Bill 135 are in over 3,500 products today, and the products with these chemicals in them are mostly from big manufacturers that are known all across the U.S. At ʻĀhihi Bay, these chemicals have been found at 14 times the "safe" levels for coral to survive. If this bill is not passed, then that number will keep going up not only at ʻĀhihi Bay but all around Maui and the Hawaiian Islands. If this bill is passed, then the smaller companies that are selling mineral-based sunscreen products will get better sales than they had before and our coral reefs will have a better chance of survival. When the chemicals stated in Bill 135 are put into the water, they are killing the coral and stopping the coral's ability to reproduce. Not only when you apply sunscreen at the beach, but when you spray sunscreen anywhere on the islands, it will eventually come off and end up in the ocean from runoffs, rivers, and drains. Again, I'd like to restate my support for Bill 135 to ban the use, sale, and distribution of non-reef safe sunscreen in Maui County.

Sincerely,

Hana Freet
7th Grade
Kihei Charter Middle School

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November 18, 2021

The Honorable Alice Lee
Chair, Council of the County of Maui
Kalana O Maui Building, 8th floor
200 S. High Street
Wailuku, Hawai'i 96793

RE: OPPOSITION – Legislation Banning the Sale, Use, and Distribution of Non-Mineral Sunscreens (Bill No.135)

Dear Chair Lee,

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter (OTC) medications, dietary supplements, and consumer medical devices, I am writing to express strong opposition to (Bill No.135) – a proposed ordinance seeking to prohibit the sale, use, or distribution of non-mineral sunscreen.

CHPA is the leading voice fighting to ensure that Americans have access to safe and effective OTC medications to get well, stay healthy and – as the case with sunscreens – prevent serious illness. Our mission is to empower self-care by preserving and expanding choice and availability of consumer healthcare products, including both mineral and non-mineral sunscreens, so that consumers can live happier, healthier lives through responsible self-care.

Unfortunately, removing consumer access to the most popular safe and effective skin cancer-preventing sunscreens on the market today – as described in the proposed ordinance – runs contrary to these ideals and will adversely impact the health and welfare of Maui residents and its visitors.

Sunscreens Are Safe, Effective and Save Lives

Sunscreen ingredients currently approved by the U.S. Food and Drug Administration (FDA) are commonly used to block the full range of ultraviolet rays that are linked to skin cancer – one of the most common, yet preventable forms of cancer in the world according to the World Health Organization (WHO). Eliminating sunscreen options for consumers needlessly increases the risk of skin cancer for residents and visitors of Maui. In fact, the American Cancer Society estimates that melanoma will be one of the leading causes of new cancer cases in Hawai'i in 2021.

The State of Hawai'i remains the only American state to have banned the sale of sunscreens containing oxybenzone and octinoxate. Needlessly expanding this ban in Maui to include all non-mineral sunscreens inaccurately depicts sunscreen ingredients as harmful to coral reefs and other marine life; a position that is contrary to the scientific consensus that rising sea temperatures as a result of global warming are the primary cause of coral decline, and that global warming, land pollution, and other human activities are the primary causes of coral bleaching around the world.

Given the decades of safe and effective use by humans and the lack of convincing scientific evidence that sunscreens are responsible for environmental and marine decline, we strongly oppose this proposed legislation. Consumer access to sunscreen products containing a broad variety of ingredients, especially in a state with the highest rate of melanoma cases attributed to UV exposure, is a matter of public health. For these reasons, we oppose passage of CR 21-113.

Food and Drug Administration (FDA) Will Evaluate The Potential Environmental Impact of Non-Mineral Sunscreens

FDA has noted that they intend to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act to evaluate the potential environmental effects of revised conditions for marketing certain sunscreen products for OTC use without prior approval of a new drug application. In preparing the EIS, FDA must complete a record of decision stating the full decision, identifying and discussing the alternatives considered, state whether all practical means to avoid or minimize the environmental harm have been adopted, and summarize the program for monitoring and enforcing the practical means adopted. There is no mandate that certain decisions be made (or not made) based on the EIS, just that the impact and alternatives be discussed.

Sunscreen Bans by Local Government in Hawai'i May Be Illegal

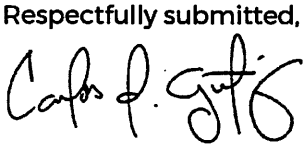
In 2017, the Maui County Department of the Corporation Counsel advised the Maui Council of legal issues that may apply with proposed ordinances seeking to ban specific sunscreens. Specifically, the Department of Corporation Counsel suggested that such an ordinance may, in fact, be preempted by both State and Federal law. Additionally, the Department warned the Council that a local sunscreen ban may also conflict with the federal Commerce Clause, and therefore could trigger a legal challenge. The Hawai'i Revised Statutes (HRS) broadly authorizes the Hawai'i Department of Land and Natural Resources (DLNR) to regulate and oversee "near-shore waters." Since Maui County's powers are derived from the State of Hawai'i, HRS, and the amended Charter of Maui County in 1982, a sunscreen sales ban is likely invalid. Sunscreen regulation in Hawai'i, therefore, should be left to the Hawai'i legislature as it was when the county contemplated a similar ban of oxybenzone and octinoxate containing sunscreens a few years ago.

Conclusion

CHPA respectfully requests you oppose any policy that bans the sale, use, or distribution of non-mineral sunscreens. A decision of this magnitude deserves a deliberative discussion and examination of all potential consequences – including the health of Maui residents and visitors.

Thank you for your consideration and please feel free to contact me directly with any questions.

Respectfully submitted,



Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association

(202) 429-3521 | cgutierrez@chpa.org

Cc: Keani Rawlins-Fernandez, Council Vice-Chair
Tasha Kama, President Officer Pro Tempore
Gabe Johnson, Councilmember
Kelly Takaya King, Councilmember
Mike Molina, Councilmember
Tamara Paltin, Councilmember
Shane Sinenci, Councilmember
Yuki Lei Sugimura, Councilmember
Office of the County Clerk

County Clerk

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From: Madilyn Hays <madilynhays@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:06 AM
To: County Clerk
Subject: My Support for Bill 135

You don't often get email from madilynhays@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. It is a very serious situation. Levels of chemicals in ʻĀhihi Bay have been found at 868 parts per trillion, or fourteen times the "safe" levels for coral to survive the natural area reserve states. Oxybenzone, octocrylene and octinoxate are the primary sunscreen ingredients of concern. Zinc and titanium dioxide are mineral ingredients that are good for your body and the coral reefs by the Food and Drug Administration. Bill 2571 banned only two of the many ingredients that harm the reefs. Companies making non reef safe sunscreen products falsely advertise that they are "reef friendly" when they state that there is no oxybenzone in their ingredients. They might not have oxybenzone in the sunscreen, but that doesn't apply to other toxic chemicals. Not only are these toxic chemicals bad for the environment, but they can be bad for yourself. Tourists might go to a shop and spot a "reef friendly" sunscreen and think about how much they want to help the reefs and blindly hurt them. That is why I am in strong favor for supporting Bill 135.

Sincerely,

Madilyn Hays
Kihei Charter School, 7th grade

County Clerk

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From: Eli Hazlet <elihazlet@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:04 AM
To: County Clerk
Subject: Testimony for bill 135

You don't often get email from elihazlet@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you this letter to express my support for Bill 135 and why I think you should make it a law. I get it why make more work and a new law, well I am here to try to convince you that it is worth the work. This law will support the reef and Maui in general to last longer. Think about it, if we want to live here we have to respect the ocean and **OUR** own Island. I emphasize that it is ours because we live here. This law won't just help the reef and the land but it will help us. The work will be worth it. I assure you this will help Maui last dozens of years longer. Yes, maybe you have to do some work but think about it in the long term. Have you ever bought reef safe sunscreen? Well sorry to break it to you but that was probably a lie. There are dozens of chemicals that are harmful to the reef but in Bill 2571 we only ban two. We need 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 thousands of sunscreen companies and might put a lot of them out of business but If we don't make it a law, it will put thousands more in crisis. If we don't have a reef, tourists won't come to admire it and in Maui, that is our main source of income and in all of Hawaii. I hope I have made a good argument that convinces you to make this a law.

Thank you,
Eli Hazlet
7th grade Kihei Charter

ABC Stores
766 Pohukaina Street
Honolulu, Hawaii 96813-5391
www.abcstores.com

Telephone: (808) 591-2550
Fax: (808) 591-2039
E-mail: mail@abcstores.com

November 16, 2021

Honorary Chair and Members:

I am Curtis Higashiyama, Employee Relations and Government Affairs Manager representing ABC Stores.

We are asking for an extension of **Bill 135** beyond its effective date so doctors, healthcare providers and pharmacies can determine how sunscreen prescriptions will be handled. Among some of the questions are:

- What will be the structure for doctors to prescribe sunscreen?
- Will pharmacies carry the product behind the counter?
- Regulating prescription medications or over the counter drugs: Maui County's jurisdiction?
- Health insurance companies: Will the prescription for sunscreen be recognized when the FDA considers it an over the counter drug?

We are also requesting the following:

- The Council go back to the original wording that only banned oxybenzone and octinoxate, similar to the statewide ban that started on January 1, 2021.
- Further movement be put on hold until the National Academy of Science (NAS) completes their review of scientific literature of sunscreen's impact on both environmental and human health. The NAS should publish a report in Spring 2022 and will give decision makers guidance on how to approach sunscreen rulings.

Following are advisories/ recommendations by the FDA and DOH:

- The FDA recommended no changes to currently marketed sunscreens. The FDA is studying chemical UV filters in sunscreens, but does not recommend banning them for use.
- In a correspondence from the Hawaii DOH dated August 2, 2021: from a skin cancer/ human health perspective, it is NOT advisable to limit sunscreens to only zinc/ titanium.

Through 37 plus years in Waikiki I observed a need for sun care products, all types, not only zinc/ titanium. There will be a huge problem with satisfying the needs of those who are local and those visiting us if availability will only be at pharmacies. I personally do not see many pharmacies in resort areas or even in urban areas.

We would like to continue servicing our guests both locally and from abroad by providing them with choices in needed sun protection during their stay in Hawaii. As we who live here know, activities requiring sunscreen protection are not only for swimming, but also for other outdoor activities such as running, hiking, golfing, yardwork... Let's help minimize potential sun related health hazards for our people and guests of Hawaii due to limited choice and limited availability.

Honorary Chair and Members, again we ask that an extension is moved for Bill 135.

Thank you for allowing me the opportunity to share this testimony,

Curtis Higashiyama: Employee Relations & Government Affairs Manager

ABC Stores

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ABC Stores
766 Pohukaina Street
Honolulu, Hawaii 96813-5391
www.abcstores.com

Telephone: (808) 591-2550
Fax: (808) 591-2039
E-mail: mail@abcstores.com

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November 17, 2021

Honorary Chair and Members:

From: ABC Stores.

We are opposed to **Bill 135.**

Concerns involving the health care delivery system:

- There is no structure set up for the prescription of sunscreens.
- The jurisdiction of regulating prescription medications or over the counter drugs is not clear.
- Unclear how the health insurance companies will recognize a prescription for sunscreen when the FDA recognizes it as an over-the –counter drug.

We are also requesting the following:

- The Council go back to the original wording that only banned oxybenzone and octinoxate, similar to the statewide ban that started on January 1, 2021.
- Further movement be put on hold until the National Academy of Science (NAS) completes their review of scientific literature of sunscreen's impact on both environmental and human health. The NAS should publish a report in spring 2022 and will give decision makers guidance on how to approach sunscreen rulings.

Following are advisories/ recommendations by the FDA and DOH when considering Bill 135:

- The FDA recommended no changes to currently marketed sunscreens. The FDA is studying chemical UV filters in sunscreens, but does not recommend banning them for use.
- In a correspondence from the Hawaii DOH dated August 2, 2021: from a skin cancer/ human health perspective, it is NOT advisable to limit sunscreens to only zinc/ titanium.

While working for many years in Waikiki, there is an observable need for sun care products of all types, such as those found in some make-up and cosmetic products. Satisfying the needs and protecting the health of individuals requires consideration when reviewing Bill 135.

We would like to continue servicing our guests both locally and from abroad by providing them with choices in needed sun protection during their stay in Hawaii. As we who live here know, activities requiring sunscreen protection are not only for swimming, but also for other outdoor activities such as running, hiking, golfing, yardwork… Let's help minimize potential sun related health hazards for our people and guests of Hawaii due to limited choice and limited availability.

Thank you for allowing me the opportunity to share this testimony,

Curtis Higashiyama

Employee Relations & Government Affairs Manager

ABC Stores

County Clerk

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From: Mason Hu <masonhu@kiheicharter.org>
Sent: Thursday, November 18, 2021 12:21 PM
To: County Clerk
Subject: letter

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November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. This bill is very important to me and a lot of people. Throughout this school year, my classmates and I learned about the effects of non reef safe sunscreen. Apparently the non reef safe sunscreen is dangerous to coral and humans. A lot of non reef safe sunscreen says it is "reef safe" but it still contains oxybenzone and many other harmful chemical ingredients. At this current rate of coral bleaching, soon there will be no more coral reefs. If that happens the ecosystem will be in chaos. A lot of fish depend on coral reefs for food and protection. A lot of marine species will go extinct. Seventy percent of coral reefs are damaged. Coral in Hawaii grow very slowly and are dying faster every year. To try to stop this, everyone needs this bill to pass. If you know that coral reefs are dying at an extreme rate pass the bill. If this bill passes, this could be the start to completely banning non reef safe sunscreen around the globe. According to studies (at the current rate of bleaching) they estimate that in 2050, ninety percent of coral reefs will go extinct! If all the coral reefs go extinct, twenty five percent of all marine life will also go extinct because they rely on coral reefs. That is over one million marine species extinct and a billion would suffer from humans using the wrong sunscreen! Also millions of people would lose their food source with the lack of fish. If there are no reefs there would be no fish to fish and the economy would "take a major hit". The people who fish for a living would lose their jobs and would also starve because they probably have fish as their main diet. Fish is the number one consumed meat in the world by fifty two tons (over chicken). That would cause people to starve from hunger. Coral reefs also protect/shield coastlines from storms and erosion. Around fourteen thousand tons of sunscreen go into the ocean every year and a lot of it is deadly to coral reefs. Wrapping this all together, using reef safe sunscreen instead of non reef safe sunscreen is no doubt beneficial to marine life and to humans. Please pass this bill for everyone.

Sincerely,

Mason Hu
7A Kihei Charter

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2021 NOV 16 AM 11:02
OFFICE OF THE
COUNTY CLERK

Submitted by email to: county.clerk@mauicounty.us
Alice.Lee@mauicounty.us
Kelly.King@mauicounty.us

November 16, 2021

To: Council Chair Alice Lee and Maui County Council Members
RE: Proposed Bill 136

Ma`alaea Village Association (MVA) supports proposed Bill 136 to amend Chapters 19.04 and 19.12 of Maui County Code to provide clarification on terms and requirements for transient vacation rental (TVR) use in apartment districts and to add registration number requirement for advertisements.

MVA supports Council's efforts to ensure that all TVR's are legal and paying taxes appropriately. TVR owners/managers who do not comply with regulations or pay appropriate taxes hurt all TVR owners who operate within the law.

Sincerely,

Lyndon C. Ibele
President, Ma'alaea Village Association

Ma'alaea Village Association
P. O. Box 2122, Wailuku, HI 96793
maalaeavillageassociation@gmail.com

County Clerk

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2021 NOV 18 AM 8:47
OFFICE OF THE
COUNTY CLERK

From: pjtazzzz@aol.com
Sent: Thursday, November 18, 2021 8:39 AM
To: County Clerk
Subject: Aina kupuna Bill 18

You don't often get email from pjtazzzz@aol.com. Learn why this is important

Alice Lee and members of the Council,
Thank you all for your hard work and commitment to bettering the lives of our island.

I am in very strong support of this bill. These families love and work their land for the present and future generations of their families. It is unfair that they have been subjected to the taxes of the rich for all these years. Some have 3 jobs just to meet the taxation of their land and homes to be able to remain on their generational lands. Please pass this bill and show ALOHA to doing the right thing for these families.

Respectfully, Pam Ingram
Makawao

Sent from the all new AOL app for Android

From: Carol Irwin <bhtrailriders@icloud.com>
Sent: Thursday, November 18, 2021 4:09 PM
To: County Clerk
Subject: In Support of Sunscreen Bill , 135.

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2021 NOV 18 PM 4:13
OFFICE OF THE
COUNTY CLERK

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

For its second and final reading, November 19, 2021.
I can understand why retailers and the sunscreen/cosmetic companies would show resistance to the ban.
But that was their mistake to include non-FDA approved chemicals in their sunscreens and to market them.
That is the bottom line.
We must refuse potential harm to our culture, food supply and beautiful ocean life.
And know that we are Hawai'i. We are long time loyal residents, and we are the native born residents many of us with Island family beginnings in the 1800's, as my immigrant great great grandfather. And we are residents who honorably trace their Island entry from the first voyagers to our gracious Islands. This is all our heritage and we are compelled by our loyalty to defend our ancestral birthrite.
I know this strongly unified Committee, chaired by Councilmember King, along with strong council and very correctly compiled and committed data from Our Maui County, Our State of Hawaii, DLNR, on site littoral presence and management, as well as local agency data: will prevail.
I wish to thank you All for your Courageous Fight.
Warmest Aloha, Carol Irwin

Sent from my iPad

County Clerk

From: Jacob James <jacobjames@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:30 AM
To: County Clerk
Subject: Bill 135

You don't often get email from jacobjames@kiheicharter.org. Learn why this is important

Dear Maui Council

I am writing to you today to express my support for Bill 135

Bill 135 states the movement of banning Non-reef safe sunscreen. Section 1 of this bill states that even though the 2 main sunscreen ingredients were banned (oxybenzone and octinoxate) these are not the only chemicals that are harmful to the coral reefs. The bill states that the Maui Council has marked the 2 safe chemicals in sunscreen (zinc oxide and titanium dioxide) as Generally Recognized as safe AndEffective (GRASE). GRASE shows that the ingredients are safe and effective. Although these ingredients have been marked as GRASE, the Council has not yet accepted the other 12 chemicals to be GRASE. These chemicals are avobenzone, cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, oxybenzone, padimate O, and sulisobenzone. These ingredients are marked by companies and stores as "reef friendly" but not exactly "reef safe." These are the chemicals that are still impacting coral reefs. This Bill 135 is trying to ban these substances as they are still not safe for coral reefs or any other living organisms.

Sincerely
Jacob James
Kihei Charter School 7th Grade

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2021 NOV 17 AM 9:31
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County Clerk

From: Keiki Kawai'ae'a <kkawaiaea@gmail.com>
Sent: Thursday, November 18, 2021 8:08 PM
To: County Clerk
Subject: County Council Meeting 11/19 - Strong Support for 'Āina Kūpuna, Bill 118

You don't often get email from kkawaiaea@gmail.com. Learn why this is important

E nā hanohano o ka 'Aha Kalana o Maui, Chair Lee, Vice-Chair Rawlins-Fernadez and members of the Maui Council,
Aloha nui 'oukou;

My name is Keiki Chang Kawai'ae'a and I am writing to express my STRONG SUPPORT for the 'āina kūpuna tax dedication Bill 118. 'Āina kūpuna, are ancestral lands, a home or place that has been lived on and cherished for generations. It includes land in all forms and types, residential lots, agricultural and pastoral lands, beach and forests that can be traced back through genealogical ownership three or more generations. Those who claim 'āina kupuna can demonstrate visible or physical symbols of family continuity, use and or relationship with the land.

'Ohana with ancestral lands have deep rooted connections, aloha to place and have made important contributions to community through their genealogical, cultural, scientific, and historical ties to and with the land. For many 'ohana like ours, it has been an overwhelming challenge to hold on to 'āina kūpuna, especially due to the developing upscale high end speculation homes and development in Makena where our 'āina kūpuna are located.

Councilmember Rawlins-Fernandez has created a bill that addresses this long-standing problem. It is a landmark bill, that you the County Council have pulled together to support in its first reading. I am grateful, as is my family, for the hope that you have given us through support of Bill 118. I humbly ask for your continued support in the passing of Bill 118 in its final second reading.

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County Clerk

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COUNTY CLERK

From: Malina Keawe <danamalina@yahoo.com>
Sent: Thursday, November 18, 2021 1:29 PM
To: County Clerk
Subject: Testimony for ʻĀina Kūpuna initiative Bill 118

You don't often get email from danamalina@yahoo.com. Learn why this is important

I, Dana Keawe, support Bill 118 and I humbly ask to pass Bill 118 into law for the following important reasons:

Native Hawaiian and kamaʻāina families who have been able to maintain their ancestral lands for generations represent a foundation of Mauiʻs historical and cultural legacy, and help to maintain important connections to the past and to the ʻāina that have informed, and continue to inform, Mauiʻs social fabric and unique community values. This bill will help more of these families hold on to their ʻohana lands, especially amidst global real estate speculation, skyrocketing property values, and resulting property tax assessments that may exceed what many can afford. Accordingly, this measure will help to perpetuate Maui's historical and cultural legacy, and preserve that which has helped to make Maui and all of Hawaiʻi such a unique and special place to live.

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

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

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

Sincerely,
Dana Keawe

P.O. Box 437462 | Kamuela, Hawai'i 96743 | +1 808 887-6411 | Fax +1 808 885-6707 | kohalacenter.org

THE KOHALA CENTER

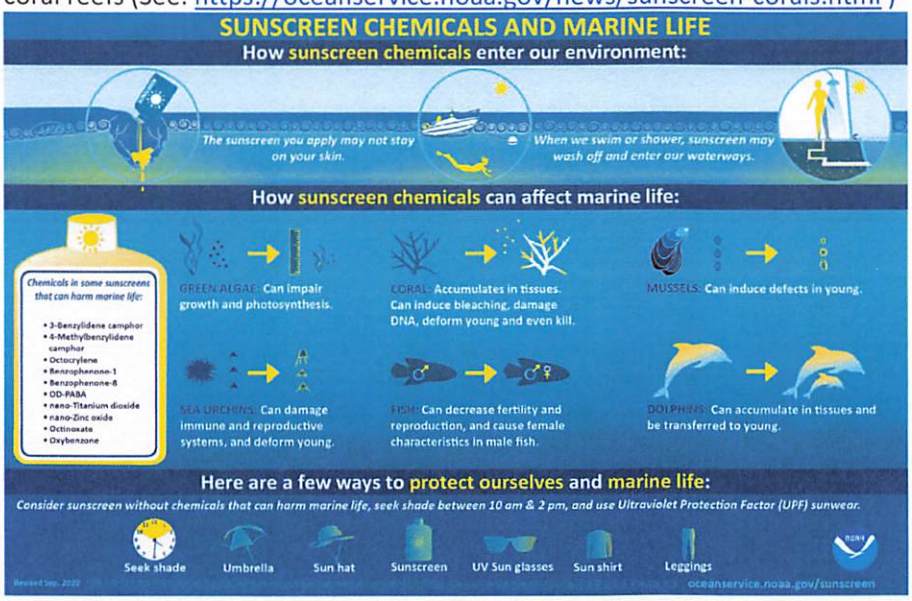
RECEIVED
2021 NOV 17 PM 3:16
OFFICE OF THE
COUNTY CLERK

To: Maui County Council
Re: Bill No. 135 A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS
Position: STRONG SUPPORT
Hearing Date: Friday, November 19, 2021, 9 a.m.

Aloha Honorable Alice L. Lee, Chair, Keani Rawlins-Fernandez Vice Chair, and Councilmembers

Coral reefs are intrinsic to Hawaiian culture and provide critical natural protection against coastal erosion and sea level rise and are a viable food source for our communities. Further, our coral reefs underpin our tourism industry, Hawai'i's vital economic engine. Currently, these reefs we depend on are at risk. Where people use marine environments as recreational resources, there is sunscreen pollution. Swimmers put on sunscreen products before they enter into the water and over a period of an hour much of that sunscreen will slough off, potentially contaminating the surrounding water. This is a grave concern because it has been reported in the scientific literature that non-mineral sunscreens can have irreversibly detrimental effects on marine life, including changes in fish behavior, damage to coral DNA and larvae, and the health of algae, fish, shellfish, urchins, and marine mammals.

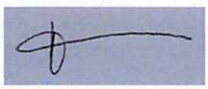
The National Oceanic and Atmospheric Administration has already recognized this existential threat to our coral reefs (See: https://oceanservice.noaa.gov/news/sunscreen-corals.html)



On September 24, 2021, the 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 sulisobenzone.

We ask your **strong support for Bill 135** prohibiting the sale, use, or distribution of non-mineral sunscreens that have **questionable effects on the health of humans and marine life** in alignment with **the Precautionary Principle which asserts 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,** affording us the opportunity to protect our environment and communities for future generations.

Sincerely,



Cynthia Punihaole Kennedy, Director
Kahalu'u Bay Education Center
a program of The Kohala Center

County Clerk

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2021 NOV 19 AM 7:57
OFFICE OF THE
COUNTY CLERK

From: p.keolanui@hawaiiantel.net
Sent: Friday, November 19, 2021 12:15 AM
To: County Clerk
Subject: Strong Support for ʻĀina Kūpuna Bill 118

You don't often get email from p.keolanui@hawaiiantel.net. Learn why this is important

Aloha Chair Alice Lee and Members of the Council,

Friday, November 19th is an important day for our 'ohana and for other families like ours in Maui County who are praying for the ʻĀina Kūpuna Bill 118 to pass! Without the support of this bill, I believe our family lands in Makena will be lost in this generation because of our inability to continue paying taxes that our beyond our means!

We continue to ask for your full support and especially the change to the ʻĀina Kūpuna bill on page 5, item B.6 from "the majority" to "at least one" resident of the County. This is especially important for those parcels that have multiple owners from different family lines, and for the future as lands continue to pass on to new generations who may not be able to afford to live and be a resident of Maui.

I would like to thank Councilwoman Keani Rawlins-Fernandez for the many months of hard work that she has put forth in introducing this bill and the Council for taking our concerns to heart by trying to establish a new ordinance that will provide tax relief for lands dedicated as ʻĀina Kūpuna. Your representation and support for Bill 118 and its amendments has truly meant so much to our 'ohana!

Much aloha to all you!

Puena (Chang) Keolanui

From: Angela Leone <ang[illegible]com>
Sent: Thursday, November 18, [illegible] PM
To: County Clerk
Subject: Opposition to TA Moratorium

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2021 NOV 18 PM 4:39
OFFICE OF THE COUNTY CLERK

You don't often get email from angie@coconutcondos.com. Learn why this is important

November 18th, 2021

Dear Maui County Councilmembers,

On behalf of Maui PRMA, the Vacation Rental Trade Council under the Maui Chamber of Commerce, we would like to **express our opposition to the proposed moratorium on transient accommodations, establishing chapters 19.98 and 20.41.**

PRMA, the Professional Rental Management Association, is a coalition of professional property management companies representing over 1600 **legally zoned condominium vacation rental units throughout Maui**. Our members are licensed in the State of Hawaii, engaged in the management of legal vacation rental properties, primarily condominiums, and comply with real estate license law and code of ethics. Our companies represent 216 years in business, employing nearly 200 employees and over 300 independent contractors and vendors.

The visitor industry supports so many other small businesses, contributing to our island's overall economic health. When this industry is stifled and suffers, jobs are lost and that creates broad waves of negative impacts that ripple throughout our community. When our industry was shut down during COVID, West Maui in particular saw unemployment rates in the 50%+ range with food lines that were 2-3 hours long. **Changes to our industry affect our local community, especially in the areas where many of the tourism related employees live and reside (West/South Maui).**

Ultimately, this will not stop visitors from traveling to Maui. We believe it will have other negative impacts such as reduced industry revenue and increased costs for guests, which could potentially lead to stays in illegal units at a time when we are trying to support legal vacation rentals and shut down illegal operations. The council and planning office have spent so much time and effort in establishing rules, permitting and oversight for legal vacation rentals. We would support continued efforts in allowing permitted transient accommodations to apply and operate in order to continue to collect GET & TAT revenue and reduce the number of illegal operators. **If there is no means for homeowners interested in pursuing legal permits, we run the risk of creating more illegal operators. At the end of the two years, this moratorium may create a bigger problem than when it started.**

On behalf of PRMA, we ask that you please focus your attention on the Maui Nui Destination Management Action Plan (DMAP) for the islands of Maui, Molokai, and Lanai. We would prefer to see the Council focus on efforts to support the DMAP and further this work instead of looking for ways to punish property owners and potentially inadvertently create more illegal vacation rentals.

We welcome any discussion with you or a member of your administration and can be contacted at Mauiprma@gmail.com.

Mahalo,

John Kevan
Angela Leone
Co-Founders of Maui Professional Rental Management Association (Maui PRMA)

County Clerk

From: Andrew Kohl <andrewkohl@kiheicharter.org>
Sent: Thursday, November 18, 2021 7:15 AM
To: County Clerk
Subject: support of bill 135 (banning the sale and use of non reef safe sunscreen)

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2021 NOV 18 AM 8:36
OFFICE OF THE
COUNTY CLERK

You don't often get email from andrewkohl@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135:

This is an important chance to help keep our coral reef ecosystem and community safe from harmful sunscreen chemicals. I believe that we should ban these harmful chemicals so our coral reefs can slowly start to heal and stop putting harmful chemicals on our bodies.

Sincerely,
Andrew Kohl 7A

Kiheicharter school

Virus-free. www.avast.com

County Clerk

From: Manuel Kuloloio <manuelkuloloio@gmail.com>
Sent: Thursday, November 18, 2021 1:30 AM
To: County Clerk; Alice L. Lee; Keani N. Rawlins; Gabe Johnson; Tasha A. Kama; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Cc: Manny Kuloloio; Ala
Subject: Written Testimony of Mr. Manuel Makahiapo Kuloloio IN SUPPORT of Bill 118 (2021) 'Aina Kupuna Lands: Regular Meeting of November 19, 2021, Council of the County of Maui, AGENDA M. ORDINANCES - SECOND AND FINAL READING

Some people who received this message don't often get email from manuelkuloloio@gmail.com. Learn why this is important

Aloha Chairperson Alice Lee, Vice-Chairperson Keani Rawlins-Fernandez, Councilman Gabe Johnson, Councilwoman Tasha Kama, Councilwoman Kelly King, Councilman Mike Molina, Councilwoman Tamara Paltin, Councilman Shane Sinenci, and Councilwoman Yuki-Lei Sugimura,

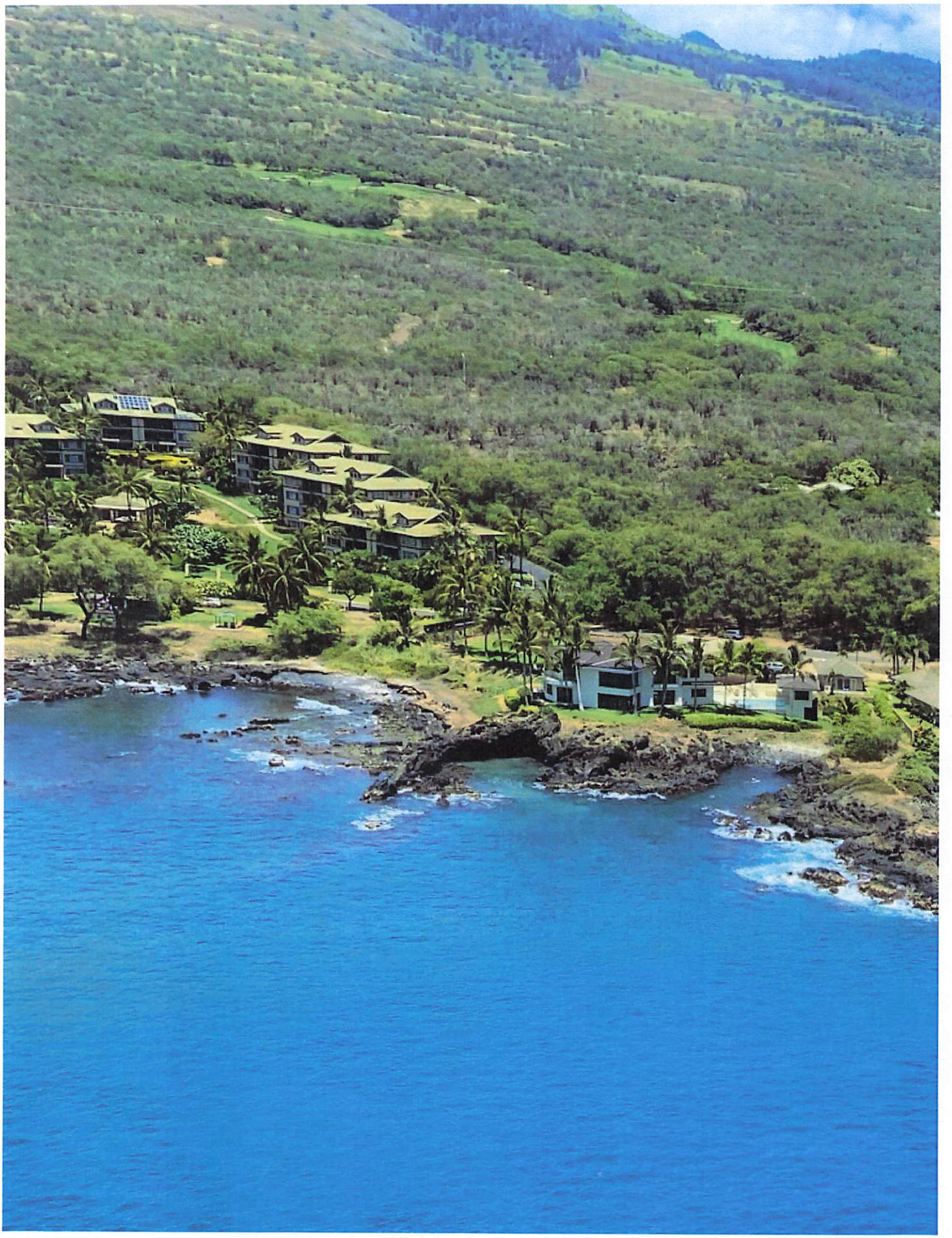
RE: **Written Testimony of Mr. Manuel Makahiapo Kuloloio in Support of Bill 118 (2021) Relating to Real Property Dedicated as 'Aina Kupuna:** Regular Meeting of November 19, 2021, Council of the County of Maui, AGENDA Item M. **ORDINANCES - SECOND AND FINAL READING Bill 118 (2021)**

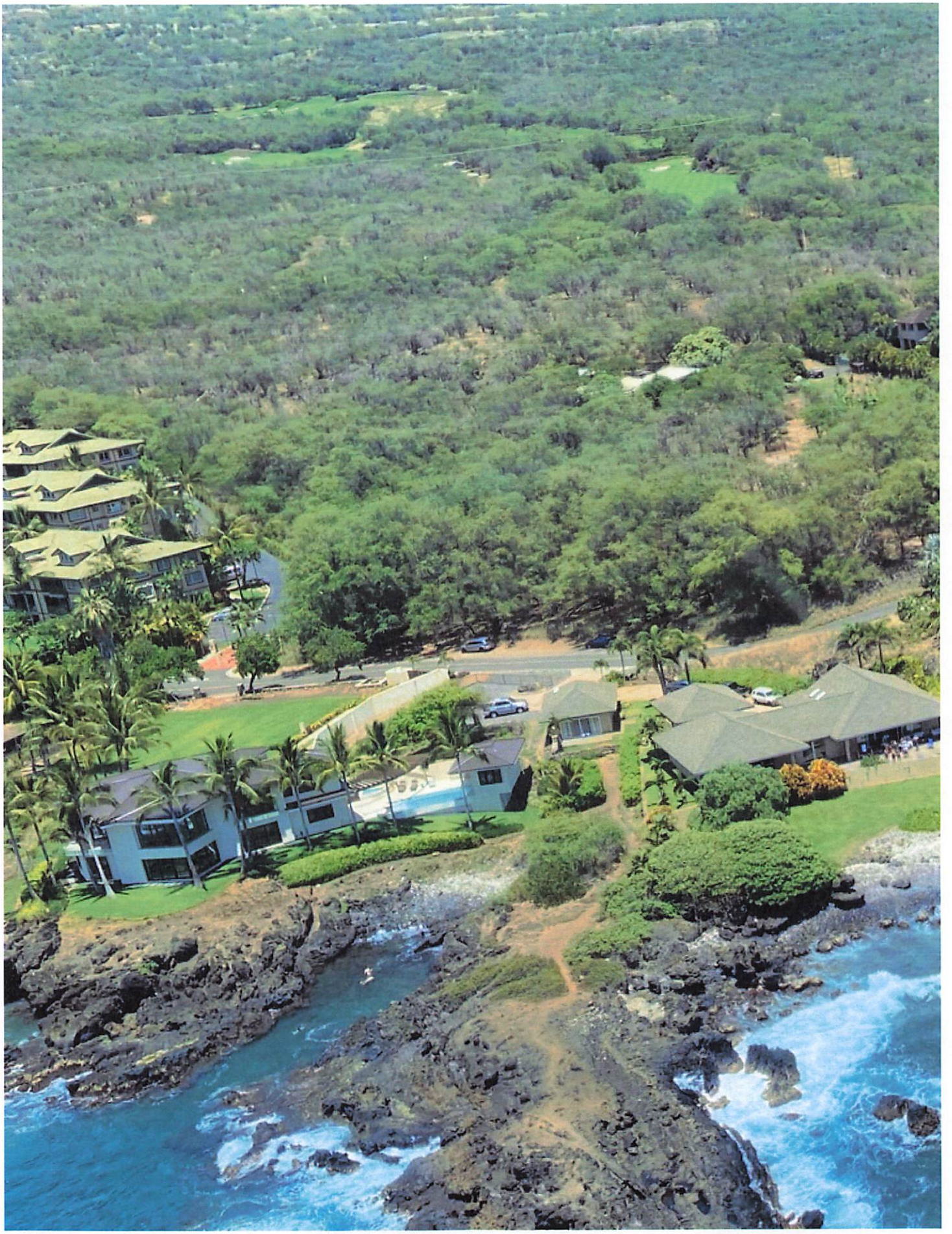
I humbly write this morning requesting your unanimous support of proposed amendments and AGENDA Item M., Recommending Second and Final Reading of Bill 118 (2021) "A Bill for an Ordinance Amending Chapter 3.48, Maui County Code, relating to Real Property Dedicated as 'Aina Kupuna."

I submit this November 18, 2021 written testimony at 0130 as a complement to my written testimony of October 20, 2021 and oral testimony of October 22, 2021, to and before the County Council. respectively.

We are very grateful, humbled, and appreciative of your extraordinary support. We thank you Councilwoman Rawlins-Fernandez for your thoughtful care in championing this ordinance. We thank you Chairperson Lee and the County Council for this uncommon declaration which promotes the unextinguished, undiminished spiritual and cultural continuity and meaningful use of the Aina Kupuna Lands of our progenitors.

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LA'A; MA'A; PA'A!

Aloha Ke Akua,
Me Ke Aloha Maluhia,

Manny
Manuel Wayne Makahiapo DeCosta Kuloloio
8083302896

Sent from my iPhone

County Clerk

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2021 NOV 19 AM 7:41
OFFICE OF THE
COUNTY CLERK

From: Jason L <jlird808@gmail.com>
Sent: Thursday, November 18, 2021 8:30 PM
To: County Clerk
Subject: SUPPORT FOR CR21-95

You don't often get email from jlird808@gmail.com. Learn why this is important

Aloha mai!!

Have you guys seen the Ka Wai Ola News video & read the story about the Kukahiko 'ohana in Makena? Please think of these Native Hawaiian 'ohana that have been on their lands FOR GENERATIONS. It is not their fault that the areas around them become OVER-DEVELOPED with high-end real-estate that send their property taxes SKY HIGH! Some even have kūpuna buried on their lands. What are they supposed to do---where are they supposed to go? Just sell their land and disconnect themselves from their homes?

Please watch/read this!
https://kawaiola.news/cover/taxed-out/

Mahalo nui for your consideration, and for showing compassion to our 'Āina Kupuna!

Jason Lees

1. Native Hawaiian and kama'āina families who have been able to maintain their ancestral lands for generations represent a foundation of Maui's historical and cultural legacy, and help to maintain important connections to the past and to the 'āina that have informed, and continue to inform, Maui's social fabric and unique community values. This bill will help more of these families hold on to their 'ohana lands, especially amidst global real estate speculation, skyrocketing property values, and resulting property tax assessments that may exceed what many can afford. Accordingly, this measure will help to perpetuate Maui's historical and cultural legacy, and preserve that which has helped to make Maui and all of Hawai'i such a unique and special place to live.

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

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

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

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OFFICE OF HAWAIIAN AFFAIRS

Testimony of Carmen Hulu Lindsey
Chair, Board of Trustees

Maui County Council
Regular Meeting
Bill 118
RELATING TO REAL PROPERTY DEDICATED AS ʻĀINA KŪPUNA

November 19, 2021 9:00 a.m. Online Meeting

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the passage of Bill 118, which would protect Native Hawaiian and other Maui county families from unprecedented tax burdens that may lead to the dispossession of their ʻāina kūpuna, or ancestral lands. Allowing such families to pay the minimum tax on lands that have sustained them for at least three generations will help to ensure that the speculation-driven increase in Maui property values does not further dispossess Native Hawaiians from their ancestral lands, and erode away the living vestiges of Maui's cultural heritage.

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

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

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

OHA therefore strongly supports the passage of Bill 118 to provide tax relief to parcels dedicated as ʻāina kūpuna. This proposed bill will provide critical and much-needed protection for the few remaining Native Hawaiian and other kamaʻāina families who have maintained their family lands for at least three generations. Over the past several decades, the Western commodification of land has manifested in a continuous and almost exponential surge in property taxes, particularly in areas where real estate speculation and resort or luxury development have driven property values to an all-time high.[2] While taxes on lands that have become subject to the lucrative activities of real estate speculators and developers may be an appropriate and needed mechanism can provide the county with much-needed revenues, the increase in property values and associated property taxes has also had devastating impacts to a small number of Native Hawaiian and long-time Maui families; such families, facing an unprecedented tax burden, have been forced to sell portions of their ancestral lands, or monetize them in inappropriate and sometimes painful ways. The proposed bill would provide these families with narrow and targeted relief, by allowing them to pay the minimum tax on their ancestral lands in exchange for a commitment to not convey the lands to non-lineal descendants, and to not use these lands for commercial purposes, with limited exceptions. **This measure would therefore allow Maui's families to maintain their ownership of and deep connection to their ancestral lands, in the face of economic and real property trends well beyond their control – preventing the further dispossession of Native Hawaiians' ancestral lands, and protecting a historical foundation of Maui's unique values and cultural character from further erosion.**

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

Bill 118 will provide a critical means to protect Native Hawaiian and long-time kamaʻāina families from the impacts of Maui's speculation-driven real estate boom; prevent the further dispossession of Native Hawaiians' ancestral lands, which has had and will continue to have devastating impacts on Native Hawaiian families and the Native Hawaiian community as a whole; and help to avoid the further erosion of the social and cultural heritage of Maui county,

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

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

embodied by those who have been able to maintain their ʻāina kūpuna for multiple generations.

Accordingly, OHA respectfully urges the Maui County Council to **PASS** Bill 118 on second reading. Mahalo nui for the opportunity to testify.

American Academy of Dermatology Association

Kenneth J. Tomecki, MD, FAAD President
Mark D. Kaufmann, MD, FAAD President-elect
Neal Bhatia, MD, FAAD Vice President
Linda F. Stein Gold, MD, FAAD Vice President-elect
Marta J. Van Beek, MD, MPH, FAAD Secretary-Treasurer
Daniel D. Bennett, MD, FAAD Assistant Secretary-Treasurer
Elizabeth K. Usher, MBA Executive Director & CEO

HDS
Hawaii Dermatological Society

RECEIVED
2021 NOV 17 AM 7:43
OFFICE OF THE
COUNTY CLERK

November 17, 2021

Members of the Maui County Council
Kalana O Maui Building, 8th floor
200 South High St.
Wailuku, Hawaii 96793

Dear Members of the Maui County Council:

On behalf of the Hawaii Dermatological Society and the nearly 16,500 U.S. members of the American Academy of Dermatology Association (AADA), we write concerning Bill 135, legislation that would prohibit the sale, use or distribution any non-mineral sunscreen without a prescription. As dermatologists we dedicate ourselves to promoting habits in our patients that ensure healthy skin. UV radiation damages the skin's DNA, which is the first stage of skin cancer. We oppose this legislation and urge you to strongly consider the broad implications of banning the use of sunscreens containing certain ingredients, bearing in mind the grave dangers of sun exposure without adequate protection that the residents and visitors of Maui County face.

Chemical (organic) sunscreen filters are an important component of many sunscreen products. They provide ample broad-spectrum protection against UV radiation. This legislation would remove access to chemical filters, leaving only mineral filters, which are less effective filters. Mineral sunscreen products often leave a whitish residue on the skin. Many, especially individuals with darker skin tones, find these to be unacceptable for use.

CORRESPONDENCE
PO Box 1968
Des Plaines, IL 60017-1968
EMAIL: mrc@aad.org
WEB: aad.org

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Rosemont, IL 60018-5216
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1201 Pennsylvania Avenue, NW, Suite 540
Washington, DC 20004-2401
MAIN: (202) 842-3555
FAX: (202) 842-4355

UV light exposure is a risk factor for all types of skin cancer and sunscreen use is a major photo-protective method. UVA radiation damages deeper layers of the skin and contributes to the development of melanoma, the deadliest form of skin cancer. UVB radiation is the primary cause of sunburn and plays a key role in the development of skin cancer in the skin's superficial layers. Both types of rays suppress the immune system. [1] Unprotected sun exposure is the most preventable risk factor for skin cancer. At least one in five Americans will develop skin cancer. [2,3] Melanoma, the deadliest form of skin cancer, is the second most common form of cancer in women, aged 15-29 years old. Caucasian men, age 50+ are at a high risk of developing melanoma. [4,5,6] In 2021, 460 new cases of melanoma are expected in Hawaii. [7] The annual cost of treating nonmelanoma skin cancer in the U.S. is estimated at $4.8 billion, and the average annual cost of treating melanoma is approximately $3.3 billion. [8]

To prevent skin cancer, the AADA recommends comprehensive sun protection that includes seeking shade; wearing protective clothing, including hats and sunglasses; and applying a broad-spectrum, water-resistant sunscreen with an SPF of 30 or higher to exposed skin.

Dermatologists have an interest in patient and public access to safe and effective sunscreen ingredients. The FDA is currently working with industry on safety testing for currently marketed sunscreen ingredients. The FDA is also considering several time-and-extent applications (TEAs) for new sunscreen ingredients to be added to the FDA over-the-counter (OTC) sunscreen monograph. The FDA's conclusion from recent studies on sunscreen ingredient absorption "supports the need for further studies to determine the clinical significance of these findings." FDA further stated that "these findings do not

---

[1] Lim HW, James WD, Rigel DS, Maloney ME, Spencer JM, Bhushan R. Adverse effects of ultraviolet radiation from the use of indoor tanning equipment: time to ban the tan. Journal of the American Academy of Dermatology. 2011 Apr 30;64(4):e51-60.

[2] Stern RS. Prevalence of a history of skin cancer in 2007: results of an incidence-based model. Arch Dermatol. 2010 Mar;146(3):279-82.

[3] Robinson JK. Sun Exposure, Sun Protection, and Vitamin D. JAMA 2005; 294: 1541-43.

[4] Siegel RL, Miller KD, Jemal A. Cancer statistics, 2017. CA Cancer J Clin. 2017; 67:7-30.

[5] Little EG, Eide MJ. Update on the current state of melanoma incidence. Dermatol Clin. 2012:30(3):355-61.

[6] NAACCR Fast Stats: An interactive quick tool for quick access to key NAACCR cancer statistics. North American Association of Central Cancer Registries. http://www.naaccr.org/. (Accessed on 3-10-2016).

[7] American Cancer Society. Cancer Facts and Figures 2021. https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2021/cancer-facts-and-figures-2021.pdf

[8] Guy GP, Machlin S, Ekwueme DU, Yabroff KR. Prevalence and costs of skin cancer treatment in the US, 2002–2006 and 2007–2011. Am J Prev Med. 2015;48:183–7

indicate that individuals should refrain from the use of sunscreen." [9] Sunscreen ingredients have been in use for almost 50 years without any reported systemic adverse side effects. This issue highlights the urgent need for new safe and effective sunscreen ingredients in the United States. With the approval of ingredients that utilize alternative UV filters, the public's health will be better. The AADA continues to participate in the discussion with the FDA and manufacturers regarding availability of current and new ingredients.

We are concerned about the potential environmental impact of UV-filters. The potential adverse effects related to the levels of UV-filters in the water supply and marine life (as well as humans) are an emerging science. A review of 12 studies evaluating 14 different organic UV filters in seawater near coral reefs determined that the majority of concentrations found in seawater were in the nanograms per liter range. Nine papers reported toxicological findings from no response to a variety of biological effects; these effects were detected in the micrograms per liter to milligrams per liter range, namely, at least 1000-fold higher than those reported in seawater in real life. [10] The review concludes "there is currently limited evidence to suggest that corals are adversely impacted by environmental exposure to UV filters."

Our organizations advocated for the enactment of the Further Consolidated Appropriations Act, 2020, by which the U.S. Congress directed the Environmental Protection Agency (EPA) to contract with the National Academy of Sciences (NAS) to conduct a scientific literature review of current sunscreens' potential risk to the marine environment. The study will consider scientific literature on the potential public health implications as a result of reduced use of sunscreens. This type of research is necessary to understand how UV filters may affect the environment. We encourage you to consider these ongoing efforts before taking any action to remove a product that has been proven to be effective against skin cancer. Based on current data, removing specific sunscreen ingredients and products from the market would be premature. Doing so would deprive the public of an integral component of photoprotection to decrease the risk of skin cancer.

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[9] Matta, MK, Florian, J, Zusterzeel, R, Nageswara RP, Patel, V, Volpe, DAPhD, et al. Effect of Sunscreen Application on Plasma Concentration of Sunscreen Active Ingredients: A Randomized Clinical Trial. Journal of the American Medical Association 323, No. 3 (2020). 267.

[10] Mitchelmore CS, Burns, EE, Conway A, Heyes A, Davies IA. A critical review of organic ultraviolet filter exposure, hazard, and risk to corals. Environ Toxicol Chem. 2020 (00);00:1-21. Online 2 February 2021 in Wiley Online Library (wileyonlinelibrary.com). DOI: 10.1002/etc.4948

Please consider the public health consequences of removing access, banning use, or attaching stigma to sunscreens containing certain ingredients. We oppose Bill 135 for the reasons above, and we request that Hawaii give the FDA more time to evaluate new sunscreens for public use and for the NAS to conduct its review and report its findings. If this bill gains support, we urge the Council to 1) remove the word "use," so the ban only applies to sale and distribution and 2) extend the effective date to allow dermatologists and other physicians and pharmacies adequate time to develop and implement a prescribing infrastructure. We appreciate the opportunity to provide written comments on this important public health issue. For more information, please contact Lisa Albany, director of state policy for the AADA, at LAlbany@aad.org or (202) 712-2615.

Sincerely,

Kenneth J. Tomecki, MD, FAAD
President
American Academy of Dermatology Association



Rebecca Luria, MD, FAAD
President
Hawaii Dermatological Society

County Clerk

From: Ciro Martin <ciromartin@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:22 AM
Subject: Letter to Maui County Council

You don't often get email from ciromartin@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. This law will help everyone, especially the coral reefs and make the land healthier. Banning harmful sunscreen ingredients will be challenging but we can do it, and it will be worth it.

A lot of the time, sunscreen brands say that they are "reef friendly", or "reef safe", but if you take a look, they still contain the harmful ingredients that have negative impacts on the coral reefs. Also, a lot of people might think "corals are just rocks, why should we care about them?" They're not just rocks. Coral reefs are living things that serve as homes to many marine organisms, and they also create our waves; if you surf, you should start being mindful of the sunscreen you are using.

Some ingredients included in sunscreen that are harmful to the reef, and even humans include Oxybenzone, Octinoxate, Homosalate, Octisalate, Octocrylene, Avobenzone, and many others. All of these chemicals are in sunscreen and commonly used today, which is incredibly disappointing.

Creating this law will change a lot. I understand that some people might not agree with this law, and might still want to use whatever sunscreen they want, but if we keep on letting this happen, our reefs might die in a couple of years, which we don't want to happen. Please, do the right thing.

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2021 NOV 17 AM 9:31
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COUNTY CLERK

Sincerely,

Ciro Martin
Kihei Charter School, 7th Grade

County Clerk

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OFFICE OF THE
COUNTY CLERK

From: Marty Martins <mauimanokane@yahoo.com>
Sent: Thursday, November 18, 2021 9:06 PM
To: County Clerk
Subject: I support Bill 135

You don't often get email from mauimanokane@yahoo.com. Learn why this is important

I have snorkeled Ulua reef in Kīhei since 1999 and for the last six years have snorkeled there 5 to 7 days a week. The experts can say whatever that want but I believe it is "tourists covered with oil" that hurt the coral more than any climate change. During the tourist shutdown in 2019 I was snorkeling there daily and it amazed me how the reef improved - including the return of limu for the first time in years - when the tourists and their poison were absent.

Respectfully,
Marty Martins
Kīhei

County Clerk

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2021 NOV 19 AM 7:41
OFFICE OF THE
COUNTY CLERK

From: Lily Montemarano <misslily718@yahoo.com>
Sent: Thursday, November 18, 2021 8:45 PM
To: County Clerk
Subject: Supporting Bill 135 Testimony

You don't often get email from misslily718@yahoo.com. Learn why this is important

Aloha dear council members.
I learned while living in Maui that the original Hawaiian people had in place systems to protect their water. At the very top of the waterfalls or springs the area would be kapu or off limits. The next area down was strictly for drinking water and cooking. Farther down they had an area for bathing their bodies, next dishes and other things that need be washed.

Now, here is the interesting part: before the water would run off to the sea the Hawaiian's in fact built a sort of filtration system. They built this filter so that nothing would run out to the ocean that they didn't want. Food scraps, hair etc. They did this hundreds of years ago because they knew that if anything went into the ocean it would affect the reefs. They knew that if the reefs were affected the fish would go away. If the fish went away they knew that not only would their people starve but the ocean would be imbalanced. The Hawaiian's understood that delicate balance and would not pollute the very ocean they needed to survive and to thrive!

How is it today that we have any question at all about the legitimacy and dire necessity of this bill? Not only should any toxic chemicals be banned but there should be extreme repercussions for those who break this ban like back in the days, a kapu! Why would we condone the sales of toxins that we 100% know will end up in our oceans to harm our reefs is beyond my comprehension. The Hawaiian's knew it and perhaps we can take a hint!

This is serious. This is our ecosystem and reefs at stake! We need this bill to be the first of many! We need these changes now!

Mahalo for your time. I hope you choose wisely and honor the ways of the people who inhabited and were stewards of these lands.

County Clerk

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OFFICE OF THE
COUNTY CLERK

From: lilymontemarano@gmail.com
Sent: Thursday, November 18, 2021 8:28 PM
To: County Clerk
Subject: Testimony in support of Bill 135

You don't often get email from lilymontemarano@gmail.com. Learn why this is important

I am a local Maui resident and lover of the oceans and nature. It's been far too long that we as a people have let the interests of corporations and profits take president over the health and wellness of our lands and its inhabitants. Let us be the first county to pass legislation prohibiting toxic chemicals being sold and poured into our waterways.

The reefs are dying. Every time I go snorkeling I see the yellow discoloration of the reefs. This is not normal and cannot be justified away. We have science and many documentaries proving that the reefs are dying at an alarmingly accelerated rate. Should we not at least try in any way we can? I ask that we as a people put our beliefs into action. We know this stuff is poisonous to the ecosystem. Why would we package it, sell it and worse, put it on our bodies? I understand these companies want to turn a profit and they probably make a lot of money stocking up Hawaii's shelves....but at what point will wellness, harmony and respect for nature be more important than a corporation's bottom line???

These companies will oppose this bill and have incredibly compelling arguments I'm sure; crafter by skilled writers and legal teams. But ask yourselves today: what is right? What is pono?

Mahalo

RECEIVED
2021 NOV 19 AM 9:48
OFFICE OF THE
COUNTY CLERK

ARDA Hawai'i
Timeshare with Aloha

November 18, 2021

TO: Councilmember Alice Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice- Chair
Members of the Maui County Council

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION – HAWAII (ARDA-Hawaii)

RE: Opposition to CR 21-130 ("A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.98, MAUI COUNTY CODE, DECLARING A MORATORIUM ON NEW TRANSIENT ACCOMMODATIONS ON MAUI")
Hearing date: Friday, November 19, 2021 at 9:00AM

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Planning and Sustainable Land Use Committee,

Thank you for allowing ARDA-Hawaii to submit testimony in **STRONG OPPOSITION** to CR 21-130 regarding a bill for an ordinance establishing Chapter 19.98, Maui County Code, declaring a moratorium on new transient accommodations on Maui. CR 21-130 seeks to create an island wide moratorium which temporarily prohibits the issuance of any permit under Title 19. The proposed measure creates multiple concerns that could have broad impacts on Maui's economy.

The stated purpose of the proposed bill is to establish a moratorium to comply with visitor to resident ratio specified in Chapter 2.80B of the Maui Island Plan by pausing the increase of transient accommodations. However, there is no data to suggest that stopping the development of transient accommodations will decrease the number of visitors to Maui. It is simple, it won't.

Visitors will still come to Maui and seek other accommodations even if the supply of lodging units is limited. As we have seen, the volume of visitors will permeate into the residential neighborhoods and long-term apartment inventory on Maui through an increase in short-term vacation rentals ("STR"), which are the fastest-growing segment within Maui's visitor accommodations industry. If the purpose of the bill is to ultimately decrease the visitor count, perhaps further regulation is needed on the number of illegal short-term vacation rental units that are allowed.

There are better alternatives to accomplish the Council's goals of reducing the impacts of the tourism industry on Maui residents, without the negative economic impacts created by the proposed moratorium. Regulating on the fastest growing segment of transient accommodations in

Maui would provide the greatest reduction in the number of visitors to comply with the Maui Island Plan.

Conversely, the moratorium would seek to limit transient accommodations island wide, thus, prohibiting increased accommodations even in districts that are intended for tourism. Hotel and resort areas are where visitor accommodations should be focused and aid in insulating Maui residents from the perceived negative impacts of tourism.

In addition, there are several legal concerns associated with the procedure and public transparency of CR 21-130. The legislation appears to be rushed with it being heard by the Planning and Sustainable Land Use Committee before receiving and having the opportunity to consider the Commission's minutes. Further, the proposed moratorium may be unconstitutional as it: 1) fails to substantially advance a legitimate government interest as required by the due process clause; 2) is unconstitutionally vague; 3) and it violates the equal protection clause in treating similarly situated individuals differently.

Moreover, the moratorium will have substantial economic impacts on Maui's economy. It is concerning that the County would seek to deter capital investment in a time where it is still recovering from the pandemic. This is especially concerning given the recent surge in cases that may continue to impact the tourism industry. The County would risk forgoing substantial amounts of investments, tax revenues and job creation for Maui's economy. For example, the timeshare industry is currently a major contributor to Maui's economy by providing more than $73 million per year in state and local taxes, sustaining occupancies to keep Maui residents employed and supplying well compensated jobs to Maui residents.

The proposed ordinance would enact a moratorium to "maintain the status quo" while the Tourism Management Temporary Investigative Group ("TIG") explores and recommends legislation to better manage the tourism industry's impact on the environment and residents' quality of life. This poses significant risk to Maui's economy, without first obtaining information to better manage the industry. Instead, the TIG, in collaboration with the tourism industry, could address the Council's concerns prior to the moratorium to prevent causing unnecessary harm to Maui's fragile economy, which is still recovering from the pandemic.

Additionally, the proposed ordinance is intended to mitigate negative impacts on the environment and residents' quality of life. Again, there is a lack of data suggesting that a moratorium will substantially reduce the negative impacts on the environment or residents. It is concerning that such a broad and inflexible policy would be implemented without first showing transient accommodations as the primary cause of these negative impacts. As mentioned previously, further regulation of STRs would reduce the negative impacts on resident's quality of life. Measures eliminating illegal STRs would accomplish the moratorium's intended goals without implementing such an inflexible policy that would result in lost jobs and reduced economic activity for residents.

Further, as (a member of/chair) of ARDA-Hawaii, which represents the vacation ownership and resort development industries in Hawaii, I'm surprised that the County would want to stop timeshare visitors from coming to Maui. The timeshare visitor has the exact profile of the type of visitor that we should welcome with higher income levels, more spending off property in

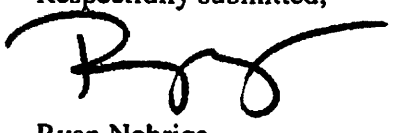
restaurants and local stores, and are more likely to take care of their property and Maui County. Maui is a "home away from home" as Timeshare visitors they are owners, not transients. We should be mindful that the timeshare industry could be part of the solution.

Due consideration should be given to the broader impacts of the proposed measure. We as a community should consider a resolution that provides our Maui residents with the ability to continue to work and provide for their families, while at the same time addressing the impacts of the influx of visitors, until Maui can transition to a more diversified economic base.

I respectfully ask that you recommend the Council defer this measure and instead pursue the further regulation of STRs prior to implementing any form of moratorium to address the Council's concerns in a more meaningful way.

Thank you for your consideration of my comments.

Respectfully submitted,



Ryan Nobriga
Maui Task Force Chair
ARDA Hawaii

County Clerk

RECEIVED
2021 NOV 18 PM 2:33
OFFICE OF THE
COUNTY CLERK

From: Karen Noland <kaukini@maui.net>
Sent: Thursday, November 18, 2021 2:30 PM
To: County Clerk
Subject: Aina Kūpuna Bill

You don't often get email from kaukini@maui.net. Learn why this is important

Date: 11/18/2022

RE: Strong Support for ʻĀina Kūpuna Bill 118

Dear Alice Lee and Members of the Council,

I am writing to Mahalo you for considering this bill for local families. We are indebted to you for helping our Ohana live and work on Maui and also for the generations to follow.

This would be a land mark bill that could save many local people from having to sell or leave the island because of the ever increasing taxes on their property.

I would especially like to thank Keani Rawlings and the rest of the council as well for helping us to bring this issue to the table and for taking action on it. You are making this bill a real possibility and it gives us hope for our future generations. We thank you for listening to our pleas for help.

Mahalo again for all your hard work and dedication to the "Aina Kupuna" bill.

Sincerely,

Karen Lei Noland

RECEIVED
2021 NOV 17 PM 1:45
OFFICE OF THE
COUNTY CLERK

From: Nainoa Obrochta <nainoaobrochta@kiheicharter.org>
Sent: Wednesday, November 17, 2021 1:37 PM
To: County Clerk
Subject: Support for Bill 135

You don't often get email from nainoaobrochta@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135:

One reason I support the bill is because of the protection of the coral reefs. If the coral reefs die then the fish, which fishermen rely on, will die too.. Many medicines also come from coral reefs. Finally the loss of the reefs will impact the tourism industry of Hawaii, and people who live on Maui will not enjoy the coral reefs. These are the reasons why I support Bill 135.

It is important to me because I like the fish that comes from the coral reefs of Maui, and although my community doesn't rely on fish, the communities by or near the water probably do. Another reason is the business that relies on fish near the coast will close down. These are the reasons why the coral reefs are important to me and why it is critical to pass Bill 135.

Sincerely,

Nainoa Obrochta
7th Grade at Kihei Charter School

County Clerk

RECEIVED
2021 NOV 19 AM 7:41
OFFICE OF THE
COUNTY CLERK

From: JOHN PALMER <jpalmer10@hotmail.com>
Sent: Thursday, November 18, 2021 8:20 PM
To: County Clerk
Subject: Maui County Bill 135 (2021)

You don't often get email from jpalmer10@hotmail.com. Learn why this is important

Honorable Maui County Councilmembers

I am in strong support of Bill 135 prohibiting the sale, use, or distribution of non-mineral sunscreens that have questionable effects on the health of humans and marine life. On September 24, 2021, the 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).

I constantly remind folks that the "reef friendly" labeling that companies put on their products really only means that the chemicals they put in those products are legal. They are not safe or friendly.
In some other countries non-mineral chemicals such as avobenzone, octocrylene etc. are banned.

Our islands deserve the same protections.

Mahalo for your consideration
John E Palmer
Reef Education Volunteer at Kahalu'u Beach Park
73-4360 Kehau Nani Street
Kailua Kona HI 96740

Think Zinc! Use Your Cranium, Spread Titanium!

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OFFICE OF THE
COUNTY CLERK

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. I hope you find my reasons and opinions helpful in supporting Bill 135.

Certain chemicals in sunscreen, such as Octocrylene or Homosalate are toxic to coral reefs, aquatic life, and even humans, due to the fact that most of the harmful chemicals in sunscreen are able to penetrate the skin. There are many scientific studies and reports that prove the harmful impacts that chemical-based sunscreen ingredients have on living organisms. Here is a list of the chemicals found in sunscreen that prove to be harmful toward humans and the environment: Avobenzone, Benzophenone, Cylcopentasilozane/Cyclomethicone, Formaldehyde, Homosalate, Methylisothiazolinone, Microbeads, Nanoparticles, Octocrylene, Octinoxate, Parabens, Phthalates, Quaternium-15, Retinyl Palmitate, Sodium Lauryl/Laureth Sulfate, and Zinc Oxide.

Coral reefs provide places for aquatic organisms to thrive, so without them, we would have a shortage of fish as food. Coral reefs also provide oxygen for humans and living organisms to breathe.

Please consider what I have shared today when you are deliberating about passing Bill 135.

Sincerely,

Hope Patterson
7th Grade Student at Kihei Charter School

County Clerk

From: Letani Peltier <letani@hawaii.edu>
Sent: Thursday, November 18, 2021 8:12 PM
To: County Clerk
Subject: Testimony in SUPPORT of Bill 118, ʻĀina Kūpuna Tax Relief

You don't often get email from letani@hawaii.edu. Learn why this is important

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and members of the Maui County Council,

My name is Letani Peltier and I am testifying in my personal capacity to express my **SUPPORT** for the ʻāina kūpuna tax relief proposal (Bill 118). I am very grateful that Maui County has taken the lead to provide this kind of tax relief for long-time families who are the backbone of our communities.

Mahalo nui,

Letani Peltier

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COUNTY CLERK

County Clerk

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OFFICE OF THE
COUNTY CLERK

From: Vienna Phillips <viennaphillips@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:00 AM
To: County Clerk
Subject: Support for Bill 135

You don't often get email from viennaphillips@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135 about non reef safe sunscreen. I think that we should ban all non reef safe chemicals in sunscreen.
I think this because there are lots of different bad chemicals in sunscreen that are killing the reef, not just oxybenzone and octinoxate. All the non reef safe chemicals are Oxybenzone, Octinoxate, Octocrylene, Homosalate, 4-methylbenzylidene, camphor, PABA Parabens, and Triclosan. We need to ban these chemicals not only because they are bad for the reef but bad for our skin. Lots of stores all over the world are saying that the sunscreen is reef safe just because they don't have oxybenzone or octinoxate.
The reef safe chemicals in sunscreen are zinc oxide and titanium dioxide. These chemicals are reef safe because they are mineral based chemicals. If we don't do something about this now in the future our coral reefs might disappear altogether. This is why it is important to eliminate all non reef safe chemicals.

Sincerely,

Vienna Phillips
Kihei Charter School, 7th Grade

County Clerk

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2021 NOV 16 PM 12:35
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COUNTY CLERK

From: Gershon Portillo <gershonportillo@kiheicharter.org>
Sent: Tuesday, November 16, 2021 12:01 PM
To: County Clerk
Subject: Bill 135 Testimony

You don't often get email from gershonportillo@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. **I think bill 125 is a really important and helpful idea for the coral reef. As we know coral has been dying but how we could ban non-reef sunscreen really would help protect the coral and make their population greater than right now. This is really important to me, my friends, and family because we are seeing sunscreens that might not have those 2 most harmful chemicals but have the rest of the other chemicals. People would want to buy these sunscreens because they think it's safe for the coral but actually it still harms it. This is why I think bill 125 is important and helpful for the coral reef.**

County Clerk

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From: Brandon Ramirez <brandonramirez@kiheicharter.org>
Sent: Wednesday, November 17, 2021 6:32 PM
To: County Clerk
Subject: Support for Bill 135

You don't often get email from brandonramirez@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for bill 135:

I support this bill because of the excellent reasons given to me and my class from Cindy. I fully support her in her efforts to ban these harmful ingredients. I understand that the U.S is making 100's of millions of dollars from sunscreen sales but I and my class believe that there is more to life than just money, by preserving our beaches we can ensure a more colorful future for our kids and the following generations. I fully support the passing of this bill.

Sincerely,
Brandon Ramirez
7th grader at Kihei Charter School

County Clerk

From: Brandon Ramos <brandonramos@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:15 AM
To: County Clerk
Subject: My response to Support for Bill 135

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November 17, 2021

RECEIVED
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Dear Maui County Council,

My Name is Brandon Ramos

I am writing to you today to express my support for Bill 135. . .

I am supporting Bill 135 because I want to change a mistake that took over the world. Because the ocean is paying for our actions by dying. Sunscreen has harmful chemicals like avobenzone, cinoxate,dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, oxybenzone, padimate O, and sulisobenzone, they are all very harmful to the ocean and coral reefs and is killing them as we speak. Marine animals are being hurt by the harmful chemicals from sunscreen. Marine animals like dolphins. Dolphins are accumulating all of the sunscreen chemicals in them and when they have babies it is passed down to them. When fish accumulate these chemicals it decreases their reproduction and might transfer women's characteristics into male's characteristics.

Sincerely,

Brandon Ramos
7th Grade KiheiCharterSchool

RECEIVED

2021 NOV 18 PM 5:55

OFFICE OF THE
COUNTY CLERK

November 18, 2021

Maui County Council
Kalana O Maui Building, 8th floor
200 S. High Street
Wailuku, Hawai'i 96793

Re: Concerns Regarding the Moratorium on New Transient Accommodations on Maui (CR 21-130)

Dear Chair Lee and Councilmembers:

My name is Karl Reul, and I am a General Manager at Kaanapali Golf Courses. I write on behalf of Kaanapali golf Courses to recommend three changes to the bill that I believe will better balance tourism management concerns with economic concerns.

Visitors have come to expect updated and modern accommodations, which means hotels and resorts must be able to repair, maintain, redevelop and remodel accommodations. The high quality of our accommodations is what provides a consistent and reliable source of revenue that allows our Kaanapali golf Coursesto be an economic resource for the community. Limiting or restricting the ability to redevelop accommodations will detrimentally impact our ability to continue to be that resource.

Given these concerns, we respectfully request the Council revise its draft of the bill in accordance with the following:

(1) Remove "lodging capacity"/"structural footprint" and replace with "increase existing number of transient accommodation units" in Section 19.98.040. This addresses our ability to update existing hotel amenities, restaurants and lobbies.

(2) Add clarifying language that the moratorium ends upon the passage of the first piece of legislation that adopts any recommendation made by the temporary investigative group in Section 19.98.050. The current terminology of "implementation" of "recommendation" is vague and open to interpretations. The trigger to end the moratorium must be stated clearly.

(3) Define the term "operation" in Section 19.98.020 to mean "(1) The issuance of a certificate of occupancy, operating license, or equivalent governmental approval for a hotel, timeshare, or transient vacation rental; or (2) The issuance of a short-term rental home permit or equivalent government approval for a short-term vacation rental."

I appreciate the opportunity to provide testimony on this bill and hope the Council will carefully consider these issues before voting on the final version.

Very truly yours,

Karl J. Reul, GM
Kaanapali Golf Courses

County Clerk

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COUNTY CLERK

From: Jessica Rosado <jessicarosado@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:13 PM
To: County Clerk; Jadda Miller
Subject: Bill 135

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 express my support for Bill 135. I support Bill 135 for the reason that sunscreen has many harmful ingredients such as Homosalate. It's important that we keep our health and coral safe. Our community's health impacts 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 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 School

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2021 NOV 18 PM 1:04
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AIM
AT MELANOMA
FOUNDATION

November 17, 2021

Members of the Maui County Council
Kalena O Maui Building, 8th Floor
200 South High St.
Wailuku, Hawaii 96793

Dear Members of the Maui County Council,

I write to you on behalf of *AIM at Melanoma*, AIM's companion organization *The Skin Cancer Education & Research Foundation,* and my family concerning Bill 135, legislation that would prohibit the sale, use, and distribution of any non-mineral sunscreen without a prescription. **Please consider delaying this legislation until more definitive information is available on the potential environmental adverse effects.**

My family has owned a home on Maui since I was a teenager, and before that we rented homes on our many visits. My parents, children, husband, and I have and continue to spend a lot of time on the island over the years. My husband is a Stage III melanoma survivor. In fact, we discovered his melanoma on Oneloa Beach in 2013 when he showed me a mole on his arm that had changed from in color from brown to black. I am the vice president of AIM at Melanoma, a global non-profit whose goal is to end this disease in our lifetime while improving the lives of those it affects.

And melanoma affects a lot of people. In 2021, an estimated 207,390 cases of melanoma will be diagnosed in the United States, about half of those invasive cases[1]. Over 7,000 people will die of the disease[2]. In 2019, the estimate for the number of new invasive melanoma cases diagnosed in the U.S. was 40% higher than the estimate in 2009[3]. But it's not just melanoma that's concerning: Squamous and basal cell skin cancer diagnoses number over 5 million every year[4], and the estimates for squamous cell skin cancer deaths are estimated in the multiple thousands each year. For many millions of people, skin cancers are disfiguring, costly, and frightening.

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[1] American Cancer Society. "Cancer Facts and Figures 2021". Atlanta: American Cancer Society; 2021.

[2] American Cancer Society. "Cancer Facts and Figures 2021". Atlanta: American Cancer Society; 2021.

[3] American Cancer Society. "Cancer Facts and Figures 2019". Atlanta: American Cancer Society; 2019.

[4] American Cancer Society. "Cancer Facts and Figures 2020". Atlanta: American Cancer Society; 2020.

But skin cancers are mostly preventable because the vast majority are caused by UV damage from the sun[5]. Sunscreen is a key component to protect skin from UV damage. AIM at Melanoma stresses using broad spectrum sunscreen of 30 SPF or higher daily; wearing protective clothing, hats, and sunglasses; and seeking shade. Additionally, we warn that it's critical to avoid sunburns, especially blistering sunburns, as your risk for melanoma doubles if you've had more than five sunburns[6]. One blistering sunburn in childhood or adolescence more than doubles your chances of developing melanoma later in life[7].

Banning the sale, use, and distribution without a prescription of the entire category of organic (chemical) sunscreens is an enormous public health concern. This legislation removes access to chemical filters, leaving only the less effective mineral filters. Additionally, it's essential to remember that sunscreen is only effective if used—and used as directed. Many people prefer the feel, texture, and look of chemical sunscreens, because mineral sunscreens can feel "heavy" on the skin and leave a whitish residue. People won't use a sunscreen they don't like, or they won't use the right amount of it, and that leaves them vulnerable to UV damage and all types of skin cancer.

The FDA is currently working with industry on safety testing for currently marketed sunscreen ingredients, and the FDA is also considering several time-and-extent applications (TEAs) for new sunscreen ingredients to be added to the FDA over-the-counter (OTC) sunscreen monograph. AIM at Melanoma applauds the consideration of these new ingredients: We hope the U.S. can soon market filters that have been used safely in Europe for many years. And we understand the FDA's further safety testing of currently approved sunscreen ingredients, while we highlight the FDA's own language that "Absorption does NOT equal risk – The FDA advises continued use of sunscreens. The findings in these studies do not mean that the FDA has concluded that any of the ingredients tested are unsafe for use in sunscreens, nor does the FDA seeking further information indicate such."

As for environmental concerns, AIM joined many other melanoma and skin cancer-related organizations to advocate for the National Academy of Sciences (NAS) study authorized in late 2019 that looks at current data gaps related not only to sunscreen access and public health but also to the effects of sunscreen on the environment. It was clear that more research is needed to understand any potential environmental concerns. That report is expected in Spring 2022 and will give us all guidance on sunscreens, human health, and the environment. We eagerly await the results of this study.

On behalf of *AIM at Melanoma, The Skin Cancer Education & Research Foundation*, and my family, **I urge Maui County to delay this legislation until the NAS study is published—and reconsider it at that time, with more information on any true environmental concerns as well as a greater understanding of the public health threat that this ban would create.** As Hawaii's own DOH noted in a letter to The Honorable Kelly Takaya King of your council dated July 30,

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[5] Parkin DM, Mesher D, Sasieni P. Cancers attributable to solar (ultraviolet) radiation exposure in the UK in 2010. Br J Cancer 2011; 105:S66-S69.

[6] Pfahlberg A, Kölmel KF, Gefeller O. Timing of excessive ultraviolet radiation and melanoma: epidemiology does not support the existence of a critical period of high susceptibility to solar ultraviolet radiation-induced melanoma. Br J Dermatol 2001; 144:3:471-475.

[7] Lew RA, Sober AJ, Cook N, et al. Sun exposure habits in patients with cutaneous melanoma: a case study. J Dermatol Surg Onc 1983; 12:981-6.

2021: "From a skin cancer/human health perspective, it is not advisable to limit sunscreens to only zinc/titanium as the active ingredients. Some people have hypersensitivity type reactions to these ingredients, or just don't like them and would likely not use sunscreen at all if these were the only options. In addition, research is definitely needed to better understand the risks to the environment from other chemical sunscreen constituents." We completely agree.

Thank you.

Sincerely,

Alicia Rowell
Vice President
AIM at Melanoma
925/800-9275

PACIFIC WHALE FOUNDATION

Protecting the ocean through science and advocacy and inspiring environmental stewardship

RECEIVED
2021 NOV 19 AM 11:44
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County Council of Maui
November 19th, 2021

RE: Bill 135 Relating to Ocean Pollution

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez, and members of council,

My name is Shelby Serra and I am testifying today on behalf of Pacific Whale Foundation, whose mission is to protect the ocean through science and advocacy, and to inspire environmental stewardship.

I am testifying in support of Bill 135.

We would like to reiterate our previous points, as well as provide feedback to the opposition.

Ultimately, coral reefs across the globe are threatened by a number of human impacts; agricultural runoff, over sedimentation, ocean acidification, overfishing, tourism pressure. Although the science on reef damage due to sunscreen chemicals is emerging, we urge the precautionary approach. Why risk added yet another stressor to and already stressed and incredibly fragile ecosystem?

Coral reefs are among the most biologically diverse ecosystems in the world, supporting nearly one million species of algae, invertebrates, and fish. In Hawai'i, coral reefs house more than 7,000 known species of marine plants and animals, almost 20% of which are endemic to Hawai'i, they provide protection to our coastlines from storm surge and hurricanes, and have over $33 billion in economic value. The science is clear that many of the elements in chemical sunscreens are harmful to coral and other marine life. Research has shown that some chemicals commonly found in sunscreen can damage coral reefs by disrupting coral reproduction, inhibiting growth, deforming coral DNA, and increasing the rate of zooxanthellae viruses and coral bleaching.

In Dr. Downs' presentation to your committee last month, it was revealed that adjustments to single polymers in a chemical compound used in a sunscreen can yield a new compound but still have similar detriments to the ecosystem. However, the change in name of that compound can exempt it from prohibiting law. By this logic, implementing a law that allows *only* mineral-based sunscreens, such as those based in zinc oxide and titanium dioxide, strengthens the intent of the legislation, and disallows manufactures from finding loopholes by adjusting their chemical compounds slightly.

According to the 2020 Hawai'i Ocean Resources Management Plan as well as the Hawai'i Tourism Authority, around 10 million people visit Hawai'i every year. Of this, it is reported that 80% of visitors take part in marine activities.

The opposition points to limiting the options for sun protection by removing sunscreens that are chemical-based. Environmental waste, in many instances, can be attributed to convenience (also known as many options for the same thing). As an organization, we encourage covering up over lathering on; this eliminates the need to any sunscreen lotions, and eliminates the single use plastic waste associated with sunscreen. Using human safety, and risk of skin cancer as a point to oppose this bill is weak. If this bill passes, there will still be many safe and effective options to combat the risk of skin cancer.

In addition, another point of the opposition is that the mineral-based sunscreens leave a white residue. This is simply not the case across the board; there are some mineral-based sunscreens that leave no residue.

Passing this law will create leverage at the State level to amend the current prohibitions on harmful chemicals. We commend Maui County for, once again, being a leader in environmental legislation.

Finally, we believe that a large-scale education campaign in conjunction with this legislation would yield the most efficacy. Our research has shown that policy without education and outreach is not effective; people need to know and need to be educated on the "why" of the problem.

We must take swift action and take a different approach to sunscreen prohibitions to ensure that we do not continue to add reef damaging chemicals into our waters, harming our reefs and marine life, day after day.

Mahalo for your time,

Shelby Serra
Conservation Advocate
Pacific Whale Foundation

County Clerk

From: Nicole S <nsiegel09@gmail.com>
Sent: Friday, November 19, 2021 9:11 AM
To: County Clerk
Subject: Strong support for Bill 135

[You don't often get email from nsiegel09@gmail.com. Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

Aloha Council Chair Lee and Councilmembers,

I am in strong support of Bill 135, to prohibit the sale, use, or distribution of non-mineral sunscreens. Non-mineral sunscreens are harmful to corals, the marine environment, and humans. Additionally, the active ingredients in non-mineral sunscreens have not been designated as generally recognized as safe and effective (GRASE) by the FDA. Lastly, Bill 135 permits the sale, use, or distribution of non-mineral sunscreens with a prescription from a physician. There are many mineral sunscreen options available to the general public.

Maui County has the opportunity to make history today by passing Bill 135. I urge the Council to once again implement the General Plan objective of protecting the natural environment and show the world it cares about the health of the coral reefs, marine environment, and people.

Mahalo,

Nicole Siegel

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From: Waiaulia Smith <waiauliasmith@kiheicharter.org>
Sent: Wednesday, November 17, 2021 7:54 PM
To: County Clerk
Cc: Jadda Miller
Subject: Support for bill 135

You don't often get email from waiauliasmith@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. . .

Aloha, I am a 7th-grade student at Kihei charter school. I would like you to ban all non-reef-safe sunscreens and only allow sunscreen with zinc oxide or titanium oxide. Zinc oxide and titanium oxide are the only generally recognized as safe and effective GRASE sunscreen chemicals. All the other ones such as oxybenzone have not only been shown to harm the reefs but also our bodies. Coral reefs also benefit the economy by From tourism to marine recreation and sport fishing, coral reefs play an important role in the economies of countries all around the world. By one estimate, coral reefs provide economic goods and services worth about $375 billion each year. The fish that grow and live on coral reefs are a significant food source for people worldwide according to https://floridakeys.noaa.gov/corals/economy.html. Whereas the sunscreen economy makes $13.03 billion dollars according to https://www.fortunebusinessinsights.com/sun-care-products-market-103821#:~:text=How%20much%20is%20the%20sun,USD%2016.84%20billion%20by%202027. So banning non-reef safe sunscreen would not only be better for our health but also better for the economy. That is why I support Bill 135.

Sincerely,

Wai Smith
7th grade Kihei Charter

County Clerk

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From: Miranda Somers <mirandasomers@kiheicharter.org>
Sent: Wednesday, November 17, 2021 9:32 AM
To: County Clerk
Subject: Bill #135

You don't often get email from mirandasomers@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. I am just a thirteen year old girl but I've lived on Maui all my life and have seen the changes in the coral over these years. I have seen sunscreen that is "reef friendly" but I turn it over and look at the ingredients and it's not. I did a project a few months ago and more than half of the products that said "reef friendly" or "reef safe" had Homosalate, Methylisothiazolinone, Nanoparticles, and many others which are all not reef safe.

Some brands are misleading too because they don't put avobenzone and octocrylene so therefore they say it's "reef friendly". These harmful chemicals can also harm your skin and go in your body. Just think if it's not good for the coral reefs it can't be that good for your body.

Coral bleaching can also harm the marine life around it. Many plants and animals survive on coral reefs. Visitors want to come and see our beautiful fish, not an empty skeleton of what used to be an amazing landscape. Not only do we have to think of our visitors but our kids and their kids.

Many people will and can have different opinions on this topic because it's the nature of topics, everyone has a different opinion. However,it's important to think about the meaning of aloha when considering this law. It's important to respect our land, our culture, and our future.

There are also other ways of protecting yourself from the sun and I think it's very important to address this in the bill. Mostly because people will not know how to protect themselves from the sun. Some ways that you can protect yourself while still being reef safe is sun protective clothing, rash guards, hats, mineral sunscreen just to name a few.

Sincerely, Miranda Somers 7th grade, Kihei Charter School

County Clerk

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From: Matthew Talbot <matt@mauiproperty.com>
Sent: Thursday, November 18, 2021 10:50 AM
To: County Clerk
Subject: Work force housing

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

Please allow affordable housing project to go through.
The housing in Maui insane. Workers on island will be forced to leave if something isn't done to help out the people that can't afford to live here!

County Clerk

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2021 NOV 18 PM 7:02
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COUNTY CLERK

From: Wayne Tanaka <wctanaka@gmail.com>
Sent: Thursday, November 18, 2021 6:57 PM
To: County Clerk
Subject: Testimony in SUPPORT of Bill 118, ʻĀina Kūpuna Tax Relief

You don't often get email from wctanaka@gmail.com. Learn why this is important

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and members of the Maui County Council,

My name is Wayne Chung Tanaka and I am testifying in my personal capacity to express my continued, STRONG SUPPORT for the ʻāina kūpuna tax relief proposal in Bill 118. This measure will provide significant, critical relief necessary to prevent the further permanent loss of family ʻāina that Native Hawaiian and other longtime residents of Maui County have lived on and cherished for generations, and ensure that these lands can continue to support their future generations -- thereby preserving the people and the heart of what makes Maui such a unique and special place to live.

I am grateful for your favorable consideration of this bill in its first reading, and respectfully ask that you help to finally pass this measure on second reading, and long-needed relief for those who have been pushed ever closer to the brink of losing their connections to their ancestral lands.

Mahalo nui loa,

Wayne Chung Tanaka

American Academy of Dermatology Association

Kenneth J. Tomecki, MD, FAAD President
Mark D. Kaufmann, MD, FAAD President-elect
Neal Bhatia, MD, FAAD Vice President
Linda F. Stein Gold, MD, FAAD Vice President-elect
Marta J. Van Beek, MD, MPH, FAAD Secretary-Treasurer
Daniel D. Bennett, MD, FAAD Assistant Secretary-Treasurer
Elizabeth K. Usher, MBA Executive Director & CEO

HDS
Hawaii Dermatological Society

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COUNTY CLERK

November 17, 2021

Members of the Maui County Council
Kalana O Maui Building, 8th floor
200 South High St.
Wailuku, Hawaii 96793

Dear Members of the Maui County Council:

On behalf of the Hawaii Dermatological Society and the nearly 16,500 U.S. members of the American Academy of Dermatology Association (AADA), we write concerning Bill 135, legislation that would prohibit the sale, use or distribution any non-mineral sunscreen without a prescription. As dermatologists we dedicate ourselves to promoting habits in our patients that ensure healthy skin. UV radiation damages the skin's DNA, which is the first stage of skin cancer. We oppose this legislation and urge you to strongly consider the broad implications of banning the use of sunscreens containing certain ingredients, bearing in mind the grave dangers of sun exposure without adequate protection that the residents and visitors of Maui County face.

Chemical (organic) sunscreen filters are an important component of many sunscreen products. They provide ample broad-spectrum protection against UV radiation. This legislation would remove access to chemical filters, leaving only mineral filters, which are less effective filters. Mineral sunscreen products often leave a whitish residue on the skin. Many, especially individuals with darker skin tones, find these to be unacceptable for use.

CORRESPONDENCE
PO Box 1968
Des Plaines, IL 60017-1968
EMAIL: mrc@aad.org
WEB: aad.org

ROSEMONT, IL OFFICE
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1201 Pennsylvania Avenue, NW, Suite 540
Washington, DC 20004-2401
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FAX: (202) 842-4355

UV light exposure is a risk factor for all types of skin cancer and sunscreen use is a major photo-protective method. UVA radiation damages deeper layers of the skin and contributes to the development of melanoma, the deadliest form of skin cancer. UVB radiation is the primary cause of sunburn and plays a key role in the development of skin cancer in the skin's superficial layers. Both types of rays suppress the immune system. [1] Unprotected sun exposure is the most preventable risk factor for skin cancer. At least one in five Americans will develop skin cancer. [2,3] Melanoma, the deadliest form of skin cancer, is the second most common form of cancer in women, aged 15-29 years old. Caucasian men, age 50+ are at a high risk of developing melanoma. [4,5,6] In 2021, 460 new cases of melanoma are expected in Hawaii. [7] The annual cost of treating nonmelanoma skin cancer in the U.S. is estimated at $4.8 billion, and the average annual cost of treating melanoma is approximately $3.3 billion. [8]

To prevent skin cancer, the AADA recommends comprehensive sun protection that includes seeking shade; wearing protective clothing, including hats and sunglasses; and applying a broad-spectrum, water-resistant sunscreen with an SPF of 30 or higher to exposed skin.

Dermatologists have an interest in patient and public access to safe and effective sunscreen ingredients. The FDA is currently working with industry on safety testing for currently marketed sunscreen ingredients. The FDA is also considering several time-and-extent applications (TEAs) for new sunscreen ingredients to be added to the FDA over-the-counter (OTC) sunscreen monograph. The FDA's conclusion from recent studies on sunscreen ingredient absorption "supports the need for further studies to determine the clinical significance of these findings." FDA further stated that "these findings do not

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[1] Lim HW, James WD, Rigel DS, Maloney ME, Spencer JM, Bhushan R. Adverse effects of ultraviolet radiation from the use of indoor tanning equipment: time to ban the tan. Journal of the American Academy of Dermatology. 2011 Apr 30;64(4):e51-60.
[2] Stern RS. Prevalence of a history of skin cancer in 2007: results of an incidence-based model. Arch Dermatol. 2010 Mar;146(3):279-82.
[3] Robinson JK. Sun Exposure, Sun Protection, and Vitamin D. JAMA 2005; 294: 1541-43.
[4] Siegel RL, Miller KD, Jemal A. Cancer statistics, 2017. CA Cancer J Clin. 2017; 67:7-30.
[5] Little EG, Eide MJ. Update on the current state of melanoma incidence. Dermatol Clin. 2012:30(3):355-61.
[6] NAACCR Fast Stats: An interactive quick tool for quick access to key NAACCR cancer statistics. North American Association of Central Cancer Registries. http://www.naaccr.org/. (Accessed on 3-10-2016).
[7] American Cancer Society. Cancer Facts and Figures 2021. https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2021/cancer-facts-and-figures-2021.pdf
[8] Guy GP, Machlin S, Ekwueme DU, Yabroff KR. Prevalence and costs of skin cancer treatment in the US, 2002–2006 and 2007–2011. Am J Prev Med. 2015;48:183–7

indicate that individuals should refrain from the use of sunscreen." [9] Sunscreen ingredients have been in use for almost 50 years without any reported systemic adverse side effects. This issue highlights the urgent need for new safe and effective sunscreen ingredients in the United States. With the approval of ingredients that utilize alternative UV filters, the public's health will be better. The AADA continues to participate in the discussion with the FDA and manufacturers regarding availability of current and new ingredients.

We are concerned about the potential environmental impact of UV-filters. The potential adverse effects related to the levels of UV-filters in the water supply and marine life (as well as humans) are an emerging science. A review of 12 studies evaluating 14 different organic UV filters in seawater near coral reefs determined that the majority of concentrations found in seawater were in the nanograms per liter range. Nine papers reported toxicological findings from no response to a variety of biological effects; these effects were detected in the micrograms per liter to milligrams per liter range, namely, at least 1000-fold higher than those reported in seawater in real life. [10] The review concludes "there is currently limited evidence to suggest that corals are adversely impacted by environmental exposure to UV filters."

Our organizations advocated for the enactment of the Further Consolidated Appropriations Act, 2020, by which the U.S. Congress directed the Environmental Protection Agency (EPA) to contract with the National Academy of Sciences (NAS) to conduct a scientific literature review of current sunscreens' potential risk to the marine environment. The study will consider scientific literature on the potential public health implications as a result of reduced use of sunscreens. This type of research is necessary to understand how UV filters may affect the environment. We encourage you to consider these ongoing efforts before taking any action to remove a product that has been proven to be effective against skin cancer. Based on current data, removing specific sunscreen ingredients and products from the market would be premature. Doing so would deprive the public of an integral component of photoprotection to decrease the risk of skin cancer.

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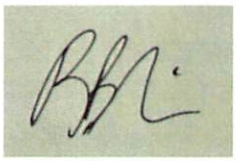
[9] Matta, MK, Florian, J, Zusterzeel, R, Nageswara RP, Patel, V, Volpe, DAPhD, et al. Effect of Sunscreen Application on Plasma Concentration of Sunscreen Active Ingredients: A Randomized Clinical Trial. Journal of the American Medical Association 323, No. 3 (2020). 267.

[10] Mitchelmore CS, Burns, EE, Conway A, Heyes A, Davies IA. A critical review of organic ultraviolet filter exposure, hazard, and risk to corals. Environ Toxicol Chem. 2020 (00);00:1-21. Online 2 February 2021 in Wiley Online Library
(wileyonlinelibrary.com). DOI: 10.1002/etc.4948

Please consider the public health consequences of removing access, banning use, or attaching stigma to sunscreens containing certain ingredients. We oppose Bill 135 for the reasons above, and we request that Hawaii give the FDA more time to evaluate new sunscreens for public use and for the NAS to conduct its review and report its findings. If this bill gains support, we urge the Council to 1) remove the word "use," so the ban only applies to sale and distribution and 2) extend the effective date to allow dermatologists and other physicians and pharmacies adequate time to develop and implement a prescribing infrastructure. We appreciate the opportunity to provide written comments on this important public health issue. For more information, please contact Lisa Albany, director of state policy for the AADA, at LAlbany@aad.org or (202) 712-2615.

Sincerely,

Kenneth J. Tomecki, MD, FAAD
President
American Academy of Dermatology Association



Rebecca Luria, MD, FAAD
President
Hawaii Dermatological Society

County Clerk

From: Wyatt vanderLee <wyattvanderlee@kiheicharter.org>
Sent: Wednesday, November 17, 2021 8:36 AM
To: County Clerk
Subject: Testimony for Bill 135

You don't often get email from wyattvanderlee@kiheicharter.org. Learn why this is important

Dear Maui County Council,

I am writing to express my gratitude and support for Bill 135 to ban the sale and use of non-mineral sunscreen products that contain oxybenzone and octinoxate.

I fully support Bill 135 because non-mineral sunscreen is very harmful to reefs. We can see this as Hawaii's reefs are slowly dying. This impact makes the reef pure white which may look beautiful but is actually very bad because marine animals that take shelter and feed off the reef will lose their home and food supply. This will affect the fishing community throughout Hawaii as they will catch fewer fish, negatively impacting local fish supply. Visitors who come here to see the colorful reefs of Hawaii may be disappointed by the environmental damage. This impact may negatively impact the tourist industry. But it is not only the marine animals that mineral sunscreens affect. Sunscreen also causes water pollution. One example of this is if there are multiple people in the ocean who are using non-mineral sunscreen. Swimmers using release chemicals in the water that will sting your eyes when you dunk your head and get back up and open your eyes. This has happened to me personally many times before. Furthermore, sunscreens are not F.D.A approved in the U.S., meaning they are not actually as safe and protective as the sunscreen brand says they are.

Based on this evidence, I fully agree with the ban of non-mineral sunscreen because it is harmful to reefs and the marine life within the reefs. It also impacts the fishing community, may result in less tourism income, and lessen the beauty of the reefs throughout the islands of Hawaii. Non-mineral sunscreen may also harm human health and cause water pollution. I hope this bill passes to fully ban sunscreen products that are harmful to the reef. Thank you for giving your time and listening to my testimony, and aloha!

RECEIVED
2021 NOV 17 AM 8:55
OFFICE OF THE
COUNTY CLERK

From: Wyatt vanderLee <wyattvanderlee@kiheicharter.org>
Sent: Wednesday, November 17, 2021 1:23 PM
To: County Clerk
Subject: My support for Bill 135

RECEIVED
2021 NOV 17 PM 1:26
OFFICE OF THE
COUNTY CLERK

You don't often get email from wyattvanderlee@kiheicharter.org. Learn why this is important

Dear Maui County Council,

I am writing to express my gratitude and support for Bill 135 to ban the sale and use of non-mineral sunscreen products that if you can't say it, don't spray it.

I fully support Bill 135 because non-mineral sunscreen is very harmful to reefs. We can see this as Hawaii's reefs are slowly dying. This impact makes the reef pure white which may look beautiful but is actually very bad because marine animals that take shelter and feed off the reef will lose their home and food supply. This will affect the fishing community throughout Hawaii as they will catch fewer fish, negatively impacting local fish supply. Visitors who come here to see the colorful reefs of Hawaii may be disappointed by the environmental damage. This impact may negatively impact the tourist industry. But it is not only the marine animals that mineral sunscreens affect. Sunscreen also causes water pollution. One example of this is if there are multiple people in the ocean who are using non-mineral sunscreen. Swimmers release chemicals in the water that will sting your eyes when you dunk your head and get back up and open your eyes. This has happened to me personally many times before. Furthermore, sunscreens are not F.D.A approved in the U.S., meaning they are not actually as safe and protective as the sunscreen brand says they are.

Based on this evidence, I fully agree with the ban of non-mineral sunscreen because it is harmful to reefs and the marine life within the reefs. It also impacts the fishing community, may result in less tourism income, and lessen the beauty of the reefs throughout the islands of Hawaii. Non-mineral sunscreen may also harm human health and cause water pollution. I hope this bill passes to fully ban sunscreen products that are harmful to the reef. Thank you for giving your time and listening to my testimony, and aloha!

Sincerely,
Wyatt van der Lee
Kihei Charter School, 7th Grade

Testimony of Francille Leināʻala Kuloloio Vedder
County of Maui
November 18,2021

Aloha Council Chair Alice Lee, Vice-Chair Keani Rawlins-Fernandez, and Maui County Council Members. I am testifying in support of the **Amendments to Bill 118 (2021) relating to real property dedicated as ʻĀina Kūpuna.**

I would like to thank Vice-Chair Keani Rawlins-Fernandez for addressing the long-standing issue of displacement on ʻāina kūpuna by establishing a new ordinance that provides tax relief. Thank you also to the entire Maui County Council for supporting the intent of this bill for our families in Maui Nui to remain on our ʻāina hoʻoilina kūpuna. We are grateful for the opportunities that this bill will provide for our families maintaining and holding on to our ʻāina hoʻoilina kūpuna. Thank you to Council Chair Alice Lee for your leadership, long-standing experience, and guidance bringing forth another momentous event in Maui County for the betterment of our kamaʻāina.

This bill gives hope and relief for my generation to continue the lifestyle, stories, traditions, and beliefs of our parents, uncles and aunties, grandparents, and ancestors who came before us. Being on our ʻāina kūpuna brings us comfort in times of grief, pain, confusion, happiness, joy, and celebration amongst our loved ones and dear friends. The light shines upon us as we bear witness to an outcome that we can celebrate with our kūpuna who remain to see this day in person and in spirit.

Me ka haʻahaʻa,

Leināʻala Kuloloio Vedder
Kuloloiʻa Lineage-I ke Kai o Kuloloiʻa

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County Clerk

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2021 NOV 18 AM 8:47
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COUNTY CLERK

From: Kevin Rodriguez <kevinrodriguez@kiheicharter.org>
Sent: Thursday, November 18, 2021 8:42 AM
To: County Clerk
Subject: Support for bill 135

You don't often get email from kevinrodriguez@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. withThis Bill will protect Maui. It is important because it's our home. I think that non-toxic sunscreen should be banned on Maui because it not only hurts us humans but also our beautiful coral reefs. I learned all of this from a woman named Cindi Punihaole. She inspired me to look forward to banning these harmful ingredients. I understand that the U.S makes millions of dollars but it's alright that for now they ban it on only Maui because it will teach the tourist that there is a specific sunscreen for the ocean so I think it won't be that bad. I also think that non-resafe sunscreen should be banned on Maui because it makes me mad that non-safe sunscreen kills and bleaches our coral and it's horrible.

Sincerely,

Kevin Rodriguez Velador
Kihei Charter 7th Grade

County Clerk

RECEIVED
2021 NOV 18 AM 9:05
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COUNTY CLERK

From: Hannah Wick <hannahwick@kiheicharter.org>
Sent: Thursday, November 18, 2021 9:00 AM
To: County Clerk
Subject: Bill 135

You don't often get email from hannahwick@kiheicharter.org. Learn why this is important

November 16, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. . .

1,500 years ago, polynesians moved onto Hawaii, and the reefs were beautiful and healthy. Between 1994 and 2006, Hawaii lost 25% of its living coral, due to non reef safe sunscreen. If this continues to go on, there is no denying that eventually all of Hawaii's coral will die off, and it will have a huge negative impact on the world. It will lead to a domino effect of mass destruction. A huge amount of marine life will die due to their only source of food disappearing.

Not to mention that if this happens, tourism will greatly decrease, because there are no beautiful places in the ocean to go snorkeling in. Coral reefs protect coastlines from storms and erosion. If there are no coral reefs left, Hawaii will be greatly more vulnerable to storms, waves, and erosion. Over 200 million people rely on coral reefs to safeguard them from storms. If coral reefs die, most of Hawaii's marine life will die and or move away and if that happens, the fatalities can and will be huge on not only Hawaii but also the rest of the world.

And the government could stop this with a snap of a finger, but to think they won't just because they want to make profits, it's cruel. The chemicals in sunscreen have already been proven to damage and bleach coral reefs, so the real question is why? Why won't our lawmakers help save Hawaii?

From: Bodhi Williams <bodhiwilliams@kiheicharter.org>
Sent: Wednesday, November 17, 2021 1:30 PM
To: County Clerk
Subject: testimony for bill 135

RECEIVED
2021 NOV 17 PM 1:45
OFFICE OF THE
COUNTY CLERK

You don't often get email from bodhiwilliams@kiheicharter.org. Learn why this is important

November 17, 2021

Dear Maui County Council,

I am writing to you today to express my support for Bill 135. I am hopeful that it will be passed.

I would like to have this bill passed not just for the health of reef ecosystems but for my family and friends as well. These products, if concentrated enough, could be toxic to humans. If we don't prevent the sale and use of these sunscreens and continue to use them, we could all be harmed.

I love the beach so it is sad to me that corals are suffering, bleaching, and being negatively impacted. This could make the county of Maui lose money because tourists could stop coming and spending money to see the corals leading to the collapse of the economy. Yes, this will happen in the future but that will mean the loss of jobs from hotels and snorkeling businesses as other commercial ocean activities. Which would result in little money for the state.

The coral dying affects the animals too. Here in Hawaii, we have many native and endemic species of fish and ocean animals that rely on the coral reefs to protect them and as a food source. Without these, our wonderful array of animals could die or move away (which could also affect the economy). Chemical ingredients in sunscreen are a major problem we must tackle. Please save our special coral reefs and animals by banning the use and sale of harmful sunscreens products to protect them before they disappear.

Sincerely,

Bodhi Williams

Kihei Charter School 7th Grade

County Clerk

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2021 NOV 19 AM 7:57
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COUNTY CLERK

From: Kalani Wilmington <khw461@gmail.com>
Sent: Thursday, November 18, 2021 9:01 PM
To: County Clerk
Subject: 'Aina Kupuna Bill 118

You don't often get email from khw461@gmail.com. Learn why this is important

Aloha,

My name is Kalani Wilmington and I am a descendant of John Kukahiko and Kamaka Kuhaulua. I strongly support the passing of 'Aina Kupuna Bill 118. Our 'ohana as well as many other others have struggled for many years to hold onto our ancestral lands in hopes of passing them down to our keiki. Please allow our 'aina kupuna to be able to keep our lands in the 'ohana and not worry about the high property taxes assessed on our homes and land due to the high speculation buying and selling of homes in the area.

Thank you for this opportunity to submit this testimony in support of the passing of 'Aina Kupuna Bill 118. Mahalo!

Kalani Wilmington

RETAIL MERCHANTS OF HAWAII

RECEIVED
2021 NOV 18 AM 10:38
OFFICE OF THE COUNTY CLERK

TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
November 19, 2021

Re: Bill 135 (2021) A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.42, MAUI COUNTY CODE, TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF NON-MINERAL SUNSCREENS

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

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

We are OPPOSED to Bill 135 (2021) A Bill for An Ordinance Establishing Chapter 20.42, Maui County Code, To Prohibit the Sale, Use, Or Distribution of Non-Mineral Sunscreens. Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect not only our environment but or kupuna, keiki, residents and visitors as well.

This measure goes way beyond the current state law that bans the sale and distribution of "oxybenzone and octinoxate" to include any non-mineral sunscreen and would be the most restrictive sunscreen ban in the nation. It is our understanding that over 64% of the current sunscreens that are currently sold in stores throughout the County of Maui will be taken off the shelves in October 2022 when this measure would go into effect. This does NOT include the **other forms sunscreen that include but not limited to foundation makeup, lipsticks, lip balm, haircare products, insect repellents and more.**

Hawaii is known for its many sunny days and **many residents and visitors who uses sunscreen include little leaguers, hikers, golfers, soccer, baseball and tennis players, and joggers to name a few**. With the pandemic we are seeing more people and families enjoying outdoor by working in their yard, walking, shopping, biking, playing outside, and going to the park. Sunscreens with zinc oxide or titanium dioxide that leave a white film on the skin where applied is not what many in Hawaii want to use.

Many of us wear sunscreen daily to protect ourselves from the effects of the sun like skin cancer - the most common form of cancer. Every year there are more cases of skin cancer in the United States than incidences of breast cancer, prostate cancer, lung cancer, and colon cancer combined. **One out of five Americans will develop skin cancer** in their lifetime, and one person dies of melanoma (the deadliest form of skin cancer) every hour. Most melanomas are caused by the sun, and a person's risk of melanoma doubles if he or she has had more than five sunburns. The Hawaii Department of Health has also mentioned that is NOT advisable to limit sunscreens to only zinc/titanium as the active ingredients from a skin cancer/human health perspective.

We may also run the risk of people no longer wearing sunscreen and thus increasing their chances of skin cancer. We must consider that there a people who are very allergic or sensitive to the use of zinc oxide or titanium dioxide and their sunscreen choices would be extremely limited if none at all. This ban on non-mineral sunscreens would also penalize those who do not go to the beach but use sunscreen daily like hikers, golfers, tennis players and joggers to name a few. Sunscreen products should be affordable and accessible as the first line of defense for individuals seeking protection from the sun's cancer-causing UV rays. Banning the sale of non-mineral products will drastically reduce the selection of sunscreen products available in Hawaii as well as compel local residents to purchase products online or not use sunscreen at all and our visitors to bring their own in their suitcases.

We also wonder **"How many people will actually take time off from work, pay a co-payment to see a doctor and then wait in the pharmacy to a get their expensive prescription for sunscreen filled that most likely won't be covered by their health insurance?"** The out-of-pocket cost would be the burden of the consumer as often time insurance or prescription plans do not cover this cost.

3610 Waialae Ave • Honolulu, HI 96816 (808) 592-4200 tyamaki@rmhawaii.org

Before acting on this measure, we feel the following questions needs to be addressed instead of assumptions.

- If pharmacies on Maui carry UV filter sunscreens, would they have to keep it behind the counter as this product would now be "by prescription only"
- Is it within Maui County's jurisdiction to regulate prescription medications or over-the-counter drugs?
- Will health insurance companies recognize a prescription for sunscreen only for the County of Maui when the FDA recognizes it as an over-the-counter drug?
- With Doctors and dermatologist prescribing sunscreen, are the people of Maui County willing to pay 2 to 3 times more for a sunscreen product that may not be covered by their health insurance?

If this bill passes, no one in Maui County will be able to use non-mineral sunscreen that you may have bought somewhere else prior to this ban, online, or visitors who brought their own from their home with them to use on vacation. **We also wonder who would enforce this law.** With tourist and local kamaaina traveling between islands and residents of Maui, would there by a sunscreen police at the airport checking our bags or raiding our homes to confiscate our sunscreen, lip balm, lipsticks, makeup foundation, haircare products, insect repellent and more.

While the FDA is studying chemical UV filters in sunscreens, it did NOT recommend banning them from use.
The FDA recommended no changes to currently marketed sunscreens. **We ask that the Maui County Council to wait until the National Academy of Science (NAS) completes their review scientific literature of sunscreen's impact on both environmental and human health**. The NAS report should be published in Spring 2022 and will give decision makers guidance on how to approach sunscreen rulings.

The solution of banning the use and sale of non-mineral sunscreen and other products is not the one-shot solution that will solve the issues surrounding the coral reefs. Consumers, both visitors and kamaaina would have extremely limited choices on sunscreen and products that are often less effective at blocking the sun and may cost a lot more. More education and comprehensive studies of the coral reefs in their natural environment are needed. And we must be sure that there are truly a large variety of effective sunscreen-based products that are easily available and are not cost prohibitive.

We ask that you amend the bill to be in line with the state law banning only the sale and distribution of "oxybenzone and octinoxate.

Mahalo for this opportunity to testify.

3610 Waialae Ave • Honolulu, HI 96816 (808) 592-4200 tyamaki@rmhawaii.org

HFIA
HAWAII FOOD INDUSTRY ASSOCIATION

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

Executive Officers
Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

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2021 NOV 16 AM 7:57
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COUNTY CLERK

TO: Maui County Council

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Friday, November 19, 2021
TIME: 9am
PLACE: Online

RE: Bill 135 to prohibit the sale, use, or distribution of non mineral sunscreens including those containing oxybenzone, octinoxate, or both

Position: Oppose

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

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

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

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

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1 http://www.hawaiinewsnow.com/story/37628769/researchers-map-out-the-impact-of-humans-environment-on-hawaiis-coral-reefs
Advancing the integration of spatial data to map human and natural drivers on coral reefs
http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0189792#sec012

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

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

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

Thank you for the opportunity to testify.

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