
A BILL FOR AN ACT

RELATING TO PLASTIC PRODUCTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to prohibit the sale
2 of plastic products labeled as "biodegradable", "degradable",
3 and "decomposable" and require the department of health to adopt
4 the most recent ASTM International standard D6400, "Standard
5 Specification for Compostable Plastics", ensuring that plastic
6 products labeled as "compostable" meet the adopted applicable
7 standard specification.

8 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . PLASTIC PRODUCT LABELING

12 §342H- Definitions. As used in this part, unless the
13 context otherwise requires:

14 "Biodegradable" means capable of being slowly destroyed and
15 broken down into very small parts by natural processes.

16 "Compostable" means able to meet the most recent ASTM
17 International standard D6400, "Standard Specification for
18 Compostable Plastics".



1 "Consumer product" means a product or part of a product
2 that is used, bought, or leased for use by a person for any
3 purpose.

4 "Decomposable" means capable of being broken down into a
5 much simpler form of matter.

6 "Degradable" means capable of disintegrating, by naturally
7 occurring biological or physical processes in the environment,
8 within a period of three years after disposal into fragments
9 that are smaller than the original size or into particles of low
10 molecular weight compared to the molecular weight of the
11 original material.

12 "Plastic" has the same meaning as in section 342H-41.

13 "Plastic product" means a product made of plastic, alone or
14 in combination with other material, including but not limited to
15 a consumer product; a package or packaging component; a bag,
16 sack, wrap, or other thin plastic sheet film product; a food or
17 beverage container; or a container component.

18 **§342H- Adoption of standard specification for**
19 **compostable.** (a) The department shall adopt:

20 (1) The most recent ASTM International standard D6400,
21 "Standard Specification for Compostable Plastics";



1 (2) A standard specification that adds qualifications to
2 the ASTM International standard specification; or

3 (3) A standard specification that is adopted or developed
4 by a standard-setting organization and is more
5 stringent than the ASTM International standard
6 specification.

7 (b) If an adopted standard specification for compostable
8 is subsequently revised, the department shall review the new
9 standard specification in comparison with the standard
10 specification prior to its revision, as follows:

11 (1) If the department determines that the new standard
12 specification is more stringent and consistent with
13 state policies and programs, the department may adopt
14 the new standard; and

15 (2) If the department determines that the new standard
16 specification is less stringent and not consistent
17 with state policies and programs, the department shall
18 not adopt the new standard.

19 (c) The department shall review any new standard
20 specification for compostable and if the department determines
21 that the new standard specification is more stringent and



1 consistent with state policies and programs, the department may
2 adopt the new standard specification for compostable.

3 **§342H- Prohibition against biodegradable, degradable,**
4 **and decomposable label; exception for compostable label. (a)**
5 No person shall sell a plastic product labeled with the term
6 "biodegradable", "degradable", or "decomposable" or imply that a
7 plastic product will break down, fragment, biodegrade, or
8 decompose in a landfill or other environment.

9 (b) A person may sell a plastic product that is labeled as
10 "compostable" if the plastic product meets the applicable
11 standard specification adopted by the department and the
12 department has verified that the plastic product meets the
13 adopted specification standard; provided that, in addition,
14 compostable plastic products shall be:

15 (1) Clearly labeled with a certification logo indicating
16 that the plastic product meets the adopted standard
17 specifications;

18 (2) Green in color and labeled with the word "compostable"
19 on both sides of the plastic product; and

20 (3) Not labeled with a recycling symbol.

21 **§342H- Fines.** Violators shall be fined:



- 1 (1) \$500 for the first violation;
- 2 (2) \$1,000 for the second violation; and
- 3 (3) \$2,000 for the third and subsequent violations."
- 4 SECTION 3. This Act shall take effect on January 1, 2016.

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Report Title:

Environment; Plastic Products; Prohibition Against Biodegradable, Degradable, and Decomposable Labeling; Compostable; Penalties

Description:

Requires the department of health to adopt a standard specification for compostable and that plastic products labeled as "compostable" meet the applicable standard specification adopted by the department of health. Prohibits a person from selling plastic products labeled as "biodegradable", "degradable", or "decomposable" or implying that a plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment; and provides an exception for plastic products labeled as "compostable" if certain criteria are met. Establishes fines for violators. Takes effect on 1/1/2016. (SD1)

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