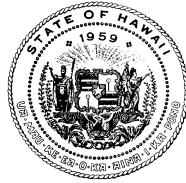


**HB 620, HD2**



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on H.B. 620, H.D. 2**  
**RELATING TO ENVIRONMENTAL PROTECTION**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT  
SENATOR ROSALYN BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
Hearing Date: March 19, 2015                      Room Number: 225  
Time: 3:30 p.m.

- 1    **Fiscal Implications:** Unknown. No funding is provided to enforce this measure.
- 2    **Department Testimony:** The Department appreciates the legislature’s concern over the  
3    labeling of plastic items as “compostable.” However, the ASTM standards for the labeling of  
4    plastic products as “compostable” will only identify what materials can be composted if it is  
5    placed in commercial and municipal composting facilities. It will not prevent the release of  
6    “biodegradable” products into the environment, or ensure that the material will readily  
7    decompose in environments other than aerobic, thermophilic conditions of a commercial and  
8    municipal composting facility. We also note that this type of plastic is less than 1 percent of the  
9    current plastics waste stream, and that composting facilities have not shown interest in accepting,  
10    segregating, and composting this small fraction of the plastics waste stream on a regular, “large-  
11    scale” basis.
- 12    If the legislature chooses to pass this measure, the Department prefers the H.D. versions over the  
13    original version because it makes this labeling requirement self-implementing. Because no  
14    funding is provided to implement this measure, the Department does not have the resources to  
15    enforce the proposed labeling requirements at this time. The proposed new requirements will  
16    require oversight over a new set of regulated entities, not ones that we already regulate under  
17    HRS 342G or H. Our solid waste enforcement staff is primarily funded by solid waste  
18    management surcharge revenue which has decreased over recent years. In order to accommodate  
19    reduced revenue and increased personnel costs, we have already cut or reduced services, such as  
20    state-wide solid waste management planning, compliance monitoring of solid waste facilities,  
21    enforcement of battery and tire retailers, and municipal solid waste landfill operator training.

1 If the legislature chooses to pass this measure, we also ask that the measure be placed in a new,  
2 separate chapter, such as 332A. However, if the legislature still wishes to place this measure in  
3 342H, we ask that it be placed in Part III rather than Part II.

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

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March 18, 2015

Committee Chair & Members of ENE (Energy & Enviro.) & CPN (Commerce and Consumer Protection)

**RE: Strong Support for HB620 – Relating to Better Labeling for Plastic Products – Strong Support  
Hearing on Wed., 3/19/15, State Capitol, Conf. Rm. 225, 3:30PM**

Dear Chairs Gabbard & Baker, Vice Chairs Green & Taniguchi, and Committee Members,

As the Hawaii Regional Manager of the Surfrider Foundation, I'm writing in strong support passage of HB620. We were involved in drafting this bill to help consumers better understand and deal with so-called "biodegradable" products, which are often mislabeled and lead to plastic pollution and health issues. Working with a number of groups, we formed the Rise Above Plastic Coalition, which includes organizations like Styrophobia, Conservation Council for Hawaii, Sustainable Coastlines, Surfrider, Kokua Hawaii Foundation and many other groups who are committed to reducing plastic pollution.

Biodegradable plastics can be more damaging to the environment because they break down into toxic micro-plastics and often mislead consumers into believing that "biodegradable" means the same as "compostable." Biodegradable products can be up to 97% plastic. Designed to break down to micro-plastics, this process creates a greater threat to marine and terrestrial life, as it contaminates the food chain when organisms mistake the micro-plastics for food. Products defined as "biodegradable" present an even greater danger to the environment because they break down faster and leave micro-plastics in the soil and water that cannot be seen or cleaned up.

Consumers try to be more eco-friendly by purchasing products that are labeled and advertised as "biodegradable." But "biodegradable," "degradable," and "decomposable" labels have almost no standards to verify that the products will truly decompose. Only products that are "certified compostable" have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards. These standards require products to: 1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper; 2. disintegrate into small pieces within 90 days so that the original product is not visually distinguishable in the compost; and 3. leave no toxic residue.

Compostable products not only require less fossil fuel to manufacture, but burn more efficiently than plastics. Whether they are burned, composted or put in a landfill, they are less toxic and harmful than so-called "biodegradable" plastics, which is really an oxymoron. This has led to much confusion in other bills like HB621.

Unfortunately, this bill was amended to focus on "compostable products," but it should focus on the misleading term "biodegradable," which needs to be eliminated or redefined as "capable of decomposing back into natural elements in a natural / marine environment." By clarifying the misleading term "biodegradable," this bill will ensure a fair market for businesses, protect consumers and preserve the environment, while having less of an impact on the environment than conventional plastics. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,  
Stuart Coleman  
Stuart H. Coleman  
Hawaii Regional Manager

Surfrider Foundation Hawaii Chapters \* 2121 Algaroba St., #1107 \* Honolulu, HI 96826  
808-381-6220 \* [scoleman@surfrider.org](mailto:scoleman@surfrider.org) \* [www.surfrider.org](http://www.surfrider.org)

# Beach Environmental Awareness Campaign Hawai'i

*P. O. Box 25284 · Honolulu · Hawai'i · 96825*

*(808) 393 2168 · www.b-e-a-c-h.org*

DATE: 16th March, 2015

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment  
Chair Rosalyn Baker and Members of the Committee on Commerce and Consumer Protection

FROM: Suzanne Frazer, President, Beach Environmental Awareness Campaign Hawai'i

RE: **TESTIMONY IN SUPPORT OF HB620 HD2**

Relating to Environmental Protection. Prohibits labelling of a plastic product as compostable unless it meets ASTM D6400 standards.

Committee meeting on Thursday 19th March, 2015 at 3:30PM in room 225.

Aloha Chair Gabbard, Chair Baker and Committee Members,

Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.) supports HB620 HD2. It is important to ensure that people are not misled by false and misleading environmental claims that plastic products can break down in the environment. The use of the labels "biodegradable", "decomposable", "degradable" or other like terms on plastic products is inherently misleading and therefore what this bill needs to do is ban the sale of plastic products with any label that implies that a plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment unless it is compostable and has the ASTM D6400 certification.

The reason the labels "biodegradable", "degradable" and "decomposable" need to be banned is because these terms are being misused on plastic items to deceive people into thinking that the plastic item will break down and not be harmful to the environment. In fact these "biodegradable" items are really made of plastic. We had a "biodegradable" fork tested and it came back as being 91% polystyrene (number 6 plastic). The only difference between this fork and other plastic forks is the addition of an additive such as starch. This additive makes up only a small fraction of the product and is the only part of the product that biodegrades. The plastic component of the item does not. Plastic is not able to biodegrade. It can only photodegrade breaking into smaller and smaller pieces but it never goes away. Plastic lasts forever.

Unfortunately, unscrupulous manufacturers of plastic products and additives are cashing in on the "green movement" and people's good intentions to want to do what is "green" and right for the environment. No business should want to be part of this deceptive practice. Selling "biodegradable" plastic products knowing full well they are really plastic is aligning their business with deceptive business practices. This bill will help businesses as they won't be able to be taken in by deceptive environmental marketing claims on falsely labelled "biodegradable" plastic products and won't be wasting their money on products that are harmful to the environment. Many retailers have told us they paid 3 times as much for the "biodegradable" plastic items than they would for a plastic item with no "biodegradable" label.

To prevent deceiving or misleading consumers about the environmental impact of plastic products,

consumers need to have accurate and useful information about the environmental impact of plastic products and therefore environmental marketing claims need to adhere to ASTM D6400 standards.

Also people are more likely to litter items labelled “biodegradable”, “degradable”, “decomposable” and other similar terms. In nearly every school I have taught in here in Hawai‘i, students have told me that they didn’t think anything of littering “biodegradable” plastic items as they thought it would not harm the environment. Environmental marketing claims of “biodegradation” lead to an increase in environmental harm associated with plastic litter by providing consumers with false belief that certain plastic products are less harmful to the environment if littered.

### **SUGGESTED AMENDMENTS:**

We respectfully ask that you consider amending this bill to ensure it is effective by banning the sale of plastic products with labels implying the product will break down. Please see suggested amendments below:

#### **HB620 HD1 section 2:**

- (a) A person shall not sell a plastic product in this state that is labelled with the term “compostable” unless at the time of sale the plastic product meets ASTM D6400 specifications
- (b) A person shall not sell a plastic product in this state that is labelled with the term “biodegradable”, “degradable” or “decomposable” or any form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment

And as many plastic products are manufactured overseas and distributed through mainland companies, we suggest using “supplier”. Please see amendments below:

#### **HB620 HD1 section 2:**

- c) A manufacturer of plastics or supplier who violates....

#### ***Definition from California bill SB567 (2011):***

“Supplier” means a person who does one or more of the following:

- (1) Sells, offers for sale, or offers for promotional purposes, a plastic product that is used.
- (2) Takes title to a plastic product, produced either domestically or in a foreign country, that is purchased for resale or promotional purposes

Also California passed a very successful law in 2011 which banned the sale of plastic products labelled “biodegradable”, “degradable” and “decomposable”. This law is enforced through city, county or state and therefore does not rely on one state department. Not only is this a good solution to implementation and enforcement and how to pay for it but it is successfully working in California:

#### **Enforcement**

#### ***From 42358 of California bill SB567 (2011):***

- (a) A City, a county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation, one thousand dollars (\$1000) for the second violation and two thousand dollars (\$2000) for the third and any subsequent violation.

(b) Any civil penalties collected pursuant to subdivisions (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(d) The costs incurred by a state agency in carrying out this chapter shall be recoverable by the Attorney General, upon request of the agency, from the liable person or persons.

Thank you for considering these amendments and for the opportunity to provide written testimony in support of HB620 HD2.

Sincerely,



Suzanne Frazer,  
President,  
Beach Environmental Awareness Campaign Hawai'i (B.E.A.C.H.)



*Beach Environmental Awareness Campaign Hawai'i is an all volunteer, non-profit organization that brings awareness and solutions to marine debris through environmental education; plastic reduction/litter prevention campaigns; and marine debris removal and research; in order to inspire actions by individuals and the community that protect Hawai'i's marine life, sea birds and ocean/coastal environment.*

Jodi Malinoski  
Surfrider Foundation Oahu Chapter  
Committee of ENE/CPN  
Tuesday, March 19<sup>th</sup>, 3:30 PM in Room 225  
Bill HB 620 HD 2: Compostable Plastic Products  
Support of HB 620 HD 2

Dear Chair Gabbard, Chair Baker, Vice Chair Green, Vice Chair Taniguchi, and committee members,

Aloha, my name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of House Bill 620.

The marketing of products as “biodegradable,” “degradable,” and “decomposable” is not only dangerous to the environment, but is also misleading to consumers who think they are purchasing products that are going to naturally break down. The labeling of products as “biodegradable,” “degradable,” and “decomposable” have no standards to verify that the products will truly decompose. Plastics do break down into smaller and smaller pieces, but are estimated to stay in the environment for 300-1000 years. Only products that are “certified compostable” have been scientifically proven to biodegrade by measurable, verifiable, and certifiable ASTM (American Society for Testing Materials) D6400 standards.

ASTM D6400 states that: Under a managed composting program, the product must:

1. break down to carbon dioxide, water, inorganic compounds, and biomass at a rate similar to paper,



2. disintegrate into small pieces within 90 days, so that the original product is not visually distinguishable in the compost
3. leave no toxic residue

Compostable products not only require less fossil fuel to manufacture, but burn more efficiently than plastics, and break down in a managed composting program. This law makes environmentally-friendly alternatives to plastics more transparent. Having these “compostable” standards mandatory for any product sold or manufactured in Hawaii will ensure a fair market for businesses, will protect consumers who want to protect the environment, and have less of an impact on the environment than conventional plastics.

On behalf of the Rise Above Plastics Coalition, thank you for the opportunity to show support for HB 620.

Warmest Mahalo,

Jodi Malinoski

Rafael Bergstrom  
Surfrider Foundation Oahu Chapter  
HB 620,  
ENE/CPN, March 19<sup>th</sup>  
Strong Support

As our community moves towards a more sustainable future in which we take special consideration for protecting our natural resources by reducing our consumption of single use plastic items, it is important to have uniform definitions to create standards with. At present the term “biodegradable” can be used frivolously and provide loopholes in which products still contain over 90% plastic, and easily break into smaller pieces. By having standards by which we describe these products we will be sure that “green washed” items are not making it into our product and waste streams. Certified compostable products are actually capable of breaking down into natural components that do not contaminate our environment as many plastic products do.

The Surfrider Foundation Oahu Chapter strongly supports this reform of standards that will aid in the protection of our precious natural resources.

Mahalo for your time and support of this bill.

Cheers,  
Rafael Bergstrom  
Oahu Chapter Coordinator, Surfrider Foundation

SENATE COMMITTEE ON ENERGY & ENVIRONMENT

March 16<sup>th</sup>, 2015

3:30 PM

Conference Room 225

In Opposition of House Bill No. 620 HD 2

Committee Members:

Island Plastic Bags, Inc. (IPB) opposes HB620 HD 2. ASTM D6400 is a standard specification for compostability. The specification created a definition of compostability used by governments, businesses, and consumers. It does not define the terms biodegradable, degradable, or decomposable. ASTM International never intended the specification to define these terms and using it for this purpose is a misuse of the specification.

To be considered compostable under ASTM D6400, a product must biodegrade within 90 days within a composting facility. There are green products that are meant to biodegrade but do not do so within that timeframe and under those conditions. Certain biodegradable technologies are meant to end up in a landfill and biodegrade over a period of years. Using ASTM D6400 as the definition of biodegradable would prohibit the marketing and sale of these biodegradable products which would hurt Hawaii businesses and consumers.

The language in HB 620 HD 2 should be reverted back to the language in HB 620 HD 1. The state should require marketers of green products to provide independent scientific testing to back up their marketing claims in order to protect the environment. However, the state should not exclude green products solely because they do not meet the compostable standard. Doing so would deprive consumers of products that would lessen their environmental impact and would hurt local manufacturers of green products.

Sincerely,

Adrian K. Hong, President

Island Plastic Bags, Inc.

DATE: March 19, 2015

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment,  
Chair Rosalyn Baker and Members of the Committee on Commerce and Consumer Protection

FROM: Alexandra Glenn  
Honolulu, HI 96815

RE: **TESTIMONY IN SUPPORT OF HB620 HD2**  
Relating to Environmental Protection. Prohibits labelling of a plastic product as compostable unless it meets ASTM D6400 standards.

Committee meeting on Thursday 19<sup>th</sup> March, 2015 at 3:30PM in room 225.

Aloha Chair Gabbard, Chair Baker and Committee Members,

I support HB620 HD2. The use of labels such as “biodegradable”, “degradable”, “decomposable” or other like terms on plastic products is greenwashing and what this bill needs to do is ban the sale of plastic products with any label that implies that a plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment unless it is compostable and has the ASTM D6400 certification. Plastic products made from fossil fuels do not biodegrade, they only photodegrade into smaller and smaller pieces and never go away.

I respectfully ask that you consider amending this bill to ensure it is effective by banning the sale of plastic products with labels implying the product will break down. Please see suggested amendments below:

**HB620 HD1 section 2:**

(a) A person shall not sell a plastic product in this state that is labelled with the term “compostable” unless at the time of sale the plastic product meets ASTM D6400 specifications

(b) A person shall not sell a plastic product in this state that is labelled with the term “biodegradable”, “degradable” or “decomposable” or any form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment

Thank you for considering these amendments and for the opportunity to provide written testimony in support of HB620 HD2.

Sincerely,

Alexandra Glenn



DATE: 18<sup>th</sup> March, 2015

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment  
Chair Rosalyn Baker and Members of the Committee on Commerce and Consumer Protection

FROM: Dean Otsuki  
P.O. Box 25284  
Honolulu, HI 96825

RE: **TESTIMONY IN SUPPORT OF HB620 HD2**  
Relating to Environmental Protection. Requires plastic products labeled as biodegradable, degradable, decomposable, or compostable to meet ASTM D6400 standards

Committee meeting, Thursday 19<sup>th</sup> March, 2015 at 3:30pm, room 225.

Aloha Chair Gabbard, Chair Baker and Committee Members,

I am writing in support of HB620 HD2 because there are many manufacturers of plastic products that claim their plastic products are biodegradable or “good for the environment” when they are not made of natural compostable materials. Banning the sale of plastic products that has a label that leads the consumer to believe it is biodegradable, degradable, or decomposable is needed. Having plastic products meet the ASTM D6400 standards for compostability is necessary to protect the public from being deceived.

Consumers may also litter plastic items labeled biodegradable, degradable, or decomposable because they think it will not be detrimental to the environment.

Plastic products whether they are in one piece or broken into tiny pieces are detrimental for the environment, especially the ocean environment. Plastic never biodegrades, only photodegrades into smaller and smaller pieces which may be ingested by marine life. Plastic lasts forever. Many plastic products labeled biodegradable usually have a natural substance mixed in with the plastic which makes the product break down faster but never completely breaks down into compostable material.

The deception that plastics are biodegradable by plastics manufacturers needs to stop and requiring products that are compostable to be labeled with the ASTM D6400 designation needs to be signed into law. Thank you for this opportunity to provide written testimony in support of HB620 HD2.

Aloha,

Dean Otsuki

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [ENETestimony](#)  
**Cc:** [hlimm@hawaii.edu](mailto:hlimm@hawaii.edu)  
**Subject:** Submitted testimony for HB620 on Mar 19, 2015 15:30PM  
**Date:** Wednesday, March 18, 2015 12:40:37 PM

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**HB620**

Submitted on: 3/18/2015

Testimony for ENE/CPN on Mar 19, 2015 15:30PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Holly Limm	Individual	Support	No

Comments: I am in support for HB620. This bill is important in ensuring that the public is not misled by the term "biodegradable" and "compostable" plastic. "Biodegradable" plastic cannot break down in the environment, because most of its contents is still plastic. These bags are still as harmful and detrimental to marine environments as normal plastic bags. Thank you for the opportunity to provide a written testimony in support of HB620

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [ENETestimony](#)  
**Cc:** [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
**Subject:** \*Submitted testimony for HB620 on Mar 19, 2015 15:30PM\*  
**Date:** Tuesday, March 17, 2015 3:47:47 PM

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**HB620**

Submitted on: 3/17/2015

Testimony for ENE/CPN on Mar 19, 2015 15:30PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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DATE: March 18, 2015

TO: Chair Mike Gabbard and Members of the Committee on Energy and Environment,  
Chair Rosalyn Baker and Members of the Committee on Commerce and Consumer  
Protection

FROM: Lynn Garcia, MSW Candidate

RE: **TESTIMONY IN SUPPORT OF HB620 HD2**  
Relating to Environmental Protection. Prohibits labelling of a plastic product as  
compostable unless it meets ASTM D6400 standards.

Committee meeting on Thursday 19<sup>th</sup> March, 2015 at 3:30PM in room 225.

Aloha Chair Gabbard, Chair Baker and Committee Members,

I support HB620 HD2. The use of labels such as “biodegradable”, “degradable”, “decomposable” or other like terms on plastic products is greenwashing and what this bill needs to do is ban the sale of plastic products with any label that implies that a plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment unless it is compostable and has the ASTM D6400 certification. Plastic products made from fossil fuels do not biodegrade, they only photodegrade into smaller and smaller pieces and never go away.

I respectfully ask that you consider amending this bill to ensure it is effective by banning the sale of plastic products with labels implying the product will break down. Please see suggested amendments below:

**HB620 HD1 section 2:**

(a) A person shall not sell a plastic product in this state that is labelled with the term “compostable” unless at the time of sale the plastic product meets ASTM D6400 specifications

(b) A person shall not sell a plastic product in this state that is labelled with the term “biodegradable”, “degradable” or “decomposable” or any form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment

Thank you for considering these amendments and for the opportunity to provide written testimony in support of HB620 HD2.

Sincerely,

Lynn Garcia

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [ENETestimony](#)  
**Cc:** [babyjean@hotmail.com](mailto:babyjean@hotmail.com)  
**Subject:** \*Submitted testimony for HB620 on Mar 19, 2015 15:30PM\*  
**Date:** Monday, March 16, 2015 1:56:50 PM

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**HB620**

Submitted on: 3/16/2015

Testimony for ENE/CPN on Mar 19, 2015 15:30PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronnie Perry	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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