

STAND. COM. REP. NO.

29

Honolulu, Hawaii

FEB 08 2021

RE: S.B. No. 582  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 582 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "water pollutant" as used in chapter 342D, Hawaii Revised Statutes, to include plastic.

Your Committee received testimony in support of this measure from Surfrider Foundation Hawai'i Region, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, He'eia National Estuarine Research Reserve, Center for Biological Diversity, Sustainable Coastlines Hawai'i, Zero Waste O'ahu, and twenty individuals. Your Committee received testimony in opposition to this measure from the Department of Health and American Chemistry Council. Your Committee received comments on this measure from Life of the Land.

Your Committee finds that the Environmental Protection Agency recognizes that most of the trash that pollutes the nation's waters is plastic trash. Additionally, the Environmental Protection Agency held that seventeen water bodies around the Hawaiian islands are impaired by plastic pollution. Plastic pollution poses a serious threat to the State's water quality and vulnerable marine ecosystems, killing and injuring thousands of seabirds, sea turtles, and other marine mammals after ingestion or



entanglement. Plastic never fully biodegrades or decomposes, but instead breaks into smaller pieces that is readily dispersed by water and wind. Microplastics have emerged as a major threat to marine wildlife, water quality, and human health because of its ability to absorb environmental toxins and be eaten by fish, other marine life, and proceeds through the food chain until eventually consumed.

Additionally, your Committee finds that on March 30, 2020, the Environmental Protection Agency issued a final ruling, rescinding its approval of the 2018 Hawai'i List of Impaired Waters under Clean Water Act (CWA), Section 303(d), citing specifically that "the State's submission does not demonstrate that it has satisfied its statutory and regulatory obligation to assemble and evaluate all existing and readily available water-quality data and information, specifically for plastic trash related to plastics."

Your Committee acknowledges the testimony of the Department of Health expressing concerns that the addition of "plastic" to section 342D-1, Hawaii Revised Statutes, is unnecessary and redundant as plastics are a subset of garbage and solid refuse, both of which are already defined as pollutants.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 582, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture and  
Environment,



MIKE GABBARD, Chair



