



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony COMMENTING on HB1316
RELATING TO PACKAGING WASTE**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/9/2021 Room Number: Via Videoconference

1 **Fiscal Implications:** This bill creates a special fund to support the program's annual costs after
2 establishment. However, the Department of Health (Department) estimates that it will need an
3 appropriation by the State Legislature for the initial costs to establish a waste and litter
4 management program to accomplish HB1316. This includes filling new positions; overhead and
5 other common expenses; and miscellaneous contract expenses. Implementing this proposal will
6 impact the priorities identified in the Governor's Executive Budget Request for the Department's
7 appropriations and personnel priorities.

8 **Department Testimony:** Plastic waste is a significant pollutant and addressing plastic waste
9 will benefit the State and protect the environment, economy, and public health. Costs to develop
10 and implement solutions to address plastic waste is currently borne by the State and counties, and
11 HB1316 proposes an innovative solution to require manufacturers and producers of plastic goods
12 and packaging be accountable for their products. The Department is optimistic that the strategies
13 proposed in this bill can be a template to address other bulkier solid waste issues, like discarded
14 mattresses and carpet, in the future.

15 The Department offers the following comments to this bill:

16 Establishment costs. The Department estimates that it may initially cost approximately
17 \$750,000.00 a year to institute a new program to accomplish this bill, until the new special fund
18 identified in HB1316 is established and producer responsibility organizations have remitted
19 sufficient funds for the program to operate without legislative appropriations. This includes

1 personnel costs, including establishing, funding, and ultimately filling approximately twelve to
2 fifteen positions consisting of: 1) engineers to determine and confirm technical aspects of
3 producer responsibility organization plans; 2) planners and/or program specialists to review
4 plans and provide guidance to producer responsibility organizations; 3) enforcement and
5 inspection staff to ensure compliance; 4) accountants to process producer responsibility
6 organization payments and manage the program's annual budget; and 5) clerical and
7 administrative staff, including a program supervisor. Funding and filling all of these positions
8 can be phased over several years, as enforcement staff will not be necessary at the onset of the
9 program, but personnel will need to be in place to develop administrative rules and begin
10 coordinating with producer responsibility organizations to review plans and process producer
11 responsibility organization payments. This estimate would also include overhead, supplies, and
12 other common expenses, including office lease rents, and miscellaneous professional service
13 and/or other consultant service contract expenses if necessary.

14 Annual costs. The Department shall collect payments from the producer responsibility
15 organizations and apply those payments to the Department's costs for the next fiscal year. Any
16 balance shall be applied to the annual program budget for the following fiscal year, and
17 payments shall be increased if the annual payments collected are less than the Department's costs
18 for the prior fiscal year. The Department respectfully requests that any balance be held in
19 reserve, or that a provision to automatically appropriate other funds be included, if the collected
20 annual payments are less than the costs for the current fiscal year. This will help to fund payroll
21 and operational costs and avoid reductions in force if there is a deficit in the current fiscal year.

22 Covered product material determination. Current product packaging may include more
23 than one material (for example, dried pasta packaging that is primarily a paper box, but with a
24 translucent plastic window to allow the consumer to view the product). This proposal will help
25 guide producers in the future, but determining the composition of packaging will be necessary in
26 the interim. The Department respectfully requests that this proposal suggest a formula or method
27 to calculate blended products.

1 Market size. The Department is concerned that due to the State’s small market size, this
2 proposal may harm local consumers. When Hawaii Revised Statutes Chapter 339D, Electronic
3 Waste and Television Recycling and Recovery Act was enacted, several small electronics
4 manufacturers withdrew their products from the State because compliance costs were greater
5 than revenues. Without larger markets also compelling producer accountability, it is possible that
6 some producers may withdraw their products from the State or exponentially increase the cost of
7 their products to meet the requirements of this proposal. California, Oregon, and Washington
8 State are considering similar producer responsibility legislation, and the Department suggests
9 that HB1316 or similar legislation be enacted concurrently with these states to maximize
10 beneficial outcomes.

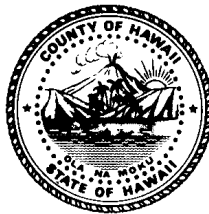
11 Act 254 (19) directed the Department to convene a Plastic Source Reduction Working
12 Group (Working Group), identify recommendations to mitigate the harmful effects of plastic
13 waste, and submit a report to the 2021 State Legislature. One of the recommendations identified
14 by the Working Group is to “[u]ndertake a fair and careful study of Extended Producer
15 Responsibility.” The Department estimates that it will cost approximately \$150,000.00 to hire a
16 subject matter expert and commission a study as recommended by the Working Group’s report.

17 The Department is committed to reducing plastic waste in the State, and supports efforts
18 to apportion accountability among all responsible parties, including manufacturers.

19 **Offered Amendments:** None.

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

Holeka Goro Inaba
Council Member, District 8, N. Kona



Office: (808) 323-4280
Email: holeka.inaba@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

January 5, 2021

House Committee on Energy & Environmental Protection
Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair

Dear Chair and Members of the Committee,

Re: Testimony in support of HB1316, Relating to Packaging Waste;
Hearing: February 9, 2020 at 9:00 a.m., Conference Room 325

On behalf of myself and the constituents of Council District 8 in North Kona, I would like to express support for above referenced bill, and submit a brief testimony as follows:

Recycling has placed the burden of plastic waste onto local governments and taxpayers. Producers should internalize the environmental and public health of their products and design better products and systems that reduce waste at the source, and encourage the reuse of more waste materials. We all have a duty to mālama and aloha this 'āina and honua.

This bill will require producers of packaging waste to be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, and allows the Department of Health to administratively impose civil penalties.

I strongly urge the enactment of HB1316.

Sincerely,

HOLEKA GORO INABA, Council Member
District 8, North Kona

LATE

HB-1316

Submitted on: 2/8/2021 3:44:33 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|------------------------------------|--------------------|--------------------|
| Tamara Farnsworth | County of Maui Dep't of Env. Mgmt. | Support | No |

Comments:

Aloha e Honorable Chair Lowen and Committee Members,

The County of Maui Environmental Protection & Sustainability Division writes in **support of HB1316**. Recycling markets have been challenged for several years and municipalities have struggled to continue their recycling programs. Historically, manufacturers have externalized the costs and responsibility of disposal and recycling, leaving taxpayers to foot the bills. It is time to change this model, moving away from a linear supply chain and establishing a more circular economy of production.

Extended Producer Responsibility (EPR) promotes better design, utilizing materials that already have an infrastructure for recycling into new products, decreasing the need for virgin materials, and supports more effective and efficient recycling systems. It takes the burden off of municipalities and incorporates a truer cost approach that will assist cities and counties to provide needed services to their constituents, all while promoting and instituting a new, better way of managing waste; by planning how to manage it in the design and manufacturing phase, before it becomes waste.

This bill is complex, but has precedent with successful legislation and programming in Washington, and rides a current wave of positive EPR state and federal legislation. This bill provides the option for cities and counties to retain control over their programs in order to maintain continuity and oversight. It also provides for a third party to help administer and provide oversight for the program, which will help all parties to comply with the law.

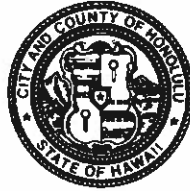
Extended Producer Responsibility is an important component of Zero Waste principles and practices; this bill will move Hawai'i forward, toward the highest and best use of precious resources.

Thank you for the opportunity to provide testimony on this matter.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

RICK BLANGIARDI
MAYOR



February 8, 2021

WESLEY T. YOKOYAMA, P.E.
DIRECTOR DESIGNATE

MICHAEL O'KEEFE
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 21-30

The Honorable Nicole E. Lowen, Chair
The Honorable Lisa Marten, Vice-Chair
and Members of the Committee on Energy & Environmental Protection
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lowen, Vice-Chair Marten, and Members of the Committee on Energy & Environmental Protection:

SUBJECT: HB 1316 - Relating to Packaging Waste

The Department of Environmental Services (ENV) of the City and County of Honolulu supports HB 1316, which requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts. Allows the Department of Health to administratively impose civil penalties. HB 1316 also established a waste and litter management special fund.

The overarching goal of ENV's solid waste management program is to divert material from its landfill through waste reduction, reuse, recycling and waste-to-energy. Landfilling waste is the least preferred strategy for managing waste according to the EPA's Waste Management Hierarchy because sending waste to landfills is often accompanied by undesirable social and environmental impacts. Landfill diversion is made significantly easier when packaging waste is minimal, and is either easily reusable or recyclable. However, packaging waste is often not easily reusable or recyclable, and currently there exists little to no direct incentive for producers of covered products to align themselves with our landfill diversion goal. An extended producer responsibly program, such as the one proposed by HB 1316, creates an incentive.

Vesting producers with an interest in how easily the packaging for their product is able to be reused or recycled compels them to make more sustainable decisions in packaging design. Packaging that isn't able to be reused and has to be recycled can create a significant financial burden on state and local governments recycling programs, especially in times of recyclable material market uncertainty. As proposed in HB 1316, producers of covered products should account for reusability or recyclability in their packaging design so that this burden isn't shouldered by state and local governments alone.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Wesley T. Yokoyama".

Wesley T. Yokoyama, P.E.
Director Designate



2/5/2021

Energy and Environmental Protection Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Lowen, and Members of the Energy and Environmental Protection Committee,

The Surfrider Foundation would like to offer this testimony in support of HB1316.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

One aspect of sustainability that our organization has been championing is that of plastic and solid waste management. We have been working hard to help the city with executing ordinance 19-30, a huge win in single use plastic reduction. Our beach cleanup data shows a huge amount of plastic packaging washing up on our beaches; we can and will continue to clean up our shores, but what would be more effective is cutting down the use of plastic at the source. Companies will keep using cheap plastic packaging as long as they can, with little to no regard for where it ends up after being sold. This bill would ensure these companies have some responsibility for the end result of where their products end up.

This bill would require companies to think about what their products end up as, and in turn will stimulate creative innovation in packaging methods that are better for the environment and consumers alike. In addition, by ensuring a waste and litter management fund within the Department of Health, the State of Hawai'i can begin to deal with our huge waste problem. There is limited space here to continue to fill up land-fills, so starting to manage it at the source is a huge first step in minimizing our collective waste.

Thank you for your consideration of this testimony in support of HB1316, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Kaitlyn Jacobs
Volunteer Policy Coordinator
Surfrider Foundation, O'ahu Chapter



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Toby Taniguchi, KTA Superstores, *Advisor*

TO:
Committee on Energy and Environmental Protection
Rep. Nicole E. Lowen, Chair
Rep. Lisa Marten, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 9, 2021
TIME: 9am
PLACE: Via Videoconference

RE: HB1316 Relating to Packaging Waste

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.

HFIA is in opposition to this measure. HFIA was a part of the Plastic Source Reduction Working Group (PSRWG) that convened last year per Act 254, the group also included representatives from the Department of Health, The Department of Land and Natural Resources, the Hawaii Tourism Authority, representatives from each County, other industry representatives, and representatives from leading environmental groups.

The working group's engaged in extensive discussion about the type of requirement being proposed in this measure, which is generally referred to as Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation:

¹ <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf>

Undertake a fair and careful study of Extended Producer Responsibility (EPR)

Discussion EPR is a policy approach to waste reduction that encourages manufacturers to design environmentally friendly products by holding them responsible for the costs of managing their products at the end of life. EPR shifts the economic burden of the cost of disposal, recycling, and cleanup from the government to the producer of the product. According to the Organization for Economic Co-operation and Development, assigning such responsibility could in principle provide incentives to prevent wastes at the source, promote product redesign for environmental protection, and support public recycling and materials management goals. The study should include a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawai'i. This study should incorporate lessons learned and discussions from other states and the federal government that have been pursuing parallel efforts to implement EPR.

The study should analyze the following two specific scenarios:

- (1) EPR in Hawai'i independent of other state and federal packaging EPR initiatives; and
- (2) packaging EPR in Hawai'i in conjunction or synchronicity with other state and federal initiatives.

The study should evaluate:

- the best science available;
- costs and benefits to all stakeholders (i.e. environment, consumers, taxpayers, government, and businesses, etc.);
- the pros and cons; as well as • feasibility.

As this recommendation notes, an EPR policy, such as the one being proposed in this measure is likely to have a range of potential costs in addition to any benefits. These costs could include price increases for consumers, decreased product availability, tax increases, and costs to businesses, including local businesses.

We believe that it would be imprudent to pass this measure or other EPR legislation in Hawaii without understanding the costs and benefits. HFIA is in support of conducting a study of EPR when the state is able to fund such a study.

We would also like to highlight the fact that packaging laws for products, especially medicine and food, are created at the national level with the primary goal of keeping people safe. Any state legislation needs to take this into consideration and cannot contradict Federal laws.

For these reasons this measure is not the right choice for our state, and we ask that it be held. Thank you for the opportunity to testify.

HB-1316

Submitted on: 2/7/2021 11:36:16 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------|---------------------------|---------------------------|
| Dyson Chee | Hawai'i Youth Climate Coalition | Support | No |

Comments:

Aloha Chair Lowen, Vice-chair Marten, and members of the EEP Committee,

My name is Dyson Chee, I am 18 years old, and I am submitting written testimony on behalf of the Hawai'i Youth Climate Coalition (HYCC) in support of HB1316.

HYCC is a youth-led, youth-founded organization dedicated to taking on the climate crisis through just and equitable means. Oftentimes, the burden of taking on plastic pollution is put upon the shoulders of individuals and the government, yet we have seen that this is not enough to completely eliminate the problem. The producers of such plastics need to take responsibility by managing their products when they reach their designed end-use. By making producers responsible for their own products, the incentive for them to design out waste will be increased. Our current economic system promotes a take-make-waste model, and this is a step in the right direction to change that into a make-use-return model. We hope that this committee will pass HB1316, and mahalo for considering our testimony.

Sincerely,

Dyson Chee

HB-1316

Submitted on: 2/7/2021 8:53:35 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------|---------------------------|---------------------------|
| David Mulinix | Our Revolution Hawaii | Support | No |

Comments:

On behalf of Our Revolution Hawaii's 7,000 supporters and members statewide, we are in full support of HB 1316.

HB-1316

Submitted on: 2/7/2021 10:29:50 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------------------|---------------------------------|---------------------------|---------------------------|
| Hawaii Reef and Ocean Coalition | Hawaii Reef and Ocean Coalition | Support | No |

Comments:

To: The House Committee on Energy and Environmental Protection (EEP)

From: Hawaii Reef and Ocean Coalition

Hearing Date: Tuesday, February 9, 2021, 9:00 am

In support of HB1316 RELATING TO PACKAGING WASTE

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members:

The Hawaii Reef and Ocean Coalition **supports HB1316.**

The HAWAI'I REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawaii environmental organizations, elected officials, and others to address a crisis facing Hawaii's coral reefs and other marine life. Plastic marine debris is one of a handful of topics HIROC is testifying on that affect the health of coral reefs and other aquatic life. HIROC is concerned because much packaging waste, especially indestructible plastic, ends up in the ocean, harming and killing coral and other aquatic species.

We need to progress from a wasteful "throw-away" packaging system to one where consumption of resources is minimized and resources are reused. This bill has a reasonable approach, requiring that producers of packaging waste, who understand packaging design, be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, and makes producers responsible for more of the true cost of the goods they create.

Please pass this bill! Mahalo for the opportunity to testify.

Hawaii Reef and Ocean Coalition (by Ted Bohlen)

HB-1316

Submitted on: 2/7/2021 11:34:17 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherry Pollack | 350Hawaii | Support | No |

Comments:

Plastic not only poses an immense pollution problem, it also exacerbates climate change. Please pass this very important bill that requires producers of packaging waste be responsible for the end-of-life management of their products.



February 7, 2021

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Representative Nicole E. Lowen, Chair

Representative Lisa Marten, Vice Chair

DATE: February 9, 2021

TIME: 9:00 a.m.

PLACE: Via videoconference

RE: Testimony in support of HB1316 relating to packaging waste

Aloha Chair Lowen, Vice Chair Marten, and Members of the Committee,

Zero Waste Big Island (ZWBI) is a community group advocating for an equitably waste-free Hawai'i. We, members of the steering committee of ZWBI, are very encouraged by HB1316 EPR bill and the conversation it is bringing to the forefront of the political arena to shift responsibility for packaging waste from the consumer/local municipality to the producers themselves. We also realize how underfunded our Hawai'i County Department of Environmental Management is, particularly the recycling and waste management sector. We commend and support Senator Lowen and Senator Marten for taking these important first steps and introducing the bill.

That being said, we do have some reservations regarding HB1316 in its current form. There is a lot of emphasis on recyclability of materials, without fully examining the problems of recycling infrastructure in our global community. As an example, many plastics (such as #1 containers, which most food and beverages come in) can only be 'downcycled' into items such as polyester fabric and reusable grocery bags, and only once. We are now learning that washing of polyester fabrics is one of the leading sources of microplastic pollution in our marine and aquatic ecosystems. We are weary of giving producers who have sold the public a lie for 70 years the final say of how to recycle their materials.

In the bill there is also a lot of language around compostable products. A robust community composting system is an integral part of any zero-waste community, however overreliance on single use compostable bioplastic and molded fiber materials does not get to the root of the issue either. Even in municipalities on the mainland that have commercial composting facilities, bioplastics (#7) are being landfilled because it needs to be heated to a much higher temperature than most composting facilities are

heated, and because it is difficult to distinguish bioplastics from non-biodegradable plastic. Bioplastics also do not address environmental pollution in our oceans either since they do not biodegrade in marine ecosystems.

Additionally, many compostable materials contain forever chemicals, referred to as PFAS and PFOS, which are toxic to human and environmental health. Their function is to impart water and food resistance to the foodware. The problem is that these chemicals stay in the environment for thousands of years and are associated with an array of problems, including hormone disruption, effects of the immune system, and increased risk of cancer, to name a few. Although PFAS and PFOS are being voluntarily phased out, they could be replaced with other chemicals not yet known to be harmful, as happened with BPA.

Organizations such as the Center for Environmental Health have been testing compostable and bioplastic products since 2017, and their overall findings have led this national organization to advocate for a **complete phasing out of single-use containers wherever possible**. A recent paper published in Environmental International is also challenging the idea that bioplastics are a safer option than conventional plastics. Researchers at Goethe University in Germany found that bioplastics and plant-based materials contain toxic chemicals, and that cellulose and starch-based products induced the strongest toxicity.

We encourage legislators to take the leap directly to developing reuse and refill systems rather than relying on the model of single use which is inherently unsustainable. Instead, we should be focusing on creating a new system that makes the single use model obsolete. The current EPR bill does not demand *enough* that corporations change their single-use practices to reuse and refill which is what we really should be focusing our collective energy on. We need to push corporations to move directly towards adopting reuse systems to distribute goods to Hawai'i residents, rather than perpetuating single use culture.

Mahalo for receiving our testimony,

Zero Waste Big Island Steering Committee

Jennifer Navarra
Melody Euaparadorn
Monica Rott Stone

Testimony in OPPOSITION
to
House Bill 1316
in
Hawaii House Committee on Energy and Environmental Protection
on
February 9, 2021

The Flexible Packaging Association (FPA) is submitting testimony in opposition to HB1316, “A Bill for an Act Relating to Packaging Waste,” which would establish and extended producer responsibility act for packaging and paper.

I am Alison Keane, President and CEO of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents \$33.6 billion in annual sales; is the second largest, and fastest growing segment of the packaging industry; and employs approximately 80,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

These are products that you and I use every day – including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice; as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical, and household waste. Carry-out and take-out food containers and e-commerce delivery, which are increasingly important during this national emergency, are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue and increasing the recycling of solid waste from packaging. We do not believe that HB1316, as written, will accomplish these goals. Flexible packaging is in a unique situation as it is one of the most environmentally sustainable packaging types from a water and energy consumption, product-to-package ratio, transportation efficiency, food waste, and greenhouse gas emissions reduction standpoint, but circularity options are limited. There is no single solution that can be applied to all communities when it comes to the best way to collect, sort, and process flexible packaging waste. Viability is influenced by existing equipment and infrastructure; material collection methods and rates; volume and mix; and demand for the recovered material. Single material flexible packaging, which is approximately half of the flexible packaging waste generated, can be mechanically recycled through store drop-off programs, however, end-markets are scarce. The other half can be used to generate new feedstock, whether through pyrolysis, gasification, or fuel blending, but again, if there are no end markets for the product, these efforts will be stranded.

Developing end-of-life solutions for flexible packaging is a work in progress and FPA is partnering with other manufacturers, recyclers, retailers, waste management companies, brand owners, and other organizations to continue making strides toward total packaging recovery. Some examples include The Recycling Partnership; the Materials Recovery for the Future (MRFF) project; the Hefty® EnergyBag® Program; and the University of Florida's Advanced Recycling Program. All of these programs seek to increase the collection and recycling of flexible packaging and increasing the recycled content of new products that will not only create markets for the products but will serve as a policy driver for the creation of new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging.

FPA believes that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials, and promotion and support of market development for recycled products is an important lever to build that infrastructure. We also believe that EPR can be used to promote this needed shift in recycling in the U.S. In fact, FPA worked with the Product Stewardship Institute (PSI) and have jointly drafted a set of principles to guide EPR for flexible packaging (<https://www.flexpack.org/end-of-packaging-life>). This dialogue, which looked at the problems and opportunities for EPR to address the needs of the flexible packaging industry to

reach full circularity for over a year. It is with this background that FPA provides this testimony to improve HB1316, so that it provides the necessary elements for the improvement of collection and infrastructure investment and development of advanced recycling systems to allow for collection and recycling to a broader array of today's packaging materials, including flexible packaging; and quality sorting and markets for currently difficult-to-recycle materials.

As currently drafted, HB1316's definition of producer is not clear. The PSI/FPA principles suggest the following in order to ensure the responsible party is correctly identified:

“Producer – means a party that has legal ownership of the brand of a product for sale, use, or distribution in the state, including online retailers who sell into the state, that utilizes plastic packaging.

(1) For plastic packaging, producer shall be determined based on the following criteria:

(A) A person who manufactures a product under the manufacturer's own brand that uses plastic packaging

(B) If subparagraph (A) does not apply, a person who is not the manufacturer of a product under the manufacturer's own brand that uses plastic packaging, but is the owner or licensee of a trademark under which plastic packaging is used in a commercial enterprise, sold, offered for sale or distributed in the state, whether or not the trademark is registered; or

(C) If subparagraphs (A) and (B) do not apply, a person who imports the product that uses the plastic packaging into the state for use in a commercial enterprise, sale, offer for sale or distribution in the state.”

The primary responsibility for fee collection, remittance, and reporting must be on the consumer packaged goods companies (CPGs), which encompasses food manufacturers and retailers in their role as brand owners. Packaging is not packaging unless and until a product is placed in it. CPGs, and not the producers of the packaging (converters), have the ability to track consumer sales in a given jurisdiction and control how products are packaged. Packaging producers (converters) would have no way to determine where the packaging is sold and even in some cases to what brand – packaging producers sell packaging to CPGs, which may then use it for multiple brands within their portfolio and sell throughout the country. Even when packaging is sold directly to a

brand in Hawaii, packaging producers have no way of knowing whether the final product (that uses the packaging) will be sold in or out of the state.

FPA is also concerned that HB1316 gives very broad authority to the Department to determine definitions, such as recyclability, compostability and resues, which should be definted through national standards, such as FTC and ASTM. In addition, the dates for implementation and plan amendments/resubmissions are far too aggressive, particularly for the first ever of its kind EPR program in the Country. Finally, there are NO antitrust protections for the supply chain implementing this new system, including fees on packaging to support the plan and impliement the program. This and the the extremely stringent penalties, including joint and several liability for producers, is wholly inappropriate and defeats the purpose of having a constructive and successful PRO representing various CPG competitors.

For these reasons, FPA opposes the current draft of HB1316,GFF but stands ready to assist in amending the bill so that it comports with the PSI/FPA elements and supports a meaningful EPR program for packaging; providing the necessary investment in new infrastructure and markets for all packaging, including flexible packaging. In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at 410-694-0800 or akeane@flexpack.org



Greg Maples, Chairman – Polynesian Cultural Center **Tambara Garrick, Incoming Chair** – Pineapple Place
Tyler Roukema, Secretary –Outrigger Canoe Club
Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

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Date: February 7, 2021
To: Rep. Nicole E. Lowen, Chair
 Rep. Lisa Marten, Vice Chair
 Committee on Energy & Environmental Protection
From: Victor Lim, Legislative Lead
Subj: HB 1316 Relating to Packaging Waste

The Hawaii Restaurant Association representing over 3,500 restaurants here opposes HB 1316 relating to packaging waste in Hawaii.

HRA is in support of the goal to have a cleaner environment and having a more sustainable future and participated with the State’s Plastic Source Reduction Task Force as was called out by Act 254 along with business industry representatives and leading environmental groups.

Our conclusion is that we need to take a fair and careful study on the Extended Producer Responsibility and not do it in a silo because there are many unforeseen consequences since we are an isolated island state with over 80 % of all of our goods and services coming from out of our shores.

We need to see and study industry initiatives along with federal measures and see what can really work here in our unique dynamics.

Thank you for giving us this opportunity to share our view on this.





1111 19th Street NW > Suite 402 > Washington, DC 20036
t 202.872.5955 f 202.872.9354 www.aham.org

TESTIMONY

Jacob Cassady
Director, Government Relations

On Behalf of
The Association of Home Appliance Manufacturers

Before the Hawaii House
Committee on Energy & Environmental Protection

HEARING

HB 1316
Relating to Packaging Waste

February 9, 2021

Chair Lowen, Vice Chair Marten, and members of the Committee, HB 1316, which would establish a system of extended producer responsibility, enforced by a producer responsibility organization (PRO) to recover covered materials. For the reasons outlined below, the **Association of Home Appliance Manufacturers (AHAM) is strongly opposed to HB 1316 but is willing to work with you on proven solutions that are effective.**

The Association of Home Appliance Manufacturers (AHAM) represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The factory shipment value of these products is more than \$30 billion annually. In Hawaii, the total economic impact is \$295.2 million, which supports 1,070 direct jobs that provide 100.4 million in total wages and 68.8 million statewide tax revenue. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

Approach Would Negatively Impact the Recycling System in Hawaii

Hawaii would not be the first state to explore a packaging stewardship program. The state of Connecticut established a Task Force to Study Methods for Reducing Consumer Packaging that Generates Solid Waste in 2016. The Task Force released its recommendations in February 2018 after a year of stakeholder meetings, expert testimony, and public comments. The final recommendations did not recommend product stewardship as a means of reducing consumer packaging that generates solid waste with concerns over the creation of a recycling monopoly through a product stewardship organization, pushing Connecticut recycling firms out of business and forcing higher costs on the collection and recycling system as a whole.

EPR is Not a Proven Solution to Waste Management Challenges

AHAM understands that the intent of managing packaging in the state. While this bill's result would likely reduce costs to municipalities it would increase costs for its residents. In practice, where these programs have been adopted in other countries, the municipalities or other solid waste and recycling entities continue to charge the public the same amount for their services as they did prior to implementation of an EPR program and the public pays more for products. Therefore, there is no actual "shift" in financial responsibility to the producer. Instead, absent any offsetting reductions in their municipal solid waste and recycling fees, consumers are caught in the middle and wind up paying more. To make matters worse, the increased costs from EPR programs actually create a disincentive for achieving greater energy savings and other potential benefits. The cost increase from EPR could deter consumers from purchasing new appliances, which are more energy and water efficient, and more sustainable.

An estimate of the cost to Hawaii households, based on per household costs from established “EPR” packaging recycling programs in Canada, would be approximately \$20 million (USD) annually.¹

In addition, EPR attempts to insert a product manufacturer into the recycling stream, but the manufacturer has limited ability to influence consumer behavior regarding recycling or to change municipal waste policies that can drive greater recycling. In reality, EPR often results in a hidden new costs to consumers that is by and large used to pay for the operation of a stewardship organization, substantial manufacturer compliance and reporting costs, and the government agency that is providing oversight.

In Canada, “EPR” packaging programs exist in various provinces, with manufacturers having to comply with each program that varies in scope. This is very costly to both manufacturers and to residents and has shown to be ineffective in improving recycling rates or achieving any of the recycling targets that are set. Ontario and British Columbia (B.C.) have two of the more recognized programs. In Ontario, 2019 program costs increased were 12.4 percent from 2014 (an average annual increase of 2.4 percent), where B.C.’s program costs were 28.5 percent higher over the same period (average annual increase of 5.2 percent).^{2,3} Contrary to program costs increases, over the same period, Ontario’s program materials recovery rate decreased by 7.4 percent and B.C.’s decreased by 2.4 percent. And to be clear, this is not even “recycling rate,” but “recovery rate,” which measures the reported amount of materials into the system compared to the amount collected. This is artificially inflated in B.C. due to the newspapers not being included because the media sector was not supportive. In 2019, the Ontario program cost was more than \$98.1 million (USD) and B.C.’s program cost more than \$78.7 million (USD), which consumers indirectly fund. The Ontario program alone has \$55,795,594 million (USD) in reserves built-up.

Recycle BC and Stewardship Ontario are the only package recycling programs approved by each province’s Government, and as a result all obligated parties must adhere to their strict rules and regulations. This includes local processors and recyclers of materials, which if these programs choose not to do business with them, they will be out of business.⁴

Institutional, Commercial and Industrial (IC&I) Streams and Service Parts Not Exempted
Typically, when a new appliance is delivered and installed, the company delivering the appliance removes the packaging and takes it away for recycling. Through the business-to-business channel, materials are recycled and discarded accordingly, without placing a burden on municipal waste and recycling systems. The inclusion of Institutional, Commercial and Industrial (IC&I) would create significant unfairness and cross-subsidization between manufacturers. It also would create significant additional complexity and cannot be tracked by manufacturers on a unit level basis. For example, stretch wrap applied to a pallet of small appliances may be applied

¹ Calculation based on \$38.97-\$42.90 (USD) program costs per household under the B.C. and Ontario EPR packaging recycling program

² Stewardship Ontario. (2019). 2019 Annual Report. Stewardshpontario.ca

³ Recycle BC. (2019) Annual Report 2019. Recyclebc.ca

⁴ Note, Stewardship Ontario is currently winding down its program to restart under a new Ontario Authority, which aims to shift program costs completely to obligated parties

by a third party at a distribution center or after the manufacturing process, and service parts shipped to a service provider may sometimes be packaged individually and sometimes with multiple parts. The variability of packaging related to IC&I and service parts would add major complexity to manufacturer compliance requirements, ultimately raising costs for Hawaii consumers. In addition, material collected in business-to-business transactions have less contamination, which makes recycling easier. Placing this material in the more contaminated “blue box” recycling stream is lowering the recyclability of this material.

Producers May Not Have Data on Where Products Are Ultimately Sold and Used

Producers of products that are sold through national and even US-Canada distribution chains do not have control or information pertaining to how products move through various distribution and retail networks. For example, an appliance manufacturer that ships products to a distribution center likely is unable to determine the location of final product sale and use. In such situations, a producer would only be able to report on products shipped to a distribution center, which could be regionally based inside or outside of Hawaii. This also would be a major disincentive for maintaining and locating new distribution facilities in the state of Hawaii and could lead to sales data that does not accurately reflect what is sold to Hawaii consumers.

Solutions

The manufacture of plastic exploded over the past 50 years and no one should dispute that this development in material science is a net benefit to society. There is an equally indisputable flip side, and that is the environmental mark that plastic is leaving on the planet. Unsightly litter, the Great Pacific Garbage Patch, and plastic pollution in oceans and waterways are all challenges that require solutions. The home appliance industry, through AHAM, is willing to play its part to find solutions.

Consumer waste streams create the vast majority of plastic waste, particularly single use plastics, and create most of the leakage into the environment. One solution is “pay-as-you-throw,” which has proven to be more effective in driving higher waste diversion and changes in consumer behavior, without the administrative burdens and costs of an EPR system. AHAM was involved and supportive of the final legislation in California to reduce single-use plastic packaging waste that almost was enacted into law last year, and we are willing to work with you on a similar legislative concept that would make a difference.

Conclusion

AHAM appreciates the opportunity to provide comments on HB 1316 and urges the Energy & Environmental Protection Committee to oppose the bill. Manufacturers of consumer products need flexibility in choosing appropriate materials for packaging their products to avoid situations that cause product breakage and damage during transport (which ultimately increases the lifecycle impact of the product) as well as to deter theft of smaller, high value electronics from retail establishments. HB 1316 would increase costs for the industry thereby limiting the available resources for companies to invest in innovative and sustainable packaging solutions. The current system for appliances and appliance packaging works, and it should be allowed to continue on its successful path. For future reference, my contact information is (202) 202.872.5955 x327 or via electronic mail at jcassady@aham.org.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Energy & Environmental Protection
Tuesday, February 9, 2021 at 9:00 A.M.
Via Videoconference**

RE: HB 1316, RELATING TO PACKAGING WASTE

Chair Lowen, Vice Chair Marten, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 1316 which requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, allows the department of health to administratively impose civil penalties and establishes the waste and litter management special fund.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

One of the primary purpose is to require that producers of packaging waste be responsible for the end-of-life management of their products. The Chamber supports the benefits of clean environment and having a more sustainable future; however, we are concerned that an omnibus proposal will require investment and an reexamination of business plans, operations, internal policies and the many unintended and trickle down impacts. Rapid innovations that permit packaging producers to add value to product protection have advanced beyond the capacity of current recycling systems. Funding to help advance recycling/recovery system changes to support this level of necessary innovation would be very valuable which is not included in this measure.

Additionally, given that there were several federal bills considered in 2020, packaging industries, environmental communities and policy makers should continue to collaborate and identify new infrastructure solutions to recycle these materials in a holistic, nationwide solution. The solutions this measure is trying to solve is not a one-size-fits-all answer given that Hawaii is a unique island state with 80% of all goods and products coming from harbors and ports.

Given the breadth of impact to Hawaii as an island state, we respectfully ask that this bill be deferred.

Thank you for this opportunity to provide testimony.

TO: Committee on Energy & Environmental Protection

FROM: Adrian Hong, President of Island Plastic Bags, Inc.

RE: HB 1316 Relating to Packaging Waste

POSITION: STONGLY OPPOSE

Thank you for the opportunity to submit testimony in strong opposition to HB 1316. My name is Adrian Hong and I am the president of Island Plastic Bags Inc. (IPB), a second-generation, family business in Halawa Valley that manufactures plastic trash liners and recycles plastic scraps. The issue of extended producer responsibility (EPR) should be addressed at the federal level in or coordination with as many states as possible.

Packaging used in Hawaii is created all over the world. The recycling systems in place now and in the future are not and will not be in Hawaii but on the mainland. As are the experts in packaging design and manufacture. This points to a federal or multi-state response. Each state having their own EPR will lead to inefficiencies and higher expenses that do not lead to better environmental outcomes. A federal or multi-state response will have better resources, expertise, leverage, and reach.

Island Plastic Bags is not against the idea of extended producer responsibility. There should be incentives to design packaging so it is easier to recycle and reuse. The company does object to each state having its own EPR. The compliance requirements would be enormous and the outcomes poorer. Thank you for the opportunity to provide testimony in strong opposition to HB 1316. Should you have any questions or comments about my testimony you can contact me by email at ahong@islandplasticbags.com or by phone at 808-484-4046.

Sincerely,

Adrian K. Hong, CPA*

President

Island Plastic Bags, Inc.

www.islandplasticbags.com

Email: ahong@islandplasticbags.com | Phone: 808-484-4046 | Fax: 808-488-8505

*Not in public practice



February 8, 2021

Scott Cassel
Chief Executive Officer/Founder

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Seattle Public Utilities, WA

Walter Willis
Solid Waste Agency of Lake County, IL

Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair
Hawaii House of Representatives
Committee on Energy & Environmental Protection
State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Support for HB 1316, An act relating to packaging waste

Dear Chair Lowen, Vice Chair Marten, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support** of HB 1316, which will create a packaging stewardship program for Hawaii with sustainable funding from producers.

HB 1316 will create a producer responsibility program for packaging throughout Hawaii. The bill contains many of the standard elements of successful programs, including producer responsibility organizations (PROs), a stewardship plan, PRO fees that incentivize environmental performance, annual reporting, performance targets, and accommodations for small producers. The bill assigns full responsibility for the program to producers while allowing counties the flexibility to collect materials if they choose. The bill also covers the cost of state oversight and enforcement of the program.

Based on two decades of rigorous research and practice, the Product Stewardship Institute (PSI) believes that HB 1316 is critical to save Hawaii residents millions of dollars in waste recycling and disposal costs while dramatically increasing access to recycling across the state and relieving counties of the significant financial burdens that they currently face in operating recycling programs. HB 1316 will create recycling jobs, reduce waste and greenhouse gas emissions, and address the inequitable environmental and health impacts of our current waste system on vulnerable communities.

Under the current system, low-income communities and communities of color are disproportionately affected by the health and environmental impacts of increased landfilling, incineration, and litter. HB 1316 establishes a multi-stakeholder advisory committee that provides for multi-stakeholder input into producer plans, and includes explicit environmental justice requirements to ensure equity in recycling collection, environmentally sound and socially just

management practices for collected materials, and a demonstrated effort by producers to coordinate with communities in implementing the stewardship program.

There is currently little incentive for the system to change. To drive real transformation, funding for recycling must come from the producers who benefit from the sale of packaging and paper products. Producers are in the best position to make design choices regarding what materials to use for their packaging and paper products, and to source recycled content. HB 1316 places strong emphasis on incentives and criteria for reusable and refillable products and packaging, as well as post-consumer recycled content requirements – provisions which will promote waste reduction, better packaging and product design, and contribute to recycling markets.

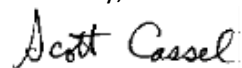
PSI is a national nonprofit working to reduce the health and environmental impacts of consumer products from design and production through end-of-life. We work closely with 47 state environmental agency members, hundreds of local government members, and over 120 partners from businesses, universities, organizations, and international governments. PSI created the model for packaging EPR that is consistent with HB 1316 and is based on decades of research and partnership with EPR practitioners around the world. Our model has also shaped the EPR policy at the center of the federal Break Free from Plastic Pollution Act, which will be reintroduced this session by U.S. Senator Jeff Merkley and U.S. Representative Alan Lowenthal to reduce packaging waste, as well as emerging bills in a dozen states, including New York, Massachusetts, Vermont, and other states around the country.

The need for a new recycling approach has never been clearer. With staffing and budget disruptions caused by the COVID-19 pandemic and commodity prices at all-time lows due to the loss of export markets, local governments are struggling to maintain recycling programs. Communities in Hawaii have faced overwhelming increases in residential trash and recycling volumes since the start of the pandemic and continue to grapple with high rates of contamination due to consumer confusion and increasingly complex packaging. Many counties have been forced to dispose of recyclable material, stop curbside service, or even suspended recycling programs altogether.

We urge you to support HB 1316 for the financial and environmental health of Hawaii's communities and economy.

If you have any questions, please feel free to contact me at (617) 236-4822, or Scott@ProductStewardship.US.

Sincerely,



Scott Cassel
Chief Executive Officer/Founder



The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Opposition – House Bill 1316

Hawaii House Energy and Environmental Protection Committee
February 9, 2021

Chair Lowen, Vice- Chair Marten and Members of the House Energy and Environmental Protection Committee,

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to comment on House Bill 1316 that seeks to establish an extended producer responsibility (EPR) mandate for packaging and printed material. While AMERIPEN has developed [principles for financing](#) to support the goals of improving packaging recycling and recovery, we cannot support HB 1316 in its current form.

AMERIPEN is a coalition of packaging producers, users and end-of-life materials managers dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging and efficient recycling policies.

AMERIPEN recognizes that the health of a recycling system is critical and that there is a shared responsibility that packaging producers and others can play in improving the recycling system. Following below are our key concerns and recommendations for HB 1316 that must be addressed to truly create a workable packaging producer responsibility program in Hawaii.

AMERIPEN Key Concerns:

1. Packaging Definition (pg. 6) –The definition of packaging creates a critical standard for the implementation of the program. Currently, the definition appears to include tertiary (or business to business) packaging and secondary packaging. The definition should only encompass packaging that is consumer facing:

Materials used for the containment, protection, delivery, presentation or distribution of a product at the time that the product leaves a point of sale or is received by the consumer of the product.

2. Producer Definition (pg. 8) – The current definition is too broad and open to misinterpretation because it does not assign a clear hierarchy of responsibility – brand owner or importers/distributors or other party. We suggest this clearer definition for producer:

- (A.) A person who manufactures a product under the manufacturer's own brand that is a covered product;**
- (B.) If subparagraph (A) does not apply, a person who is not the manufacturer of a covered product under the manufacturer's own brand, but is the owner or licensee of a trademark under which a covered product is used in a commercial enterprise, sold, offered for sale or distributed in the State, whether or not the trademark is registered; or**
- (C.) If subparagraphs (A) and (B) do not apply, a person who imports the product that uses the covered product into the State for use in a commercial enterprise, sale, offer for sale or distribution in the state.**

3. Recyclable Definition (p. 10) – The current definition is broad and open to interpretation based on several factors, including market conditions. We believe a better approach is to allow the Producer Responsibility Organization (PRO) to establish recyclable criteria and standards to be submitted to and approved by the Department within the PRO's application and annual stewardship plan.

4. Department Program Costs and Producer Payments (pg. 15-16) – The amount of the annual producer payments to cover the Department's annual program costs should be established and capped in the legislation.

5. Reuse and Recycling Performance Requirements (pg. 22-23) – Current language grants the Department authority to change and set new performance requirements. The responsibility to change performance requirements as needed should instead be the responsibility of the PRO, in cooperation with the Department and advisory committee.

6. Needs Assessment: AMERIPEN has articulated, in our principles, that a needs assessment to determine the total budget needed for an EPR program and to develop infrastructure is needed before a stewardship plan is implemented. A needs assessment should be included in this legislation and the effective date should be delayed one year to allow for the development of this needs assessment.

#

AMERIPEN recognizes the need to improve the recycling system in Hawaii and beyond and we remain committed to being a partner to find the right path forward. We hope that the information provided above provides useful ways to start the conversations to make this legislation more feasible and that will lead to an improved recycling system in Hawaii, bringing more packaging to a place of circularity. We believe that improving the recycling system is and always will be a shared responsibility. Therefore, we hope that our comments are helpful in creating a pathway to developing a truly workable program under this legislation.

We look forward to a continued dialogue with you the Author's and Committee's and hope to work on pragmatic suggestions as this legislation is considered and could be amended in the future.



LATE

February 8, 2021

Submitted electronically

Representative Nicole Lowen, Chair
Committee on Energy and Environmental Protection
Hawaii State Capitol, Room 425

RE: HB1316 Relating to Packaging Waste (OPPOSE)

Dear Chair Lowen,

Consumer Brands Association (Consumer Brands)¹ champions the industry whose products Americans depend on every day. From household and personal care products to food and beverage products, the consumer packaged goods (CPG) industry plays a vital role in powering the U.S. economy, contributing \$2 trillion to U.S. GDP and supporting more than 20 million American jobs. Consumer Brands advocates for uniform regulatory frameworks established from risk-based science that promote choice and build consumer trust across the sectors we represent. Consumer Brands appreciates the opportunity to provide comments on HB 1316.

The protection of the environment is a priority shared by the consumer packaged goods industry and we are united in our efforts to raise recycling rates, reduce waste to landfill and keep packaging out of the environment, especially our oceans and waterways. Consumer Brands supports the process undertaken by the Plastic Source Reduction Working Group (Working Group). The Working Group engaged in extensive discussions about the type of requirement being proposed in this measure, which is generally referred to as extended producer responsibility or EPR. The Working Group's Final Report² was unanimously approved and made the following recommendation: undertake a fair and careful study of Extended Producer Responsibility (EPR). Such a study is a necessary first step because EPR is not a one size fits all approach that will solve all waste problems in all cases. In fact, EPR can create inefficiencies in waste management and regrettable substitutions in packaging.

¹ Formerly the Grocery Manufacturers Association.

² <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf>

As the study is designed and planning takes place, there are three important points to consider:

- Packaging has a critical role to play in protecting the safety and quality of consumer products.
- The consumer products industry is committed to increased recyclability and/or recycled content of packaging.
- Recycled content has unique challenges depending on material type and packaging use.

Packaging is Critical to Safety and Quality

Hawaiians use consumer products every day. These products must be reliable, perform as expected and be delivered to consumers assuring product safety and quality. Packaging is critical to these efforts. Whether it is a food, beverage, personal care or cleaning product, packaging is required. Packaging is designed to perform under a range of supply chain pressures, which may include heat, cold and different modes of transportation. Material selection, design, performance and the environment are all critical factors when it comes to consumer products and packaging.

The Consumer Goods Industry is Committed to Packaging Improvements

All of the 25-largest consumer packaged goods companies have made commitments to improve their packaging, including making packaging fully recyclable or compostable, using new materials, or increasing recycled content. The packaging materials of today and tomorrow need a recycling system that can accept and process those materials and return them to the supply chain to be used again as feedstock or to create value-added materials with recycled content similar to the products and product categories under review by the agency. We believe a comprehensive study is the first step in this process.

Any Study Should Also Investigate Recycled Content Rates and Supply Chain Challenges

Currently, demand for recycled content far exceeds supply. In addition to the consumer packaged goods industry, a range of industries have also made significant commitments to dramatically increase the use of recycled content, especially recycled plastics, in packaging, apparel and other products. Yet the domestic supply of recycled

plastics is only able to meet six percent of current demand. It is estimated that to meet future demand, the U.S. recycling rate for polyethylene terephthalate (PET) containers must increase to at least 70 percent. Currently, the Environmental Protection Agency estimates the recycling rate for plastic is just eight percent. There are also design and use challenges between food and non-food packaging as well as between rigid and flexible materials as well. As such, as an EPR study is developed we strongly support a look at the supply chain and market availability of recycled content.

Although we are opposed to HB 1316, the Consumer Brands Association strongly supports investing time and resources to support the Working Group recommendation and an inquiry into recycled content. We look forward to working with you and the state of Hawai'i on this important issue.

Sincerely,

John Hewitt
Senior Director, Public Affairs



SIERRA CLUB OF HAWAI'I

LATE

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

February 9, 2021 9:00 AM

In **SUPPORT** of **HB1316**: Relating to Packaging Waste

Aloha Chair Lowen, Vice Chair Marten, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **supports HB1316**, which requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, allows the Department of Health to administratively impose civil penalties, and establishes the waste and litter management special fund.

Our current methods of extracting natural resources, turning them into products and packaging used for ever shorter periods of time, and then discarding them is not sustainable and contributes significantly to a wide variety of negative impacts such as forest and open space destruction, ocean pollution, litter, water and air pollution and climate change. Traditional greenhouse gas emissions inventories look at emissions from a “production-based view,” where emissions are apportioned based on economic sectors. In 2009, to better understand and describe the connections between materials and land management and climate change, the U.S. EPA evaluated U.S. greenhouse gas emissions using a “system-based view,” where each system represents and comprises all the parts of the economy working to fulfill a particular need.¹ According to this analysis, **about half of all greenhouse gas emissions in the U.S. are derived from the extraction, production, distribution, consumption and disposal of products, packaging and food.** These emissions could be significantly reduced through implementation of Zero Waste policies and programs.

“Zero Waste” is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning, and with no discharges to land, water, or air that threaten the environment or human health. A wide variety of product policies should be adopted to make these shifts, including deposit return systems, bans, minimum recycled content requirements, advanced recycling fees, certifications and policies that encourage, and promote durability, reuse, and refill over recycling.

¹ “Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices,” U.S. Environmental Protection Agency Office of Solid Waste and Emergency Response, September 2009

<https://www.epa.gov/sites/production/files/documents/ghg-land-materials-management.pdf>

Producer responsibility means whoever designs or produces a product takes responsibility for minimizing the product's environmental and social impacts throughout all stages of the products' life cycle. The greatest responsibility lies with producers (brand owners) because they make critical design and marketing decisions. Products and services put into commerce should be designed to make the return of discarded products for reuse, repair, refill, repair and at the end of its life recycling as easy as purchasing new products.

Producer responsibility needs to be **guided by a system of government standards, enforcement and transparent management of costs and revenues of the system**. There needs to be fiscal responsibility, but not necessarily physical responsibility. Producer responsibility needs to focus upstream on reducing and reuse, and the use of recycled content products. Producers should help finance, promote and incentivize collection, marketing, reuse, refill and recovery operations and infrastructure, be it direct return or local recovery operations.

Sierra Club appreciates the goal of "polluter pays" and asks industry to do their fair share of reducing the volume and toxicity of their products and packaging. Mahalo Chair Lowen and Vice Chair Marten for introducing and hearing this comprehensive bill relating to extended producer responsibility. We look forward to continuing this discussion in **support of HB1316**.



LATE

TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 9, 2021
Re: HB 1316 Relating to Packaging Waste

Good morning Chairperson Lowen and members of the House Committee on Energy & Environmental Protection. 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 represents 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 **STRONGLY OPPOSED** to HB 1316 Relating to Packing Waste. This measure requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts; and allows the department of health to administratively impose civil penalties. Establishes the waste and litter management special fund.

Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. We must note that most of the plastic pollution in and around our islands are not locally produced. It comes from other national and international locations and is carried to our islands by the ocean currents.

Packaging over the years have been changing. Manufacturers are using materials that are safer for the environment. However, we must also note that while packing materials are evolving due to technological advancements, there are currently no safe alternatives for others. Manufacturers and retailers want to be sure the items that are purchased are damage free when the customer receives them. While most general commercial trash is disposed of at H-POWER on Oahu, it is also our understanding that there are no composting facilities in the state. The state should ensure that the infrastructure is in place before considering legislation like this.

Furthermore, to the best of our knowledge, **our industries were not part of the discussion surrounding this measure and the impacts it has on our operations.** This measure creates an unreasonable burden and have a significant cost increase on the operations of many manufacturers and retailers.

According to this measure, the sole burden would be placed on manufacturers and retailers. Retailers would have to submit annual report on their producers and brands, weight, material by category, quantity of products, post-consumer recycled content to name a few. **This would be an unfair practice and one that is an awfully expensive one to implement** as additional staff may have to be hired. We also want to point out that since last March, many retailers were forced to lay-off staff. While some have returned to work, others have not been called back and many stores are short staffed. Furthermore, retailers have also taken pay cuts and streamline their operations to keep their doors open and their employees employed.

We also feel that **it is unreasonable for retailers and manufactures to be mandated to pick up the total cost of the entire collection and recycling system**, including infrastructure investments, the cost of meeting convenience standards, and other requirements. The true cost to retailers for funding this program by the state's department is an undetermined annual payment.

This added cost is something our struggling industry cannot afford. Retail has been one of the hardest hit industries in the state due to the pandemic. We just cannot afford anymore operational cost increases. For many retailers, they have seen a 70% decrease in their revenue in 2020 and are operating at 50% capacity (this includes the total number of customers and employees in the store at any given time. The cost incurred with measurers like this would be passed on to the customer and businesses - especially the smaller local businesses - who will not be able to absorb this additional cost. As a result, the cost of living in Hawaii will increase and customers will turn to other online vendors who do not have Hawaii ties. More stores will close and more of our friends, family and neighbors will no longer be employed.

Yet every week we see more and more retailers shutting their doors for good because they can no longer afford to do business in Hawaii. We ask that you hold this bill to help businesses recover and survive the affect this pandemic is having on our industry.

Mahalo again for this opportunity to testify.

LATE

HB-1316

Submitted on: 2/8/2021 10:49:56 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|---------------------|--------------------|--------------------|
| Alexandra Kahn | Take Flight Digital | Support | No |

Comments:

Aloha Chair and members of the Committee,

As an environmental marketing company based on Oahu, we believe in extended producer responsibility and work with our clients to alter and decrease their overall packaging. We work with brands that are already sustainable and looking to continue advancing, or brands with no sustainable efforts and looking for an overhaul and rebrand.

Our state as a whole has a serious trash problem- simply because we have infinite space and are extremely isolated. While Oahu has incineration, the other islands do not and their landfills are quickly filling. Legislation like this and compost initiatives can decrease our overall waste generation and slow the speed at which the landfills fill. Eventually, we will run out of space and will need a solution, so we should not let it get to that point.

While I think this is an extremely complex issue and will require a lot of thought and specification, I think it's a huge step in the right direction.

Mahalo for your time,

Alexandra Kahn

Take Flight, An Environmental Marketing Agency

February 8, 2021

To: The Honorable Nicole E. Lowen, Chair
Members, House Committee on Energy and Environmental Protection

From: Tim Shestek
Senior Director, State Affairs

Re: **HB 1316 – Concerns**

The American Chemistry Council (ACC) appreciates the opportunity to comment on HB 1316, legislation that would establish a comprehensive product stewardship program for packaging and identified covered products. Though ACC supports the overall intent of this legislation, we do have concerns with some provisions of the bill as drafted including many mischaracterizations in the findings section.

ACC recognizes that plastic waste is a global problem that requires everyone from plastic producers, product manufacturers, brands, retailers, recyclers and waste haulers, as well as communities, nonprofits and federal, state and local government to come together to create a more circular economy for plastics. This means more efficiently using plastics by keeping them in use for as long as possible, getting the most from them during use, and recovering them to make new products.

In order to achieve these objectives, ACC recently announced goals that [100% of plastics packaging is recyclable or recoverable by 2030](#) and we continue to be engaged in developing policies and programs aimed at increasing the recovery of plastic packaging and developing new domestic markets for recycled materials. These efforts include building on recent domestic industry-announced investment of more than \$5 billion in traditional and advanced recycling; using recycled plastic as feedstock to produce new plastics and other products; improving plastic product design to increase recyclability; and developing plastics value chain financing for collecting and sorting various plastics packaging formats.

ACC is also a supporter of The Recycling Partnership's¹ "Circular Economy Accelerator"² a collective effort of more than 30 companies across the value chain to advocate for policy and legislative solutions that rapidly advance the circular economy. This policy includes a multi-material package fee and a disposal surcharge to help support recycling infrastructure investment and recycling operations. ACC encourages the State of Hawai'i to explore the Recycling Partnership's work in this area and how their approach may offer a more practical solution to this issue.

Achieving higher recovery rates for packaging materials will most certainly require enhancements to the existing recycling infrastructure, but will also require the use of new and innovative advanced recycling technologies. ACC members, as part of our [Advanced Recycling Alliance for Plastics](#) are developing new technologies and building new processing capability to convert post-use plastics into their original building blocks, specialty polymers, feedstocks for new plastics, fuels, waxes, and other valuable products. These technologies include creating recycled post-consumer resin (PCR) that can be used to manufacture new packaging, including food packaging. These technologies will help create a true circular economy.

¹ <https://recyclingpartnership.org/>

² <https://recyclingpartnership.org/accelerator-policy/>

As drafted, HB 1316 proposes complex criteria for these types of facilities that may unnecessarily hinder the ability of their outputs to be utilized by product manufacturers to meet any compliance obligations. ACC supports necessary regulations to ensure advanced recycling facilities meet important environmental or public health standards but we do have concerns with the current language in HB 1316.

ACC is also concerned there is no clear estimate on the potential costs to manufacturers, retailers and ultimately consumers to set up these separate systems, manage these programs, and comply with new reporting requirements. These costs are likely to be significant. Given the bill's broad definition of packaging, the state's restaurant community, already decimated by the COVID pandemic, is likely to see higher operating costs, new regulatory requirements, and potentially lack of supply of appropriate packaging materials to serve their take-out customers.

HB 1316 grants new authority to the Department of Health (DOH) to impose fees on manufacturers but is vague on any specific dollar amounts or if there is any cap on these fees. Also, the bill provides new rulemaking authority to DOH in several areas but uses terms that are undefined or unclear. For example, DOH would be required to develop criteria to determine whether covered products are reusable, recyclable or compostable. This section includes references to vague and undefined terms and phrases such as "toxic substances" and "designed in a way that is problematic for reuse, recycling, or composting." Additional work in this area is necessary to ensure requirements are grounded in credible science and provide clear certainty for the regulated community.

Finally, a recent report from the Plastics Source Reduction Working Group (Act 254) included a recommendation that the state "undertake a fair and careful study of extended producer responsibility." The report went on to say "the study should include a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawai'i. This study should incorporate lessons learned and discussions from other states and the federal government that have been pursuing parallel efforts to implement EPR."³ Given that HB 1316 would have significant impacts on manufacturers, retailers, grocers, restaurants, agriculture, pharmaceutical makers, and others undertaking this study would be a prudent first step.

Thank you for the opportunity to submit these comments. If you have any questions, please contact me at 916-448-2581 or tim_shestek@americanchemistry.com. You may also contact our Hawai'i-based representative Ross Yamasaki at 808-531-4551 or ryamasaki@808cch.com

³ <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf> (page 9)



american cleaning institute®
www.cleaninginstitute.org

LATE

Testimony on behalf of the American Cleaning Institute®
In Opposition To
House Bill 1316

Before The
Hawaii House Energy and Environmental Protection Committee

February 9, 2021

ACI Respectfully Opposes HB. 1316 Pending Amendments

The American Cleaning Institute® (ACI) is the trade association representing the \$60 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving health and the quality of life through sustainable cleaning products and practices. ACI's mission is to support the sustainability of the cleaning products industry through research, education, outreach and science-based advocacy.

HB. 1316 as currently written would require packaging, printing and writing paper to be recycled through 'producer responsibility organizations' as provided in the measure. These new organizations would be responsible for paying for recycling these products, funding new litter prevention and clean-up programs, paying for facility improvements, upgrading recycling processing facilities, creating new recycling education programs and reimbursing local governments for their transportation costs. The bill includes a requirement for post-consumer recycled content but does not provide a threshold or exceptions for products which are unable to comply with the requirement.

ACI and its member companies support the objective of increasing the recovery of all paper and packaging. However, this bill raises significant policy questions and implementation concerns with the creation of the new producer responsibility organizations and post-consumer recycled content requirements. ACI remains committed to working with you and the Committee to continue to address these issues.

Cleaning product industry manufacturers are sustainability leaders

To advance the health and quality of life of people and protect our planet, ACI believes it is necessary to strive for a vibrant and sustainable future where people lead healthier lives; the Earth is flourishing; and businesses thrive with integrity and enrich communities. The cleaning products industry acknowledges the need for a new type of thinking in an effort to move globally toward a more circular economy, by optimizing the use of natural resources, advancing water stewardship and eliminating waste. The industry has for many years sought this objective by optimizing product packaging and innovating product forms, leading to compact and concentrated products with less packaging.

Product Packaging Innovations

ACI understands the amount of packaging, and especially the amount of single-use plastics, that must be reduced. While ACI recognizes that the industry must look to minimize the post-consumer waste by

[Type here]

designing packaging for reuse and/or recycling at end of life, we also understand the need for creating packaging with the integrity needed for safe shipping and handling. Packaging regulations and recycling regimes must consider and protect packaging innovations. Cleaning product manufacturers invest millions to improve current products as well as create new products. Consumer choices are sometimes driven by how a cleaning product is packaged. Moreover, a product's packaging may be just as much of a competitive advantage as the product itself. Protection of that information is part of maintaining the competitiveness of the product in the marketplace.

* * * * *

ACI's approach is to enable our membership to drive improvements in sustainability across the industry and throughout the supply chain. The cleaning products industry strives to align with the following principles:

- Recognizes a responsibility to mitigate impacts associated with the creation, use, and disposal of our products
- Recognizes that it must look to minimize post-consumer waste by designing packaging for reuse and/or recycling at end-of-life
- Understands the scarcity of natural resources and a need to recover and reuse materials, including replacing virgin raw materials from non-renewable sources in packaging with those that can be sourced with recycled material or are renewable in nature
- Understands the amount of packaging, and especially the amount of single-use plastics, must be reduced, and the problem of plastic polluting the oceans seriously addressed
- Recognizes the need for shared funding sources, with commitments across various industries, to ensure material recovery programs are effective, resourceful, tailored and directed to serve a direct benefit to society and the environment
- Will be an engaged partner and support multi-stakeholder input and engagement

Thank you for your attention and consideration of these comments. We urge the Committee to consider ACI's critique of HB. 1316 against the decades long commitment our members have had to sustainability. For future reference, my contact information is (202) 662-2511 (direct dial) or via electronic mail at abrown@cleaninginstitute.org.

LATE



February 9, 2021

The Honorable Nicole E. Lowen, Chair
The Honorable Lisa Marten, Vice-Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Statement in Opposition to House Bill 1316

Dear Representatives Lowen, Marten and Members of the Committee:

On behalf of Hawaiian manufacturer Pacific Allied and the entire North American expanded polystyrene industry, please consider the following concerns we have with the current language of House Bill 1316.

The Bill Will Hurt Hawaiian Non-Tourist Businesses. At a time when we are trying to diversify our economy to include more manufacturing in response to the Devastation from COVID-19, it does not make sense to further burden an industry that has been a good steward of our island and is deeply committed to protecting the health and environmental of Hawaii with fees, taxes and regulations that will not further protect the environment.

Pacific Allied Recycles EPS and Makes Recycled Content Products. Recycling and recycled content is a critical part of our operations. The current bill will likely disrupt that by putting a layer of bureaucracy in between us and the people and companies who provide us material for recycling. Pacific Allied recycled about 215,000 pounds of EPS in 2019 (about 21% of our annual production). People can drop-off EPS material with us free-of-charge. We have also partnered with 9 Hawaiian companies to accept and process their EPS material.

Pacific Allied Never Misled the Public About Recycling. The bill states that, "the plastic industry has misled the public," about recycling. We have never misled the public about recycling. If you would like to learn about the recycling that is occurring right now and without a law, we would be glad to show you what we are doing in Kapolei.

Pacific Allied Provides Stable, Good Paying Manufacturing Jobs. We have been in business in Kapolei since 1965 and currently employ 70 full-time workers. Pacific Allied manufactures and recycles expanded polystyrene (EPS) protective packaging and energy-efficient building materials. Our packaging is used by Hawaiian industries to ship products all over the world.

Before going forward with this legislation in its present form, please consider the negative impact this will have on Hawaiian businesses all without improving the protection of our environment.

Please contact me if you would like to learn more about our plant and our products.

Respectfully submitted,
PACIFIC ALLIED

Fred Sylva
General Manager
Vice-President of Operations

ISO 9001 & FSSC 22000 Certified Company



Taking healthcare personally.

February 8, 2021

Chairwoman Nicole E. Lowen
Hawaii State Capitol, Room 425
Honolulu, HI 96813

Re: HB 1316 – Opposed; requesting amendment

Dear Chairwoman Lowen,

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'd like to thank you for the opportunity to comment on HB 1316 related to packaging waste. While we appreciate the goal of the proposal outlines in HB 1316, packaging regulation of dietary supplements, drugs, and medical devices is the purview of the federal government and thus risks conflicting with existing federal law. As a result, we oppose passage of HB 1316 unless amended to include appropriate exemption language for Food and Drug Administration (FDA) approved products.

Our industry is very committed to advancing sustainable practices and shares the goal of minimizing environmental impacts created by product packaging. Many of our member manufacturers already have recycling efforts in place and encourage the development of more sustainable products, while remaining compliant with existing federal law.

Conflict with Existing Federal Law

The packaging of drugs, dietary supplements, and medical devices is very complex and highly regulated by the FDA to ensure the safety, quality, and stability of the products sold. It is a multi-faceted and highly regulated space that forces manufacturers to consider several factors beyond just the aesthetic appeal of the package itself.

Specifically, FDA regulates drug product packaging under Good Manufacturing Practices regulations (GMPs) (21 C.F.R. Part 211, Subpart G), including material examination and usage criteria (§211.122), packaging and labeling operations (§ 211.130), tamper-evident packaging (§ 211.132), and expiration dating (§ 211.137).

Certain drugs and dietary supplements are also regulated by the Consumer Product Safety Commission (CPSC) under the Poison Prevention Packaging Act (PPPA), which requires child-resistant packaging. Manufacturers are required to test their packaging and certify compliance. In addition, drug products for which packaging does not comply with PPPA packaging and labeling regulations are misbranded under the Food Drug and Cosmetic Act (21 U.S.C. § 352(p)).



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

Finally, the Dietary Supplement Health and Education Act (DSHEA) was enacted in 1994 as an amendment to the FFDCFA. DSHEA explicitly defines dietary supplements as a category of food. Therefore, all the safety concerns regarding the use of plastic materials made from post-consumer resins in food-contact articles as described in the FDA guidance entitled, *Recycled Plastics in Food Packaging* apply to dietary supplements.

Exemption Language

Given the potential conflict between existing federal regulation and this bill, we request an exemption from HB 1316. This can be accomplished by including the following language in the bill:

Any material that is used in the packaging of a product that is regulated as a drug, medical device or dietary supplement by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq., sec. 3.2(e) of 21 U.S. Code of Federal Regulations or the Dietary Supplement Health and Education Act is exempt.

Thank you for taking the time to consider our concerns and feel free to contact me or our local representative, Lauren Zirbel, directly with any follow up questions you may have.

Sincerely,

A handwritten signature in blue ink that reads 'Carlos I. Gutiérrez'.

Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
Washington, D.C.
202.429.3521
cgutierrez@chpa.org

Cc: Committee on Energy and Environmental Protection

LATE



February 5, 2021

Energy and Environmental Protection Committee
Hawai'i State Capitol

Aloha Chair Lowen and Members of the Energy and Environmental Protection Committee,

The Surfrider Foundation would like to offer this testimony in **support of HB1316**. The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, beaches, and waves. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many areas, including coastal preservation, plastic pollution, beach access, and water quality.

As an organization that hosts large scale beach cleanups and advocates for plastic and waste reduction policies, we strongly support HB1316, which creates a pathway towards Extended Producer Responsibility (EPR). EPR is a gold standard for waste reduction and zero waste efforts globally, with nations like Germany and Sweden implementing EPR successfully since the 1990s. This bill would require companies to take responsibility for what happens to their products at the end of their life, and in turn, it will benefit our environment and community alike. Currently, the burden of waste falls entirely on the government and taxpayers, with none of the burden falling on the producers of the products themselves.

In addition, by ensuring a waste and litter management fund within the Department of Health, the State of Hawai'i can begin to deal with the waste problem that our Counties and States struggle to manage. As islands, we have limited space for landfills, and incineration comes with a whole host of negative environmental and health impacts. These challenges require us to begin regulating and managing waste at its source, which will be a powerful first step in minimizing our waste and saving the millions of dollars we spend on waste management.

The Surfrider Foundation and many other community organizations have worked hard to pass Ordinance 19-30, for O'ahu and Bill 52 on Maui, which were huge wins for single-use plastic reduction. Our beach cleanup data shows a huge amount of plastic packaging washing up on our shorelines, and while we are committed to cleaning up our coastlines, we must recognize that reducing plastic at the source is a far more effective and holistic solution. Companies will keep using cheap plastic packaging as long as they can, with little to no regard for where it ends up after being sold. This bill would ensure these companies bear some responsibility for where their products end up, just as we require for medical waste and other hazardous materials. Additionally, as a member of the 2020 Plastic Source Reduction Working Group mandated by the State of Hawaii last year, I would like to point to the [formal report that our diverse working group presented to the State Legislature](#), which included EPR.

Thank you for your consideration of this testimony in support of HB1316, submitted on the behalf of the Surfrider Foundation's four chapters in Hawai'i and all of our members and volunteers.

Sincerely,
Doora Shin
Surfrider Foundation
O'ahu Chapter Coordinator

LATE



Environmental Caucus of The Democratic Party of Hawai'i

February 9, 2021

To: House Committee on Energy & Environmental Protection
Representative Nicole E Lowen, Chair
Representative Lisa Marten, Vice Chair
Members of the Committee on Energy & Environmental Protection

Re: HB 1316 – RELATING TO PACKAGING WASTE

Hearing: Wednesday, February 9, 2021, 9:00 a.m., Room, 325, via videoconference

Position: **SUPPORT**

Aloha, Chair Lowen, Vice Chair Marten, and Members of the Committee on Energy & Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i and its Human Environmental Impacts Committee are in support of HB 1316 which requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, and makes producers responsible for more of the true cost of the goods they create. At minimum, each plan shall achieve the following performance requirements: (1) By 2026, a minimum of fifty—five percent of all covered products supplied into the State are reused or recycled, with a minimum of five percent reused; (2) By 2030, a minimum of seventy—five percent of all covered products supplied into the state are reused or recycled, with a minimum of ten percent reused; and (3) for each material category of covered products supplied into the State, producer responsibility organizations shall achieve a combined reuse and recycling rates for rigid plastic, including plastic beverage containers; flexible plastic; paper; aluminum; steel; and glass, to be determined by the department.

The Democratic Party of Hawai'i (Party) has adopted at its 2018 State Convention, clear safeguards to protect the *'āina* against polluted runoff. At page 17 of the Party Platform, it specifically provides that “[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment is essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling and waste reduction.

To reduce environmental contamination, we urge this Committee to pass SB 1319 as it requires producers of packaging waste be responsible for the end-of-life management of their products in a way that ensures minimal social and environmental impacts, and makes producers responsible for more of the true cost of the goods they create, all of which are consistent with the Democratic Party Platform.

Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,

Alan Burdick and
Melodie Aduja
Co-Chairs, Environmental Caucus
Co-Chairs, Human Environmental Impacts Committee
Democratic Party of Hawai`i
Email: burdick808@gmail.com and
legislativepriorities@gmail.com

February 9, 2021

Hawaii House of Representatives
Committee on Energy and Environmental Protection
State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, HI 96813
(Submitted Electronically)

To Whom it May Concern:

Sealed Air Corporation is submitting its opposition to House Bill 1316, "A Bill for an Act Relating to Packaging Waste," which would establish and extended producer responsibility act for packaging and paper.

Sealed Air recognizes its responsibility as an industry leader in protective packaging to actively champion solutions to mitigate environmental impacts both of plastic packaging as well as the products they protect. We are actively engaged with multiple organizations around the world to improve recycling infrastructure and invest in new solutions to recover value from waste. Sealed Air announced in 2018 a pledge to advance our packaging solutions to be 100% reusable or recyclable by 2025 and to incorporate an average of 50% recycled content in our packaging.

Through our pledge it is obvious that the company is committed to a circular economy for flexible packaging – designing the right package for the product and utilizing less water and energy to do so; emitting less greenhouse gases in the manufacture and transportation of the package; using the least amount of packaging necessary for the protection of the product; and creating less waste. We are working with others to support robust collection, processing and recycling systems for flexible products and, more importantly, to establish sustainable end markets. SB1185 purports to do the same but does not, in its current form.

As currently drafted, HB1316's definition of producer is not clear, as it could be interpreted as the packaging producer, and not the brand that utilizes the packaging. Packaging producers have no way of tracing where or when a brand will use or sell its product utilizing the packaging. Company is also concerned that HB1316 gives far too broad authority to the Department to implement what would be the first program of its kind for packaging in the US. Similarly, the dates for implementation and plan amendments/resubmissions are far too aggressive for the first packaging end-of-life program in the US. Company is also troubled by the idea that a 3rd party producer responsibility organization (PRO) could affect the reduction of and packaging design changes of its members; there are no anti-trust protections for the PRO or its members to work collectively to institute the plan; and the bill's extremely stringent penalties and joint and several liability for producers, which defeats the purpose of a successful PRO compromised of competitors.

Thus, Company opposes HB1316 and urges the Committee to not vote in favor of the legislation as currently drafted. Company is a member of the Flexible Packaging Association (FPA) and supports its testimony on this bill, including FPA's recommendation for amending the legislation to comport with its Circularity for Flexible Packaging elements detailed with the Product Stewardship Institute at <https://www.flexpack.org/end-of-packaging-life>.

In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me or Alison Keane, President & CEO, FPA, at akeane@flexpack.org or 410-694-0800.questions.

Sincerely,



Terry Grill, Sustainability Leader Americas
terry.grill@sealedair.com
909.641.1162

To: Chair Lowen and Vice Chair Marten, and Members of the House Committee on Energy and Environment

Re: Hearing HB 1316

Tuesday February 9, 2021, 9:00AM.

Position: **Support**

Aloha committee members,

My name is Rafael Bergstrom, the Executive Director of Sustainable Coastlines Hawaii (SCH) and a member of the State's Plastic Source Reduction Working Group (PSRWG). SCH is in support of HB 1316, an effort to build stronger extended producer responsibility laws in Hawai'i. SCH is thrilled to see work being done that aims to "turn off the tap" on plastic pollution. We use this phrase as an educational terminology piece to explain to our communities that while we will always do the hard work of cleaning plastic from our coastlines, the real work is to combat the problem before it starts. The convenience culture of throwaway plastic is a design failure at the highest levels – we are using vast amounts of energy to extract fossil fuels from the earth, using more energy to create products and move them across the world, and then discarding them, often times after a single use. We have been sold lies by the plastic industry regarding recycling in order to perpetuate a destructive money-making venture. It is well beyond time to hold the producers, who have profited off of the demise of our oceans and natural world, accountable to the products that they produce.

Over the past 10 years SCH has removed 585,000 lbs. of debris from our coastlines, united 40,000 volunteers, educated 42,000 students, and waded through a destructive mess of plastic pollution. We are experts on plastic pollution, the consequences of inaction, and the solutions we have at our fingertips. Our citizens produce more than double per capita plastic waste of China and five times that of Indonesia, while (with Europe), housing 95% of the companies, lobbyists, and industries in the plastic economy (WEF 2016). Hawai'i beaches are inundated with the Pacific Gyre's rapidly increasing plastic pollution (CNN 2016).

As our ocean fills with more plastic by weight than fish (Washington Post 2016) by 2050, as we have seen a 610% increase in raw plastic production since 1975 (Jambeck 2015), and as 95% of plastic packaging globally (resulting in \$80-120 billion annual cost) is lost after a single-use (WEF 2016), the solutions must be more geared towards a shift away from the fossil fuel based, greenhouse gas creating industry of plastics. The proliferation of plastic production will account for 20% of the global fossil fuel budget by 2050 (United Nations 2018). A recent study from UH Mānoa researchers, illustrates that plastics are also releasing methane as they degrade in water and sunlight.

The detrimental effects of these materials are no longer a questionable issue – in fact, the casual observer can now take note of plastic infesting nearly every corner of the earth, from the bottom of the ocean to the top of the Himalayan mountains. Sadly, the industry of plastic has known for decades the detrimental nature of their product. The market thus has never corrected

itself as many claim that it will always do. Instead the burden of cleanup and cost of an intentionally failed product design has been left to nonprofits, governments, and tax payers. Plastic is expensive. Plastic is costing cities, counties, states, & countries millions of dollars and our global economy billions. Costs are passed to the taxpayers by burdening our stormwater management systems with the need for expensive best management practices and the costs of cleanups. Hawai'i State Department of Transportation (HDOT) has produced a trash plan that shows polystyrene foam and plastic bags as the top two contributors to the waste stream, while in California, the Natural Resource Defense Council (NRDC) created a plastic cleanup valuation study for 90+ counties in California. The study concluded that CA taxpayers are paying \$428 million per year to clean up plastic through storm drain management, street sweeping, and marine cleanups. San Diego County (with population of 1.3 million – equivalent to Hawai'i) spends \$14 million alone on plastic cleanup.

A recent waste accumulation study that Honolulu Facilities Management department conducted that indicated that 28% of the debris in stormdrains, detention basins, etc. was plastic & styrofoam. The city is charged with cutting waste in these systems by 50% by 2023 and 100% by 2034 in order to meet requirements for pollution discharge permitting.

“The economic damage caused by plastic waste is vast. Plastic litter in the Asia-Pacific region alone costs its tourism, fishing and shipping industries \$1.3 billion per year. In Europe, cleaning plastic waste from coasts and beaches costs about €630 million per year. Studies suggest that the total economic damage to the world's marine ecosystem caused by plastic amounts to at least \$13 billion every year. The economic, health and environmental reasons to act are clear.” (UNEP 2018)

Our work now is to find solutions for source reduction to clean up this mess. The criteria outlined in HB 1316 is the path to more accountability. Some of the biggest problems in the plastic industry are mixed streams and items designed for single use. This doesn't have to be the case. The biggest investments should be in looking to programs and products that return us to patterns of reuse. This should always be considered the number one option even over recycling or composting, but when reuse has been exhausted as an option, we should hold companies to the highest standards for making sure that their items have a traceable and equitable pathway to recycling or composting. This will require a move away from the status quo and willingness to not only test alternatives, but an embracing of the necessity of dynamic change.

Mahalo for taking the time to read this and please continue to move HB 1316 forward.

With Aloha,

A handwritten signature in black ink, appearing to read 'Rafael Bergstrom', written over a horizontal line.

Rafael Bergstrom
Executive Director
Sustainable Coastlines Hawai'i



House of Representatives
Thirty-First Legislature, 20201
State of Hawaii

Reference: House Bill # 1305 and #1316

February 8, 2021

To whom this may concern,

My name is Dr. Calvin Lakhan, professor at York University in Toronto, Canada and director of the Waste Wiki project.

It is my understanding that the State of Hawaii is currently considering extended producer responsibility legislation for printed paper and packaging. This letter is to express my concerns with the adoption of EPR in the State of Hawaii, as there are a number of misconceptions surrounding the perceived benefits of EPR, with many erroneously citing the Canadian experience to rationalize its adoption.

York University has undertaken several studies examining the efficacy of EPR for printed paper and packaging, including a detailed evaluation of recycling system performance in British Columbia and Ontario. The evaluation also examined the economic impact on the consumer as there is an assumption that the costs of the program are borne by the producers.

While I have attached the full studies to this email for your reference, the most salient findings are as follows:

- Both British Columbia and Ontario are experiencing decreases in program performance over time for their residential PP&P recycling programs (both with respect to system costs and diversion rates).
 - British Columbia has experienced a 27% increase in net system costs (from \$360/tonne to \$456/tonne) over a three year period, while total diversion has remained stagnant.
 - Ontario net system costs have increased by more than 170% (from \$219/tonne to \$370/tonne) since program inception, with recycling rates decreasing in each of the past five years.



- A decrease in overall carbon abatement attributable to the recycling program is also observed - both provinces are offsetting less carbon today, than they were five years ago.
- There is no link between the adoption of EPR legislation and increased recycling rates. A previous study conducted by RRS falsely demonstrated this link, but the methodology employed failed to take into account system maturity. When the maturity of a recycling system is accounted for, there is no statistically significant relationship between EPR policy and packaging recycling rates. Recycling rates are trending downwards as a result of package light-weighting, a phenomenon that is independent of EPR policy.
- EPR policy has not been shown to save taxpayers money – this is a commonly repeated claim by advocates of EPR policy, but in a statistical examination of British Columbia, Ontario and Manitoba, the adoption of EPR for packaging waste (either full or partial) was not shown to have any effect on taxes paid by households (in property taxes or service levies).
 - Property taxes in British Columbia have increased for 9 consecutive years, with no discernable change in property taxes in the period immediately following the transition to 100% EPR.
- The adoption of 100% EPR for packaging waste has been shown to increase the price of packaged goods by between 5% and 12% in Ontario and British Columbia (depending on locality).
 - Packaging producers do not internalize the costs associated with the transition to full producer responsibility. These costs are passed onto consumers in the form of higher priced goods and services.
 - Increases in the price of packaged goods disproportionately affects lower income families, as they consumer a greater percentage of packaged food stuff as a proportion of their overall grocery budget.
 - A previous study by RRS that found no link between the adoption of EPR policy and the price of consumer goods was methodologically flawed due to the absence of controls on factors affecting pricing. This limitation was acknowledged by the study authors.

While I recognize that there is significant momentum to adopt EPR legislation in various states, it is important to understand what the experiences in Canada have been to date. I hope that the attached studies provide some clarity to the situation and illustrate that EPR programs as currently structured in Canada have not met the stated goals and are struggling with increased costs and stagnated recycling rates.



Please feel free to reach out at any time, and I am happy to answer any questions you may have.

Warmest Regards,
Dr. Calvin Lakhani
Faculty of Environmental Studies and Urban Change, York University
lakhanc@yorku.ca
416-523-5164

HB-1316

Submitted on: 2/5/2021 1:04:52 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ruta Jordans | Individual | Support | No |

Comments:

YES! Producers should be responsible for the end of life use of their products. Look at all the unnecessary plastic packaging at places like Costco.

HB-1316

Submitted on: 2/5/2021 7:53:15 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe | Individual | Support | No |

Comments:

I support HB1316

HB-1316

Submitted on: 2/6/2021 8:00:25 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rebecca Inaba | Individual | Support | No |

Comments:

In order to create a safe and healthy environment today and for the future, I strongly support Bill 1316. It is our kuleana to mālama our lands and oceans and future generations to come. Mahalo nui.

HB-1316

Submitted on: 2/7/2021 3:23:15 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lisa Diaz | Individual | Support | No |

Comments:

RE: HB1316 RELATING TO PACKAGING WASTE

Rep. Nicole

Lowen

Energy & Environmental Protection Committee

Chair

Aloha Rep. Lowen & EEP committee members:

I strongly support HB1316 which requires producers & sellers of products be responsible for packaging waste and the end-life of the products they profit from.

Currently, local state & municipal governments fund packaging & product waste disposal via citizens' tax dollars. There is no incentive for producers or sellers to reduce waste or cover the \$ and environmental costs of safely disposing of waste at the end life of most products. Science has proven that plastics, metals and many widely used chemicals are harming our land and ocean environments. Marine animals and humans have PCBs in their fat & muscles from careless disposal.

HB1316 is needed to reduce environmental pollution, increase health safety, protect nature, and force producers/sellers to design/market products that do not harm our planet.

Mahalo Nui Loa Rep. Lowen and EEP committee members for introducing and hearing this important bill for Hawaii's keiki and our environment. Please advise us the next steps to support in passing this important legislation.

Malama i ka Aina;

Malama i ke Kai,

Lisa Diaz

Science Educator

76-223 Haoa St.

Kailua-Kona, HI 96740

scidiaz@gmail.com

HB-1316

Submitted on: 2/7/2021 3:57:33 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| shantee brown | Individual | Support | No |

Comments:

I support HB 1316

HB-1316

Submitted on: 2/7/2021 4:44:02 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rosanne Shank | Individual | Support | No |

Comments:

I strongly support any measures that will reduce plastic packaging and other unnecessary plastic waste from coming into the state. There needs to be some control as to the types of plastics allowed into the state and only those that can be managed in some way should be allowed. Corporations and manufacturers need to step up and change their production habits but the State of Hawaii can ban types of plastic that can not be recycled or managed. The plastic that already exists needs to be recovered and recycled or managed in way that reduces the polluting and volume impaction on our marine resources. Corporations, manufacturers and shipping agencies should be held responsible for the collection and recycling of these plastic packaging items. This also implies that they must be able to be recycled and not just put into landfill.

Thank you for consideration of this bill.

HB-1316

Submitted on: 2/7/2021 6:35:16 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Douglas Perrine | Individual | Support | No |

Comments:

I support HB1316

HB-1316

Submitted on: 2/7/2021 7:43:55 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gemma Shepherd | Individual | Support | No |

Comments:

I strongly support Hawaii Bill 1316 Relating To Packaging Waste. In a time of environmental crisis, Bill 1316 gives me hope for a better future for our planet, our islands, and all the beings that depend on it. I believe Bill 1316 will help turn the tide of packaging waste entering our oceans, reduce the amount of greenhouse gases being pumped into our atmosphere, and help create an industrial system far more compatible with nature. By putting the burden of waste management of packaging on producers rather than municipalities and taxpayers with already limited resources, there is potential to design out waste upstream of consumers and transform downstream waste management into a more regenerative model. For Kauai in particular, which I am lucky enough to call home, Bill 1316 will help transition to a more Zero Waste society and could help raise funds to revamp an outdated waste management system with infrastructure such as Curbside Recycling, a Material Recovery Facility, and a Composting Facility. Above all else, it could transform packaging design and systems so that we can stop producing so much waste. For too long our throwaway culture has ignored the true cost of packaging pollution on our planet. Bill 1316 offers a chance to reevaluate the importance of our environment, health, and the biodiversity of this planet by building a system which holds producers responsible for their products and the environmental and societal costs they cause.

Mahalo for your time and considering my written testimony.

HB-1316

Submitted on: 2/7/2021 7:44:41 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Addison Luck | Individual | Support | No |

Comments:

Aloha and mahalo for considering my written testimony. My name is Addison Luck and I live in Kilauea, Kauai. I am writing to strongly support the passing of HB1316.

Polluting our oceans and beaches, threatening the health of humans and wildlife, and contributing to fossil-fuel extraction and emission creation, plastics come with a variety of environmental, economic, and social consequences. This bill shows true promise and could be a turning point in the fight against plastic pollution, one of America's and Hawaii's greatest challenges. Discarding more than 30,000,000 tons of plastic every year, America is the largest producer—accounting for 17%—of plastic waste in the world. As the [Environmental Protection Agency](#) reports, America's plastic recycling rate hovers around 8%, with the overwhelming majority (76%) sent to landfill. Sending plastics to landfill destroys ecosystems and uses valuable land, leeches into the environment and poses a threat to human, wildlife, and environmental health, and disproportionately effects marginalized communities.

As someone who has worked with local municipalities in their efforts to implement curbside recycling and processing facilities, I know firsthand that the biggest challenge in recycling is funding. Many municipalities are strapped for funds, and recovering from the Coronavirus pandemic will only further economic struggles. Placing reuse and recycling responsibilities on the companies that created these products, many of which are among the wealthiest corporations in the world, will actively save money that municipalities and residents pay for waste management. Additionally, these laws will influence these corporations to limit the amount of unrecyclable materials, provide clearer recycling instructions, promote reuse of their products, and incorporate more sustainable materials and practices.

Passing HB1316 will place Hawaii at the forefront of innovative waste management in the United States and will have immediate and positive societal, environmental, and economic benefits. Mahalo for all of your valuable work, and thank you for considering my testimony.

Addison Luck

HB-1316

Submitted on: 2/7/2021 8:58:29 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sarah Matye | Individual | Support | No |

Comments:

Plastic waste needs to be the profiler's "problem" not the state and local governments. Companies need to have a way to dispose of their products, to help pave a way for a greener future. Mahalo!

HB-1316

Submitted on: 2/7/2021 9:33:39 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Noel Morin | Individual | Support | No |

Comments:

Dear Chair Lowen, Vice-Chair Marten, and EEP Committee members,

I am in SUPPORT of HB1316. This will introduce a strong signal to migrate away from single-use plastics.

Thank you,

Noel Morin

HB-1316

Submitted on: 2/7/2021 9:46:25 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| James E Raymond | Individual | Support | No |

Comments:

Please take this small, baby-step away from poisoning our oceans and aina.

HB-1316

Submitted on: 2/7/2021 10:48:08 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kilihea Inaba | Individual | Support | No |

Comments:

Aloha,

For the sake of every being that inhabit this earth we call home, please pass this bill that will hold big corporations and manufacturers accountable for the trash they produce in the process of consumer consumption. Let the responsibility not fall only on counties, states, and individual decisions of what to do with our consumer rubbish, but on these big business as well. If they can begin to use more eco friendly products to package, there will be less in our landfills and oceans, creating less carbon dioxide to contribute to global warming. Please! It all starts with our individual decisions to want to do better, but also with passing laws that will benefit all people in the long run. Mahalo!!

HB-1316

Submitted on: 2/7/2021 11:31:14 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Cory Harden | Individual | Support | No |

Comments:

Aloha legislators,

It's high time the people who generate plastic waste take responsibility for it!

mahalo,

Cory Harden

HB-1316

Submitted on: 2/8/2021 12:07:42 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dr Marion Ceruti | Individual | Oppose | No |

Comments:

Vote NO on HB1316. This is not the time to impose more requirements on business. Some business ventures are struggling to survive and pay their employees. HB1316 will increase the cost of everything that is packaged at a time when many families are already having trouble making ends meet. Recycling makes sense if it can be done cost effectively. If the requirements of HB1316 would help businesses, they would be implementing them already. Recycling should be voluntary, not mandatory. Please, kokua, vote NO on HB1316.

2/7/21

House Committee on Energy & Environmental Protection
Representative Nicole E. Lowen, Chair
Representative Lisa Marten, Vice Chair

Aloha, Chair Lowen, Vice Chair Marten and Members of the Committee,

I am a resident of the Big Island and I am respectfully writing to express my support of HB1316.

As a mother of two, I feel strongly that we need to look at how our present actions impact the future. One thing we are leaving behind is an enormous amount of plastic. This plastic is not only in our landfills, but in our soil, our oceans and in the very fish that we consume. As a society, we have surrounded ourselves by plastic to the point that one can hardly survive without purchasing products that leave plastic waste. Our recycling measures on the Big Island were recently removed which leaves residents the only alternative to reduce, reuse and then throw away all the plastic that is left over.

HB1316 offers a unique way to address this problem and it takes a top down approach. This bill would hold the very companies who are driving the need for plastic responsible for becoming part of the solution. I feel this is a necessary approach as the problem cannot be solved by asking residents to reduce and reuse when everything from our household products to our food is encased in plastic with few affordable alternatives. And just as importantly, it would provide the needed funding to create systems to appropriately manage plastic at the state and county level.

Mahalo for your time and attention to this matter. I am respectfully requesting that HB1316 be passed through the committee.

Sincerely,

Angela Savage

HB-1316

Submitted on: 2/8/2021 8:01:24 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kris Bordessa | Individual | Support | No |

Comments:

We have a waste problem. As consumers challenge themselves to rid their trash cans of as much waste as possible -- is this compostable? maybe I could reuse it somehow? do I know someone who could use this? -- manufacturers continue to sell their products in excessive packaging.

While some conscientious consumers are doing their level best to avoid buying products ensconced in plastic and other wasteful packaging, more just can't be bothered. This is problematic for the environment and adds a burden to the state in trying to manage waste in our island state.

But this shouldn't be a problem that's blamed on consumers. Manufacturers, retailers, and other businesses should be mandated to eliminate as much packaging as possible. And what packaging they do use should be made from materials EASILY compostable or recyclable.

This problem needs to be tackled. I urge you to support HB1316.

February 8, 2021
Committee on Energy & Environmental Protection
Representative Nicole Lowen, Chair
Representative Lisa Martin, Vice Chair

State Capitol
415 S Beretania St
Honolulu, HI 96813

Aloha members of the Committee on Energy & Environmental Protection,

I am writing to support measure HB1316, which places greater legal and financial responsibility upon producers to protect our shared environment from the effects of their packaging debris. As stated in the measure, recycling is a crucial component of mitigating the environmental effects of modern consumerism. However, it is not the definitive, easy solution as it has traditionally been advertised, as it does not address the core issue of reducing the volume of generated plastic waste. Moreover, considering that almost 90% of all plastic waste is never even processed for recycling, it is imperative we develop other avenues for management. If we are truly serious about protecting our environment, we must adjust our current standards and protocols.

Thus far, I have only written about the dangers of plastic to the environment. Importantly, however, we must also acknowledge the threat it poses from a human health standpoint: plastics contain and leach many hazardous materials that expose humans to significant health risks. Among these are endocrine-disrupting chemicals (EDCs), which have been linked to cancer, diabetes, reproductive and neurological disorders, among others. Reports show a direct cause-and-effect relationship between toxic additives in plastics with these health effects. Plastics containing EDCs are commonly used in packaging, construction, food packaging, cookery, home electronics, textiles, cosmetics, and so on. Moreover, these plastic chemicals can actually bind with other toxic chemicals present in the environment, and aggregate, consequently serving as toxic compounds. Even 'bioplastics' or 'biodegradable' plastics, which have been promoted as being more environmentally responsible, often contain EDCs.

As a pediatric dental resident, I have dedicated my career towards helping children, particularly those in underserved communities. Unfortunately, it is often such communities that often feel the greatest impact of our irresponsibility. We must strive to promote health equality and so protect all members of our island community from the effects of plastic waste. By holding producers more accountable for their product, measure HB1316 strives to address this concern. It is imperative we take a more progressive stance towards improving the health of not only our environment, but also our community. We must act now so that future generations may enjoy our island home without having to push through layers of plastic to feel the sand, or suffer the health consequences of EDCs and other toxins.

Sincerely,
Cara Lawler, DMD

HB-1316

Submitted on: 2/8/2021 8:25:52 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Selah levine | Individual | Support | No |

Comments:

I fully support this bill. Manufacturers must help deal with the waste they create. Hopefully this bill will encourage producers to use more environmentally responsible packaging for their products.

HB-1316

Submitted on: 2/8/2021 8:31:05 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Melia Leslie | Individual | Support | No |

Comments:

I support HB1316. We cannot continue pushing environmental costs onto states and municipalities while industries that profit from polluting continue to peddle the myth that local, taxpayer funded recycling programs and individual actions alone are real solutions.

It's time to take ACTION.

HB-1316

Submitted on: 2/8/2021 8:45:54 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jennifer Milholen | Individual | Support | No |

Comments:

Aloha, Chair Lowen, Vice Chair Marten and committee members. My name is Jennifer Milholen and I work as a Waste Reduction Coordinator and 3Rs Program Manager for KĀ• kua Hawai'i Foundation. Our mission and work is primarily in service of education and building lifelong stewards of the earth. Over the years, I have been fortunate to engage with students and schools about the impacts of the products we consume, waste disposal, and how we can all do better in our own behaviors. Students feel empowered and moved to action while, cleaning up a littered beach, campaigning to get rid of plastic forks in their cafeterias, or even writing testimony, but there is also deep confusion and feelings of futility when they confront the question of "why do these products even exist," and "why does all this waste keep coming, when we know who is responsible?"

We can continue to do our work inspiring our youth and communities and even institutions in incremental change, but the students' questions will never be given a satisfying answer until the companies and supply chain systems are fully held responsible for the products they design, market, distribute, and forget.

Aiding in the C&C of Honolulu's last Integrated Solid Waste Management Plan, it was made even more clear to me how fiscally urgent it is to remove the exorbitant costs of waste processing and disposal from the shoulders of the counties. Hundreds of millions of dollars annually (per island) are lost because we have not invested in a system that prioritizes conservation of resources, circular systems, and assigning appropriate responsibility with those who have the most immediate means to influence product design and management.

Mahalo for supporting this impressively thorough and urgently necessary bill. These thorough bill details represent currently hidden data that is vital to assessing the true costs of the products that enter and run through our islands.

Jennifer Milholen

HB-1316

Submitted on: 2/8/2021 8:48:35 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Terra Shumaker | Individual | Support | No |

Comments:

The amount of plastic waste continues to accumulate, not only on our Aina but across the world. Most packaging is not recycleable, and even recycling is not a viable solution for this problem as we do not have the infrastructure. The solution starts at the source. The companies selling our needed products need to be held accountable and provide environmentally friendly solutions so that we may keep the Aina clean for future generations.

LATE

HB-1316

Submitted on: 2/8/2021 9:09:35 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Geoffrey Hajim | Individual | Support | No |

Comments:

Aloha!

As our planet careens towards ecological collapse we need to use these legislative tools to slow the damage we are doing. I support HB1316.

Mahalo
GB

LATE

HB-1316

Submitted on: 2/8/2021 9:33:16 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brad Bordessa | Individual | Support | No |

Comments:

The state should have been more proactive on plastic waste from the beginning. This is a step in the right direction. A poluted Hawai'i isn't good for anybody (tourism included!!!!). Please support.

LATE

HB-1316

Submitted on: 2/8/2021 11:03:50 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Claire Muskopf | Individual | Support | No |

Comments:

Producers have benefitted from decades of being able to make the highest profits without any regard for the disposal of their products or packaging at end of use.

The costs associated with this disposal falls on private citizens or county agencies.

In order to move towards more sustainability in our island communities we need producers of products to be more responsible for the waste their products create. We have limited options for simply supporting different vendors and the costs to the planet, these islands and our communities of not considering the responsible disposal of materials is extensive.

We can do better.

LATE

HB-1316

Submitted on: 2/8/2021 11:26:39 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lillian Ah Nee | Individual | Support | No |

Comments:

Aloha Kā• kou,

I write in strong support of HB1316.

It is vital to the wellbeing of our communities and environment that manufacturers of plastic waste contribute to managing the burden of disposing of the waste products they are producing and profiting from.

For too long our communities have carried this expensive burden while manufacturers have refused to address end-of-life concerns (by either supporting recycling efforts or changing the materials of their products and packaging).

Mahalo for your time and consideration.
Lillian Ah Nee

LATE

HB-1316

Submitted on: 2/8/2021 11:44:16 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ryan Christopher | Individual | Support | No |

Comments:

Our islands only have so much room for trash/waste. Hilo dump has now been closed yet the trash continues to increase. We must take steps to curb our waste. Producers will start to limit their packaging if they are the ones paying for its disposal. I fully support.

LATE

HB-1316

Submitted on: 2/8/2021 1:03:57 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Roseann Michaud | Individual | Support | No |

Comments:

I support HB1316. Those who continue to create plastic waste through packaging should help deal with the excess plastics in our waste stream.

LATE

HB-1316

Submitted on: 2/8/2021 2:05:17 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tom Carey | Individual | Support | No |

Comments:

Aloha, We must be recycling all plastics, to not be doing so is abusing our earth...Thanks, Tom Carey

LATE

HB-1316

Submitted on: 2/8/2021 3:05:01 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|--------------------|--------------------|
| Gretchen Losano | Individual | Support | No |

Comments:

Aloha Chair Lowen, Vice Chair Marten, and the Energy and Environmental Protection Committee,

House Bill 1316 is an excellent and very necessary way to start shifting the global packaging crisis from consumer responsibility to producer responsibility here in Hawaii.

I have for over a decade, wondered how in the world it could be legal for these big box stores to come into small municipalities and put such an incredible burden on our limited waste infrastructure, without one iota of accountability or assumed responsibility to our communities so directly feeling the negative effects. Every time I shop at Costco I mourn the mountains of plastic that come with my purchases, because I know we have no infrastructure on Maui to be able to deal with these types of feedstocks. It is tragic that the producers have historically relied on consumers to assume the burden of recyclability of these waste products, with our limited capabilities, when they are large players in a multi-billion dollar industry that both has the ways and means to contribute to the solution on a global scale. For instance, Costco ships in all of these products and then their shipping containers return from whence they came almost always COMPLETELY EMPTY. It's insane. I have had several meetings with both the local General Manager of Costco Maui and the global sustainability team for Costco to try to address this problem. Unfortunately, they have not yet taken the initiative to address any of these obvious issues on any sort of global scale. Actually, they did stop using plastic straws and are now using a plastic lid with a sippable hole in it, but that's not nearly enough to fight the imminent nature of the climate crisis.

What is truly needed is this legislative initiative to mandate change. Producer responsibility is not only a growing "trend" but it is absolutely necessary for island municipalities with limited waste infrastructure to implement. While this bill may need some work, I implore you to commit to passing this bill through the EEP committee. This is the positive change we need to see for the waste industry in Hawaii Nei.

Mahalo for your consideration,

Gretchen Losano

LATE

HB-1316

Submitted on: 2/8/2021 6:56:14 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Caroline Segalla | Individual | Support | No |

Comments:

My name is Caroline Segalla and I reside in Pahoehoe. The plastic pandemic is something that needs to be addressed sooner than later, especially since we live on an island and since China is no longer taking our dirty plastic. Even if they were, we really should get off the plastic train. There is a group that began f/k/a Puna Precious Plastics n/k/a Hawai'i Island Precious Plastic Hub. They are one of the only places that take some of the plastics and require them to be sorted, clean and delabeled. There is a place in Keaau's Shipman Industrial Park that only takes #2 plastics without caps, but that is it! As soon as the County stopped taking plastics, they were all sent in with regular trash. I as most people in this area, strive to not purchase anything unnecessary that comes in plastic. I shop at places like Island Naturals or Keaau's Natural Foods, or at farmers markets bringing my own containers and bags etc...I have given up on some my favorite yogurt brands and chips but that is ok. I believe the sacrifice is worth it seeing as we are overloading this poor earth with plastic. Here in Hawaii "taking care of Aina" is something alot of folks talk about, but the way we address the plastic pollution problem says otherwise. Often times, its left to the end user to acknowledge a problem and try and find solutions to the problem, in this case plastic. So, the regular citizen is left to either stop purchasing certain goods that come in plastic, or seek out places like Hawai'i Island Precious Plastic Hub. Often times, its the small businesses that lead the way by seeking alternative material i.e. corn / biodegradable products (that is a whole other issue since we don't have proper facilities to even compost these new wares but again, that is another discussion) but the bigger guys are still packaging their goods in single-use plastic. They are not held accountable to the trash they generate and the people who receive the product are the ones who pay for it with piles and piles of plastic that never goes away, and oceans are full of awful plastic clogging up the whole eco-system. This was the same problem with styrofoam, remember that drama? Now, we are off that but there is still plastic to address. Now, I understand the convenience of plastic, the sanitary purposes of it etc...but perhaps only used for necessary emergency items. And by maybe creating a surcharge for those that create alot of plastic trash, (although you and I both know they will pass that on to the consumer) but to use those funds to reduce our dependence on plastic through education, considering alternative materials, offering more bulk-buying options, ending contracts with suppliers that are major polluters, and becoming a leader in addressing this other pandemic. Often times, I have also seen lobbyists/ businesses that still want to maintain the status quo (as with styrofoam) and Government leaders give in because they want their votes, or because they have a history etc...It is time that Government

leaders take a stand, do what is right for EVERYONE especially this lovely Aina we are allowed to live on. Thanks for your consideration and I do hope this passes. ALOHA!

LATE

HB-1316

Submitted on: 2/8/2021 9:12:51 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ryan Plunkett | Individual | Support | No |

Comments:

I, Ryan Plunkett, support HB 1316.

LATE

HB-1316

Submitted on: 2/8/2021 9:55:46 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Avi Okin | Individual | Support | No |

Comments:

We need to fo more with eliminating and/or removing plastic wastes on our islands so I support this bill as a start.

LATE

HB-1316

Submitted on: 2/8/2021 10:07:05 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lynne Stamoulis | Individual | Support | No |

Comments:

HB1316 is an excellent approach to our solid waste problem. By making producers responsible for the packaging attached to their products, consumers, producers, government, all get on the same page when it comes to reducing solid waste---because costs of products will be directly related to maximizing efficiencies of both production and waste management. Hawaii joins a number of other states in forwarding such an initiative so it would not stand alone against the market. We have to move in this direction or we will be buried in plastic and other solid waste!

LATE

HB-1316

Submitted on: 2/8/2021 11:25:54 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| marjorie erway | Individual | Support | No |

Comments:

Please support this very important bill.

Mahalo for your consideration.

LATE

HB-1316

Submitted on: 2/8/2021 11:26:05 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Daniel Amato | Individual | Support | No |

Comments:

I am writing in support of Bill **HB1316**. As a scientist, surfer, and resident of Oahu, I feel that the plastic pollution can only truly be addressed if those who create these items play a role in the solution. After countless beach clean ups, it is clear that we cannot clean our way out of this problem. I do not want to live in a world and play in an ocean where there is more plastic than fish. Please vote for legislation that prioritizes human and ocean health instead of the interests of corporations and their lobbyists. The people of Hawaii have spoken out many times- clean air and water are required for us to thrive. Chemical industry waste and their discarded products are not. Thank you. - Daniel Amato

February 8, 2021

Testimony in support of HB1316, Relating to Packaging Waste

I have been an outrigger canoe paddler on the Island of Hawai'i since 1996. During almost three decades of paddling, I have personally witnessed the degradation of our coastal waters and shorelines because of packaging waste. After heavy rains, all types of packaging waste from aluminum cans, beer bottles and beverage containers to pieces of styrofoam can be found in the water and washed up on shore. And it is not only after heavy rains but also on a daily basis one can walk on the shore of Hilo Bayfront and find single-use plastic cutlery, plastic & styrofoam cups, dental floss picks, plastic bowls that hold poke, plastic straws, foam plates and more. We paddlers will go out of our way to pick up trash such as plastic bags floating in the Bay. Previous to October 2019, some of the items we retrieved could be recycled at the County transfer stations. But globally, the market for recycling whereby other countries would buy our "recyclables," collapsed. The supply of recyclables far exceeded the demand and recycling was no longer profitable. Who got stuck with the effects of this collapse? Local communities, their governments and the environment. What's wrong with this picture? The costs of pollution and landfills filled to capacity, and the costs of getting rid of the containers are not borne by manufacturers.

Manufacturers of containers including glass and aluminum but more importantly plastic ones made from #1,2,4,5,6 and even #7 plastics need to be held accountable for the end-life of their products. This is especially important for Hawai'i, an island state. Research has shown that plastics, in particular, have a very long life and often end up as micro plastics that pollute oceans and rivers, and are ingested by wildlife, some of which are eaten by people.

The identification of plastics by a number in a chasing triangle has been used by plastic manufacturers to dupe the consumer into believing that recycling makes the plastic "go away." Yet the amount of materials that are recycled globally is very small. Instead, land, especially on islands, that is very limited is used for landfill. If one checks out the dish and laundry detergent aisles of most stores, the amount of products that are now in plastic (but were previously housed in glass or cardboard containers) is mind boggling. It won't take too many years for those plastic laundry detergent bottles to overwhelm the capacity of the West Hawai'i landfill. Then what?

NOW is the time for our legislators to act on behalf of the welfare of our communities by holding manufacturers accountable not only for the production of containers in particular but also for the end life of those containers. PLEASE SUPPORT HB1316.

Mahalo,
Ellen Okuma
P.O. Box 10766
Hilo, HI 96721

LATE

Hawai'i State Legislature
Tuesday, February, 9, 2021
Hearing: HB 1316 Relating to Packaging Waste

Submitted by: Jazmyne Geis
(individual representation, though associated with the organization Zero Waste Maui Coalition)

Aloha Chair, Vice Chair and members of the committee,

My name is Jazmyne Geis. As a designer and strategist working (and formally educated) in sustainable design, I am in support of HB 1316. Like the Sustainable Packaging Coalition envisions, I too want to see a world where all packaging is sourced responsibly, optimized for efficiency, effectively recovered, non-toxic to our living environment, and low impact. My support for this bill is based on experience working within an Extended Producer Responsibility (EPR) country, as well as my education in systems thinking and responsible design.

As already stated in this bill with the reference to the plastic corporations, a lot of the blame and responsibility was easy to misplace on consumers (who gain ownership of the product after purchase) and municipalities (local waste management organizations and systems) to deal with the end-of-life of the products, including the packaging. Companies are held responsible for communicating directive suggestions on their packaging like “please recycle” without any direct knowledge or responsibility if their product actually gets recycled, or if the community where the point of sale is even has a system to manage their product’s waste. *All the eco-marketing benefits and greenwashing without the actual follow through.*

Having the opportunity to work closely with a consumer-brand in Germany, gave me insights into one of the pioneering European Union EPR programs in action. The program is far from perfect, but what it has already accomplished is a higher success in packaging recovery rates across the EU Member States, and has been successful in getting companies actively innovating and collaborating to solve the packaging dilemma as industries. (See the European Organization for Packaging and the Environment website for data specifics). Businesses have come to better understand how much of their resources (monetary and material) can be recovered and be of value longer. Many are looking into circular packaging that keeps the packaging in the company’s hand of responsibility (in partnership with service businesses), and has their value circulating instead of being lost in waste and recycling fees. (Look up LOOP Industries Europe, as well as LOOP US).

As someone who works with consumer-good brands, and as a designer myself, product end-of-life management should be a main concern for anyone creating a product/introducing products into an environment. It is a responsibility for any designer/creator/producer to know what long-term effects their creations will have, asking: Is it necessary to create the product in the first place? Is there even demand for it? And how will it integrate within the socio-cultural landscape, as well as the natural environment? Due to the large publicity over the past years of the great Pacific Garbage Patch, people are now getting the laws of nature that *away* (from their home) is *never* “away”. What is brought into this world, remains. *What is brought to Hawai’i, has to be dealt with here in these isolated islands.*

Referring to O2 International Networks for Sustainable Design, **5R’s of Great Design— Restore, Respect, Reduce, Reuse, Recover**— *recover* (recycling and waste to energy) is considered the last resort. Why I believe HB 1316 will be a positive step forward towards Hawaii’s future, is that its attention is moving upstream on the consumer chain to the place of

origin — the producers— and asking for better design that could greatly *reduce* the amount of waste that is being thrown on consumers and municipalities and could make room for *reuse* schemes.

An Extended Producer Responsibility action would create a more collaborative and proactive law rather than ones used to manage and mitigate down-stream after effects of managing the clogged and overwhelmed waste management systems.

Thank you for the opportunity to share my point of view on this bill. Please feel free to contact me for questions, consultation or research.

Mahalo,

Jazmyne Geis

Jazmyne M.K. Geis (consultation)
'Āina Identity Design LLC (Brand Strategist)
Zero Waste Maui Coalition member
ISSP global member
MA in Sustainable Design

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Rep. Nicole E. Lowen, Chair
Rep. Lisa Marten, Vice Chair

Yvonne Yoro
808-352-5137
48 Rose Street
Wahiawā, HI 96786

Tuesday, February 9, 2021

Support for HB 1316, RELATING TO PACKAGING WASTE.

Born and raised in Wahiawā, I was raised to love and appreciate the mom and pop shops that help keep our economy running. If choosing to support a small local business means accepting the product housed by its non-recyclable plastic container, I am willing to make that choice if that is what it takes to make certain that business stays afloat. Choices beyond our control, including the housing that most products come in, should not be one that I, and fellow Hawai'i residents, must bear alone. I am testifying in support of HB 1316 and hope for the implementation of an act that shifts responsibility of product waste management away from those who carry the burden now.

Nearly all the products that are generated and being shipped to our islands come in plastic. Plastic is filling our landfills, laying on our beaches, found in our mountains and streams, and slowly entering our bodies. While reducing the use of plastic is an option, it is also a difficult choice to make when the alternatives found on our islands are scarce or come with an exorbitant price tag. Incentives to reduce our usage are also challenging when local mom and pop shops, who must compete with large-scale chains, are being forced to use inexpensive alternatives for the sake of staying afloat. Should the consumer alone bear the burden of managing the waste by-product that will most-likely live in our landfills for centuries?

The answer is no. Producers who make the decisions to package products a certain way must share that responsibility. We must not allow these large companies to continue to fill our lands with plastics much less condemn our residents for supporting our local companies who are only looking to reduce their bottom line.

My position stands in support of HB 1316 and I hope to see this bill enacted in this session. Mahalo and aloha.



LATE Testimony submitted late may not be considered by the Committee for decision making purposes.

Nicole Chatterson
Director, Zero Waste O'ahu
oahu.zerowaste@gmail.com
808.561.7730

February 8, 2021

Aloha Chair Lowen and EEP Committee Members:

My name is Nicole Chatterson, and I am a Mānoa resident and Director of Zero Waste O'ahu. I am writing in **support with comments to HB11316**, which require producers to take responsibility for the end of life management of their products.

We applaud the introduction of this bill. It incentivizes packaging design that minimizes social and environmental impacts while shifting the cost burden of managing waste from consumers and tax-payers to the producers themselves. This bill takes an important step in addressing the negative impacts on communities that bear the burden of managing waste by requiring the climate footprint and toxicity of packaging materials to be evaluated.

We support the concept of the bill, and have the **following substantive comments/questions**:

- There seem to be major drawbacks to allowing a single producer to serve as their own producer responsibility organization (PRO). By requiring all producers to join a neutral, third party PRO the level of accountability will likely be better than if producers were managing themselves.
- **§2(c)3(a)** Why are covered products only those “supplied to consumers for residential use”? Does this mean that packaging sold in bulk to a commercial buyer, like a hotel, will not be regulated? If so, we suggest amending this bill to include all product packaging. It also appears as if the PROS/individual producers get to decide the criteria for if a product is for residential use and thus regulated. That definition should be pre-decided by the state if it is to be kept.
- **§13**: Reuse and reduction have the largest impacts to social and environmental well-being. As such, we suggest increasing the quantitative goals for reuse to following:
 - (1) “By 2026, a minimum of fifty-five percent of all covered products supplied into the State are reused or recycled, with a minimum of ~~five-ten~~ percent reused;
 - (2) By 2030, a minimum of seventy-five percent of all covered products supplied in to state are reused or recycled, with a minimum of ~~ten-thirty~~ percent reused “
- **§2(g) and §21**: Please make the public availability of these reports mandatory.

Mahalo for your leadership and the hard work that has been done into drafting this bill.

Sincerely,

Nicole Chatterson, Executive Director, Zero Waste O'ahu

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

HB-1316

Submitted on: 2/9/2021 8:42:57 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| chris c. | Individual | Support | No |

Comments:

HB 1316 takes a significant step towards mandating that producers and consumers accept responsibility for the waste that they generate. It is much better than passing off that responsibility to the Counties to manage their wastes like the flawed SB 1419.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

HB-1316

Submitted on: 2/9/2021 9:08:03 AM

Testimony for EEP on 2/9/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gary Miller | Individual | Support | No |

Comments:

I support this bill!!!

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

Consumer side's effort to reduce the amount of plastic waste is limited. It is about time for the manufactures and stores to start taking responsibilities for their end product waste management especially for plastic products. Many studies have shown us the adversely impact that micro plastics from plastic waste that ended up in soil and water have caused. Please pass this bill. Thank you.