



Date: March, 20th 2022

To: Chair Mike Gabbard, Vice Chair Clarence Nishihara, Chair Glenn Wakai, Vice Chair Bennette Misalucha, and all members of the Senate Agriculture and Environment and Energy, Economic Development, and Tourism Committees

From: Zero Waste Hawai'i Island

Re: Hearing HB2399 HD1 RELATING TO WASTE MANAGEMENT

Monday, March 21, 2022 pm, by videoconference

Aloha Chair Gabbard and Wakai, Vice Chair Nishihara and Misalucha, and members of the Senate Agriculture and Environment, and Energy, Economic Development, and Tourism Committees,

Thank you for scheduling a hearing for HB2399 HD1. As this bill made its way through the House, it received 131 supporting testimonies which included government agencies, businesses, individuals, and organizations. It is time to take action to address our plastic waste problem and this bill would be a step in the right direction. It is a moderate and cautious first step to enacting EPR legislation for packaging in the state, and will not negatively impact or put any requirements on Hawai'i producers.

Most people are now aware of the plastic pollution crisis and how it is contributing towards climate change. Even top producers are coming forward to find solutions that deliver a product without all the waste. Those of us working at the grass roots in the Hawai'i zero waste movement are aware of the solutions we need to reduce packaging waste in our society; what we lack is funding to develop and pilot reuse systems. This bill will take money from top producers that can afford it, and invest it into reuse infrastructure that in the long run will save people, planet, and profit. Funds will also be used to divert packaging waste from landfilling and incineration as we transition towards more sustainable packaging processes.

With this funding we can realize a new vision of how we get our products and remove packaging from our homes, offices, and businesses. Imagine a future where there are two waste bins in every home: one for organic waste and another for reusable containers. Once a week a county service picks up your organic waste and reusable containers, or you drop them off at one of many convenient locations. Behind the scenes containers are tracked, sanitized and distributed back to manufactures; creating new green jobs in transportation, engineering, and information technology. Our cities, roadsides, and waterways are free of litter because nothing is disposable; everything has value.

It was not until after World War II that we adopted a disposable culture. In the not-too-distant past we have memories of the milkman and returning glass beverage bottles for a

deposit to be refilled. Combining our knowledge of reuse systems from the past with modern day tracking technologies, a less wasteful approach to packaging will be far more convenient to consumers and more sustainable than recycling. Development of these systems are already happening. Companies like Loop (piloting reusable packaging for major brands) and Algramo (refill systems for cleaning and personal care products) are pioneering reuse and refill systems around the globe. For glass, Conscious Container is piloting reuse of beverage bottles in California, Growly is delivering craft beer in reusable growlers in Phoenix, AZ, and the Oregon Beverage Recycling cooperative is operating at scale reporting close to one million refillable beer bottle uses in 2020.

We could quickly transition to a circular system for packaging in Hawaii if government, businesses, and consumers put our minds to it. Environmental organizations and entrepreneurs are already taking the lead: Full Cycle Takeout on Oahu and Hui Zero on Maui are offering reusable takeout containers, while Liquid Life, Loved by the Sun, Koko Kai Coconut Yogurt, and Sky Kombucha are reusing glass containers that customers return for a deposit. An ever-growing list of sustainable minded businesses that ZWHI has connected with are seeking reusable packaging solutions.

What is lacking is a service that collects, washes, and redistributes reusable containers; as well as funding for infrastructure to take this system to scale. This bill would provide vital seed funding to create a reusable packaging system in the state. Once established, reuse systems will lower packaging costs and reduce problems with supply chain disruptions.

Our landfills on Oahu and Kaua'i are full and there is only one landfill open on Hawai'i Island requiring all waste to be trucked to the west side. Reducing the amount of waste we create is an urgent matter. Please vote for and pass HB2399 this session! It will pave the way and provide funding to transition to a new system that will eliminate packaging waste.

Mahalo nui loa,

Jennifer Navarra
Coordinator
Zero Waste Hawai'i Island

Zero Waste Hawai'i Island (ZWHI), is a community group whose mission is to promote an equitable waste reduction through education, advocacy and system (re)design.

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**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
March 21, 2022**

Re: HB 2399 HD1 RELATING TO WASTE MANAGEMENT

Good afternoon, Chairperson Gabbard and Chairperson Wakai and members of the Senate Committee on Agriculture & Environment and the Senate Committee on energy, Economic Development and Tourism. 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 **opposed** to HB 2399 HD1 Relating to Waste Management. This measure establishes an extended producer responsibility program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule. Appropriates moneys. Effective 7/1/2100.

Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. However, this measure is not an extended producer responsibility policy but rather another mandated fee this time to be used for another special fund.

According to this measure, the sole burden of this **NEW TAX** would be placed on business. It is also unclear as to exactly what is the compliance obligations that is being required as well as how will the recycling and waste diversion be measured?

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. 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, many of our larger retailers ship a lot of their packing materials out of state.

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. Many businesses have not recovered from the pandemic with soft sales, huge debt and the high spending international visitor has not returned. In addition, retailers are also currently continually being hit with supply chain disruption, higher cost in materials and products, shipping delays and shipping costs being raised from 300% - 1000%, and a recession in which inflation rose 7.9% in the last 12 months (the largest gain since 1982 according to the US Labor Department) and we are expected to see it continue to raise in the months to come. In addition, we are also very much aware that the legislature is also considering raising the minimum wage and that the war between the Soviet Union and the Ukraine is also having an impact on not only the raising prices but the limited supply of various goods. We just cannot afford anymore operational cost increases.

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.

Furthermore, we would like to point out that Hawaii does not have a recycling facility to process packaging and other types of materials to be reused. It would still have to be shipped out of state.

Mahalo again for this opportunity to testify.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Agriculture and Environment/Energy,
Economic Development, and Tourism
Monday, March 21, 2022, at 1:00 P.M.
Conference Room 224 & Videoconference**

RE: HB 2399 HD 1 Relating to Waste Management

Chair, Vice Chair, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 2399 HD1, which establishes an extended producer responsibility program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 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.

With the effects of the pandemic on the economy, including the global supply chain crisis, the Chamber cannot support this measure that would be an additional tax on our businesses. This would hurt not only our small businesses, overall, but the consumer because the added costs would ultimately be passed on to them.

Hawaii is also already one of the few states that tax groceries. We do not see the justification for the state to add another tax on groceries and other essential items when inflation is reaching record levels and the state budget has a surplus.

Thank you for the opportunity to testify.



**Written Testimony of
David Thorp, American Beverage Association
Before the Committee on Agriculture and Environment and
the Committee on Energy, Economic Development, and Tourism
Opposition of H.B. 2399, HD1: Relating to Waste Management
March 21, 2022**

Good afternoon Chair Gabbard, Vice Chair Nishihara, Chair Wakai, Vice Chair Misalucha and members of the committees. Thank you for the opportunity to comment in opposition of H.B. 2399, HD 1 – relating to waste management.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). ABA is the trade association representing the non-alcoholic beverage industry across the country and here in Hawaii.

Beverage industry’s local impact on Hawaii’s economy

The beverage industry is an important part of Hawaii’s economy – and one of the few remaining industries still manufacturing in the state. Unlike most consumer products, many of our beverages, aluminum cans and plastic PET bottles are manufactured and distributed in Hawaii by local workers.

Non-alcoholic beverage companies in Hawaii provide 1,200 good-paying jobs across the state. The industry helps to support thousands more workers in businesses that rely in part on beverage sales for their livelihoods and, such as grocery stores, restaurants and theaters.

H.B. 2399, SD1 Is NOT Extended Producer Responsibility:

Legislation to create a real Extended Producer Responsibility (EPR) program in Hawaii (H.B. 1684) was introduced this session but failed to gain any support.

Also, a state Plastic Source Reduction Working Group which consisted of representatives from business, environmental groups, counties and others acknowledged in its final 2020 report that the comprehensive and complicated nature of EPR programs should begin by first studying the issue.

H.B. 2399, SD 1 Is a Tax on Local Beverage Companies and Customers:

H.B. 2399, SD1 imposes a \$150 per ton tax on companies that either have total annual gross sales above \$500 million OR total packaging of more than 10,000 metric tons.

Utilizing that criteria, numerous local beverage companies which employ hundreds of local employees across the state will be subject to the tax, not just a few large international companies.

The cost of this tax will not be spread across a company's portfolio across the country or across the world. This tax will be paid by local companies which will then have to pass along that cost to local retailers and customers who are still working to recover from the business impacts of COVID.

The proposed "fee" in H.B. 2399, HD1 is simply a packaging tax on select companies – including many locally based companies – that will be paid by local companies and passed on to local retailers and customers without actually implementing a real EPR program.

Sincerely,

David Thorp

David Thorp
Vice President, State Government Affairs West

Nicole Chatterson
Executive Director, Zero Waste O‘ahu
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808.561.7730



Testimony in **SUPPORT of HB 2399 HD1: RELATING TO WASTE
MANAGEMENT**

To the joint Committee Hearing of AEN and /EET

March 21, 2022 at 1:00PM; Conference Room 224 & Videoconference

To: Chair Gabbard, Chair Wakai and Members of the AEN and EET Committees

Date: March 20, 2022

Aloha Chair and Committee Members,

As the Executive Director of Zero Waste O‘ahu, a local non-profit working to rebuild an equitable and waste-free Hawai‘i, I am testifying in **strong support of HB 2399 HD1**. This bill establishes an extended producer responsibility program that will enable us to develop local reuse and refill infrastructure and minimize packaging waste. This will have enormous benefit for our communities, for our climate, for our ecosystems, and for our economy.

As we are **faced with siting a new landfill on O‘ahu**, the importance of **reducing the amount of waste we burn or bury is top of mind**. All of the counties will face the same tough conversations O‘ahu residents are having today. Of the several **new landfill sites** up for consideration, **all are above O‘ahu’s drinking water and many are located on prime agricultural lands**. These are unacceptable decisions for our communities to have to make, **especially considering that we have the power to dramatically minimize our waste footprint through policies like what is proposed in HB 2399, HD1**.

The majority of Hawai‘i’s waste is generated within the City and County of Honolulu. In the recent update to the [County’s Integrated Solid Waste Management Plan](#) (ISWMP), the City Dept. of Environmental Services dedicated an entire chapter to mapping out waste reduction strategies and acknowledges the numerous positive community and ecosystem benefits of minimizing waste.

The County’s strategy to achieve waste reduction specifically highlights supporting EPR legislation like HB 2399 and includes measurable waste reduction goals, which I have recapped below (see p. 3-1 of the ISWMP to read them in full):

Nicole Chatterson
Executive Director, Zero Waste O‘ahu
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“To move beyond its past commitments to source reduction, the City has established the following source reduction and landfill diversion goals:

- *Reduce per-capita waste generation 25 percent by 2030, from 6.5 pounds per day to 4.9 pounds per day.*
- *Reduce carbon emissions from the waste stream by reducing or eliminating carbon-based single-use plastics and polystyrene from the waste stream. Specifically, the City has established a goal of reducing plastic waste going to H-POWER and landfill by 1 percentage point (from 10 percent to 9 percent) by 2030.”*

In addition to what I have discussed above, it is important to consider that local taxpayers foot the bill to dispose of the excessive amounts of packaging waste produced by fast-moving goods companies.

Currently, the **producers of these goods take no financial responsibility for the packaging waste they import to our islands.** This bill encourages large producers to change the way they package their goods, or, to contribute to the cost of the waste they are generating for our islands to manage.

We can see the impact of these fast-moving goods and their packaging on our waste stream already. **"Plastic film", much of which is product packaging, is one of the 10 most prevalent items in each county's waste stream** according to their respective waste characterization studies (here is [O'ahu's recent waste study](#) for reference).

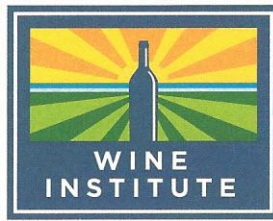
The fiscal, environmental and social benefits of reducing our waste stream are profound. We owe it to taxpayers and our community to pass this measure that will build reuse and refill infrastructure in Hawai‘i while tamping down the excessive amount of packaging waste imported to our islands.

Mahalo for your time and consideration,



Nicole Chatterson, Executive Director, Zero Waste O‘ahu





Sally H. Jefferson
Director, Western States

THE HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT
COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT AND TOURISM
March 21, 2022

Testimony in Opposition to HB 2399 HD1

Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha and Members of the Committees:

Thank you for the opportunity to provide testimony on HB 2399 HD1 RELATING TO WASTE MANAGEMENT. Wine Institute is a public policy association representing more than 1000 California wineries who are committed to sustainability with an impressive 80% of California's total wine production certified under a statewide sustainable winegrowing program. This program encourages the use of products with recycled content, reusability, takeback or recyclable packaging, and non-toxic materials.

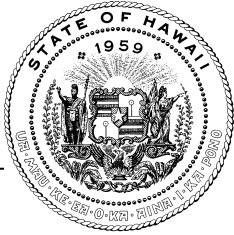
We are committed to participating in discussions regarding the development of efficient, cost-effective means for handling wine packaging. While we support the objective of recovering more wine packaging, we have concerns with HB 2399.

The legislation would require producers of covered materials and products to register with the state and pay a "fee", which is essentially a new tax, on each metric ton of packaging placed into commerce, that would be deposited into a new fund to be administered by the Department of Health.

HB 2399 HD1, as currently written, is unclear and vague on a number of fronts including what would be required of producers in terms of compliance obligations and the factors that would be considered for measuring recycling, reusability and waste diversion. We also believe that any needs assessment to reduce the volume of packaging waste must be comprehensive, not only evaluating the benefits but also the costs to consumers that may result in the form of higher prices and taxes and reduced product availability. It also must evaluate the costs to producers and local businesses, supply chain challenges, infrastructure needs and the projected market availability for recycled content.

We strongly encourage engaging in extensive dialogue with all producers, material suppliers and other stakeholders in developing an EPR program that is effective, feasible and efficient.

For the reasons stated above, Wine Institute respectfully urges you to hold this legislation. Thank you for your consideration of our views.



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
**SENATE COMMITTEES ON
AGRICULTURE AND ENVIRONMENT
AND
ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM**

Monday, March 21, 2022
1:00 PM
State Capitol, Conference Room 224 & Videoconference

**SUPPORT
HB 2399, HD1
RELATING TO WASTE MANAGEMENT.**

Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and Members of the Committees, the Hawai'i State Energy Office (HSEO) supports HB 2399, HD1, which establishes an extended producer responsibility program; requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year; provides for the deposit of fees into an extended producer responsibility special fund; provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

HSEO's testimony is guided by its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy, decarbonized economy. HSEO is also mandated to support the state's zero emission clean economy target set forth in Chapter 225P, Hawai'i Revised Statutes (HRS). Section 196-72, HRS, directs the Chief Energy Officer to "... review proposed state

actions that may have a significant effect on the State's energy and decarbonization goals, ...to advocate for the State's decarbonization goals... and to support economic development and innovation initiatives.”

Requiring corporations that generate more than 10,000 metric tons of packaging waste, and sell more than \$500,000,000 worth of fast moving consumer goods worldwide, to pay into a special Hawai'i Extended Producer Responsibility (EPR) fund will incentivize the reduction of packaging waste and the resulting greenhouse gas emissions from transporting them and burning them; and will incentivize innovative packaging alternatives. It will also reassign the disposal cost burden from local consumers to the packaging originators, while reducing pressure on Hawai'i's landfills and threats to ground water and other natural resources.

The EPR special fund will also provide a source for potential matching funds enabling the State to take full advantage of federal Infrastructure Investment and Jobs Act competitive grants to support innovative waste reduction, recycling, and reuse solutions.

HSEO defers to the appropriate agencies for comment on the implementation and fiscal implications of the requirements of the bill.

Thank you for the opportunity to testify.

HB-2399-HD-1

Submitted on: 3/18/2022 11:21:23 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elwira Mehlich	Individual	Support	Remotely Via Zoom

Comments:

I live on Maui since 2008. This island is my and my daughters Heidi home. I have seen the disposal mountain on Maui growing since 2008. All the plastic and garbage is becoming a big problem. I sell hand made baskets, made from banana leaves on the markets in Maui. We explain to the people, local and visitors the need and the function of ZERO WASTE, since one year. I have been active with my ZERO WASTE EDUCATING PROGRAM since 2017. The use of natural materials made baskets reduce enorm the use of PLASTIC packaging. Vegetables and fruits can be cared from the farmers market or supermarket without ANY plastic bag. My daughter Heidi - 12 years old and me, we welcome the saving lives initiative, ZERO WASTE for Hawaii, and are proud to be a part of it. Education is the key. Solution is in action. We save our most beautiful island.



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Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO:

Committee on Agriculture and Environment
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

Committee on Economic Development and Tourism
Senator Glenn Wakai, Chair
Senator Bennette E. Misalucha, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: March 21, 2022

TIME: 1pm

PLACE: Via Videoconference

RE: HB2399 HD1 Relating to Waste Management

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. We are currently in the midst of a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. Our member businesses continue to meet that challenge every day without fail. To create an additional burden for the businesses that feed out state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

We believe it is important for the Committees to understand that this measure is not an example of the intent or practice of Extended Producer Responsibility. As written this measure would simply be a state mandated fee, i.e. an additional tax, on certain products. A tax which would by necessity be passed along to consumers. Hawaii is already one of only a handful of states that tax groceries. We cannot see a justification for the state to add another tax on groceries and other essential items at a time of

unprecedented inflation, during a global supply chain crisis, when the state budget has a surplus.

HFIA was a part of the Plastic Source Reduction Working Group (PSRWG) that convened in 2020 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 PSRWG engaged in extensive discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation:

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, any EPR policy is going 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 genuine EPR legislation in Hawaii without first understanding the costs and benefits. HFIA is in support of conducting a study of EPR.

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

We would also like to highlight the fact that this measure would not simply raise prices on products made outside of Hawaii. Many of the products that would be impacted by this measure are made in our state. Beverages bottled here on Oahu in Kapolei would be subject to this added tax. As a result this bill may not only raise prices on food and drinks for Hawaii consumers, it could also cost jobs for Hawaii workers.

This measure also has a range of practical problems. Packaging weight is not a metric that is tracked in food and consumer package good industries. It's unclear when, how, by whom, and at what stage of the supply chain this information would be gathered. If companies were able to get this information and somehow compelled to register to pay the added tax, the bill does not give any indication of what the enforcement mechanisms or agencies would be.

For all 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.



**TESTIMONY OF RECYCLE HAWAII on HB2399-HD1
Submitted by Kristine Kubat, Executive Director**

Recycle Hawaii thanks Senator Gabbard for the opportunity to testify on this important and groundbreaking legislation. Our organization was involved in crafting HB2399; we can attest that a great deal of vetting on the bill concept occurred at the national level, not only with environmental organizations but also with producers who will be subject to its provisions.

Extended Producer Responsibility is an idea whose time has come, or as Mike Burke, the Solid Waste Management Coordinator for the Hawaii Department of Health likes to say when it comes to EPR, "the writing is on the wall." Recycle Hawaii acknowledges the legislators who grasp this; we are eager to increase awareness among those who are still learning so everyone can understand the benefits of partnering with producers on waste reduction initiatives.

On the fundamental level, EPR is a movement that promotes a variety of approaches aimed at reducing the environmental impacts of consumerism and transferring some portion of waste handling costs from municipalities to producers. The justification for this is simple: Since manufacturers and brand owners control how their products are designed, made, and packaged, they alone control whether or not these items and materials can be safely managed when they are no longer useful.

Although EPR strategies are firmly in place throughout Europe and in places like Russia and Brazil (which are not known for their progressive policies) the U.S. is just starting to catch up. HB2399 is coming forward at a time when there is a great deal of movement aimed at reducing waste at the national level. It is important for Hawaii legislators to understand the context within which the bill is being proposed.

Creating a distinction between what happens upstream and downstream in the waste making cycle is the best way to ascertain where responsibility lies. While producers are solely responsible for upstream innovations like packaging design, the responsibility for what happens after products and packaging are no longer useful must be shared. It is neither fair nor practical to put that burden on producers alone. Consumers are the ones who discard unwanted materials, and municipalities receive significant quantities of taxpayer funding to handle them. These parts of the cycle cannot be ignored or discounted.

HB2399 evolved around this idea of shared responsibility within the context of Hawaii's unique geography, popularity among visitors and import-dependent economy. Its aim is to create a cost-sharing partnership that addresses the need for producer funding, not forever but over a transitional, 5-year period during which municipalities shift their focus away from resource destruction and towards resource recovery.

The bill is modeled after the state's existing e-waste program. It requires the top producers of fast moving consumer goods to register with the Department of Health and pay into a fund that will be used in the first year to develop needs assessments for the state's four counties and in subsequent years to cover the costs of reuse pilot programs. The decision to prioritize reuse strategies is based on the fact that although they offer the greatest potential for waste reduction, these strategies are rarely funded.

Last session there was a call for study that would help legislators decide which form of EPR best suits Hawaii. Recycle Hawaii is strongly opposed to this approach. The time to take action is now. Hawaii has nothing to gain from an academic assessment of EPR policy options that is sure to come back inconclusive given the dynamic and evolving state of the movement. The bill's requirements for reporting by producers and county needs assessments will generate a wealth of pertinent information that can be put to practical use, and the partnerships formed with covered producers will serve the state well beyond the 5-year program period.

HB 2399 represents a modest, cautious approach that allows the state to bide time without wasting it. As we focus on reuse strategies, large states like California are taking the lead on reforming labeling practices and requiring significant increases in recycled content. The need to comply with California mandates and EPR laws already in place in Maine and Oregon will lead to standardized packaging. Once these standards are firmly in place, and once Hawaii's own reuse pilot programs go mainstream, the responsibility to manage discarded items in ways that preserve their value can be met at the municipal level without help from producers. Keeping decision making at this level is also the best way to assure that Hawaii's communities can capitalize on the value of recovered resources to build wealth.

Having made the case for the bill, we offer the following amendment which was recommended to us as we vetted the bill concept with the Sustainable Food Packaging Alliance, an organization that includes Mars, Unilever, Nestle and Danone, all companies that are among the world's top 20 producers of fast moving consumer goods, and are not in opposition to the bill.

These producers rightly pointed out that it would be burdensome to comply with a mandate to provide exact figures on the volume of products sold and the volume of waste produced. The aim is to engage these producers quickly and efficiently in reuse pilot programs; estimates will adequately serve this purpose.

Recycle Hawaii asks the HB2399HD1 be amended as follows:

(d) The registration and each renewal shall include the covered producer's estimated sales volume for the preceding year and the corresponding estimated packaging volume placed in the market in the State by the covered producer's sales volume during that year. The packaging volume generated in the State shall be used to calculate the fee in subsection (e).

Representative Dale Kobayashi was correct when he pointed to the lack of detail in the bill as it was heard in the House Finance Committee. The bill was purposely designed this way to give the Department of Health the flexibility they need to engage covered producers, county agencies and nonprofits in the program development process. The bill's purpose is clear; deciding how its goals will be met should be a collaborative process among stakeholders.

Finally, we want to address claims being made by opponents to the bill that it will increase prices for local consumers and disrupt supply chains. There is absolutely no basis for these claims. I invite anyone making them to provide some sort of evidence to back them up. Developing reuse pilot programs in partnership with Hawaii government agencies, business and non-profits will fall to the market development and product research departments of these multi-national companies; costs will be expensed over their billion-dollar global market shares. There is nothing to indicate that they will attach the cost of these reuse programs to products sold in Hawaii; however, if they did, the average cost added to a package of cereal for example, at the rate of \$150/ton is 4/10ths of one cent.

For these reasons Recycle Hawaii urges members of the committee for vote in favor of HB2399 HD1.

Kristine Kubat
Executive Director
Recycle Hawaii
808-747-426
admin@recyclehawaii.org

WHY SUPPORT HB2399?

As U.S. support for EPR builds, each state has a unique role to play in creating solutions. HB2399 is particularly suited to Hawaii.

Hawaii's market share is small, but its low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

HB2399 engages the producers best suited to eliminate packaging waste in a fair and balanced way.

Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399 positions the State to take full advantage of federal funding aimed at reducing waste.

The bipartisan Infrastructure Investment and Jobs Act of 2021, includes a \$350M "Recycling Is Infrastructure Too" initiative. The EPR fund established via SB3246 provides a pool of matching funds that will greatly increase Hawaii's chances of receiving federal grant awards aimed at reducing waste.

HB2399 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. HB2399 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii's community-driven, zero waste movement.

Questions about HB2399:

Will HB2399 result in higher prices for Hawaii consumers?

HB2399 is what's known as a "transitional EPR" strategy. This means that the producers it covers are only required to make an investment in Hawaii's waste reduction programs over a transitional period. The short time frame does not justify a permanent increase in prices, and even if producers insist on raising prices, any increase will be spread over a global marketshare valued at \$500,000,000 or more.

How will HB2399 impact Hawaii producers and retailers?

Only corporations that generate more than 10,000 metric tons of packaging waste and sell more than \$500,000,000-worth of fast moving consumer goods worldwide are required to pay into the Hawaii EPR fund. Not a single Hawaii-based producer or retailer meets these specifications. Hawaii businesses will benefit from the investment made by these top producers as they work with Hawaii's zero waste community to develop and implement reuse strategies that help the state achieve its sustainability goals. The bill's purpose aligns with the visitor industry's pivot towards regenerative tourism by reducing waste and satisfying visitor demands for a less-impactful experience.

How does the program mandated by HB2399 work?

Top producers register with the state and pay into an EPR fund over a 5-year period. In the first year, each county is required to assess the costs needed to significantly reduce the volume of packaging waste they handle. The EPR fund is used to cover the costs of developing those needs assessments in the first year. After that, the money is used to fund innovative reuse programs.



3/18/2022

AEN/EET Committees
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and Members of the Senate Committees on Agriculture and Environment and Energy, Economic Development, and Tourism,

Position: Support HB2399

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider Foundation 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 including coastal protection and plastic pollution.

Extended Producer Responsibility (or EPR) is a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of post-consumer products. With EPR for Packaging, producers are incentivized to consider sustainability and the costs of managing waste when designing packaging for their products.

HB2399 is modeled after the state's existing e-waste program. It is also a "transitional EPR" model that will assist the counties to determine a baseline and needs to significantly reduce packaging waste. This bill requires the top producers of fast moving consumer goods to register with the Department of Health and pay into a fund that will be used to develop needs assessments for the state's four counties and to also cover the costs of reuse pilot programs. The decision to prioritize reuse strategies is based on the fact that although they afford the greatest potential for waste reduction, these strategies seldom receive the attention and resources needed to implement them.

Our recycling and solid waste management systems **currently place the burden on consumers, tax payers, and local municipalities - not the large-scale corporations who are responsible for unnecessary packaging waste.** EPR bills help address these inequities and ensure that producers are doing their fair share to reduce waste upstream. This bill, for example, **collects fees from only the top producers** (e.g. Nestlé, Procter & Gamble, Unilever, PepsiCo and the Coca-Cola Company) of fast-moving consumer goods based on the volume of packaging placed on the market each year from 2023 to 2027. This in turn lessens the strain on downstream systems, including our local solid waste management divisions. We need to shift our focus to reuse and to support bills like HB2399 that allow for innovation to address our current solid waste crisis.

In addition, the bill has many **benefits to the local economy and small businesses**, such as:

- Paving the way for adoption of reuse and refill packaging systems in Hawaii
- Reducing packaging costs and supply chain disruptions
- Giving local businesses the power to offer customers products in sustainable packaging that does not eat into already small profit margins
- Supporting a shift toward a more sustainable local based food system
- Creating new green industries and jobs

Thank you for your consideration of this testimony in support of HB2399, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members..

Sincerely,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

HB-2399-HD-1

Submitted on: 3/18/2022 11:41:15 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Cassady	Testifying for Association of Home Appliance Manufacturers (AHAM)	Support	Remotely Via Zoom

Comments:

Thank you for the opportunity to comment on HB 2399. The Association of Home Appliance Manufacturers (AHAM) supports the reasonable approach to packaging EPR that this legislation represents.

HB-2399-HD-1

Submitted on: 3/18/2022 2:47:15 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition	Support	Remotely Via Zoom

Comments:

To: The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment, and

The Honorable Glenn Wakai, Chair, the Honorable Bennette Misalucha, Vice Chair, and members of the Senate Committee on Energy, Economic Development, and Tourism.

Re: Hearing **HB2399 HD1 RELATING TO WASTE MANAGEMENT.**

Hearing: Monday, March 21, 2022, 1:00 p.m., CR 224 and by videoconference

Aloha Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and Members of the Committees on Agriculture and Environment and Energy, Economic Development, and Tourism:

The Climate Protectors Hawai'i is a group focused on reversing the climate crisis and encouraging Hawai'i to lead the world towards a safe and sustainable climate and future. The Hawai'i Reef and Ocean Coalition is concerned with protecting corals and other ocean wildlife from ocean pollution, especially plastics. The Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORT HB2399 HD1.**

In order to reduce environmental degradation of our lands, ocean, and climate, Hawaii needs to **move from a linear waste disposal system to a more circular system, with less wasteful packaging design, greater reuse and, where appropriate, improved recycling of packaging materials.**

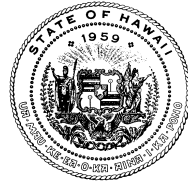
This bill marks a reasonable first step toward what is called "extended producer responsibility," where producers take on greater responsibility for the content and reuse of their packaging and reduce waste. The producers of bottles and other packaging materials need to take on a greater role, since they have great control over the content. The largest producers will also be asked to take on some of the accompanying costs of waste, rather than putting the costs all on taxpayers.

Hawai'i is a unique and isolated market regarding its waste, and so requires a system tailored for Hawai'i. There are currently opportunities to utilize federal funding dollars to begin the transition to a more circular waste system. This bill takes these concerns into consideration.

Please pass this excellent bill!

Mahalo!

Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



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

**Testimony in SUPPORT of HB2399 HD1
RELATING TO WASTE MANAGEMENT**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

Hearing Date: 3/21/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** Costs to implement this measure will impact the priorities identified in the
2 Governor's Executive Budget Request for the Department of Health's (Department)
3 appropriations and personnel priorities. The Department estimates that it will need to establish
4 three positions, one initially via appropriation by the State Legislature, and all three subsequently
5 funded by the extended producer responsibility (EPR) special fund created by this bill.

6 **Department Testimony:** Packaging waste is a significant pollutant and addressing packaging
7 waste will benefit the State and protect the environment, economy, and public health. Costs to
8 develop and implement solutions to address packaging waste is currently borne by taxpayers in
9 the State and counties, and HB2399 HD1 proposes an innovative solution to require producers of
10 excessive packaging waste to be accountable for their products.

11 The Department supports HB2399 HD1 to implement an EPR program to address
12 packaging waste through the counties. Each county is best suited to address its own solid waste
13 issues, and creating a mechanism where producers work directly with each county, supported by
14 State oversight and enforcement, can address longstanding issues due to population density and
15 shipping logistics on the neighbor islands.

16 **Offered Amendments:** None

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



Testimony of Bree Dietly
Before the Committee on Agriculture and Environment and
the Committee on Energy, Economic Development, and Tourism
Opposition of H.B. 2399, HD1: Relating to Waste Management
March 21, 2022

Good afternoon Chair Gabbard, Vice Chair Nishihara, Chair Wakai, Vice Chair Misalucha and members of the committees. Thank you for the opportunity to comment in opposition of H.B. 2399, HD 1 – relating to waste management.

I am Bree Dietly, the Principal at Breezeway Consulting LLC, and a consultant on environmental policy to the beverage industry.

The Beverage Industry and Circularity

The beverage industry plays an important role in advancing the circular economy. Our packaging is specifically designed and optimized for recycling. In particular, our PET bottles and aluminum cans are 100% recyclable, have a high commodity value and, when collected and recycled, can become new bottles and cans. The industry also has invested in local and regional recycling infrastructure for more than 40 years.

The companies have also made commitments to collect and recycle packaging waste, to incorporate more recycled content into our PET bottles and to reduce the amount of new plastic in our bottles. We are working to get every bottle back to meet these ambitious goals and support a circular economy for our beverage containers.

The industry's Every Bottle Back program announced in late 2019 asserted ABA's commitment to reduce new plastic use and increase collection of their valuable bottles. More information can be found at <https://www.innovationnaturally.org/plastic/>. As part of that commitment, the beverage industry supports Extended Producer Responsibility (EPR) as a means of funding recycling collection programs that are effective, efficient, and convenient for consumers. We developed a set of producer responsibility principles based on best-in-class EPR systems and we are working to advocate for systems based on these principles across the country.

The overarching principles behind our approach are to:

- Generate strong environmental outcomes in an efficient, transparent, and accountable manner
- Provide convenient service to consumers
- Create a financially sustainable model that producers fully fund and manage
- Offer producers access to recovered material for closed loop recycling

The beverage industry is taking an active role in advocating for EPR laws for packaging and printed paper that are well-designed, follow best practices, and can produce the kinds of improvements in recycling and markets that are necessary to create a circular economy. We are engaged in several states across the country, collaborating with stakeholders and legislators to shape this legislation: it is a top priority for our industry.

Because it in no way aligns with our principles or with a common understanding of extended producer responsibility, we cannot support this legislation.

- **HB 2399 HD1 is not EPR.** EPR is a policy approach in which producers take financial and/or operational responsibility for managing products at their end of life. These programs can take many forms depending on the nature of the products affected and the policy's emphasis, but all involve funding the management of material through engagement with producers and other stakeholders. This bill does not fund any materials recovery programs, will not recycle a single pound of material, and provides no indication of how such a program could develop.
- **HB 2399 HD1 is an indiscriminate tax.** This tax will affect a wide range of producers and a significant amount of material that could fall under the broad definitions provided in the legislation. Using EPA data for a quick approximation, 310,000 metric tons of material could fall under the definition of covered products. The figure could be much higher if packaging used in business-to-business transactions is captured. The tax on this material would amount to \$46 million. If even half of that is attributable to "covered producers" as defined in the bill (not an unreasonable assumption given the scope of many multi-national brands), that would hand the Department of Health more than \$20 million each year.
- **The purpose of the funding is vague and not linked to EPR.** The primary purpose identified for the funds is assessments, by county, of how to increase waste diversion from landfill by 50 to 80 percent. The balance is vaguely directed to reuse programs which do not exist and are not defined.
- **For beverages, the tax would be stacked on top of the existing deposit program.** Several local beverage companies would be liable for the tax, despite being subject to a state-mandated program of deposits, refunds, and redemption that has been in place for 20 years. Many would consider this long-standing program an established EPR system already; to impose another tax and subject beverage containers to a second set of mandates is unprecedented. At the very least, containers and packaging subject to the HI5 program should be excluded from this new tax.

We are actively involved in developing and shaping new EPR programs for packaging and printed paper in the US. Successfully moving US solid waste policy toward EPR for these materials is, we believe, a critical step. Unfortunately, this legislation is being mis-characterized as advancing the cause for EPR and we cannot support it.

Bree Dietly, Principal
Breezeway Consulting LLC

HB-2399-HD-1

Submitted on: 3/17/2022 12:23:31 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strongly support HB2399 HD1

TO: Chair Mike Gabbard; Vice Chair Clarence K. Nishihara; and Committee

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

RE: HB 2399 HD1 Relating to Recycling

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 2399 HD1. 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 or in 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 opposition to HB 2399 HD1. 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

HB-2399-HD-1

Submitted on: 3/17/2022 1:33:40 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robert brower	Individual	Support	Written Testimony Only

Comments:

Aloha. I wish to register my support of this Bill

HB-2399-HD-1

Submitted on: 3/17/2022 4:18:05 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
GWEN YOUNG	Individual	Support	Written Testimony Only

Comments:

Dear Senator Wakai and Senator Gabbard,

Thank you for your diligent work regarding HB2399.

Mega Food and Cosmetic companies use a vast amount of packaging (primary and secondary) and take little to NO responsibility for the life cycle of their products. Thus, the consumers not only pay for the product, but have to pay the disposal / the close of the life cycle. Since we cannot even recycle most of these packaging this is an even larger issue and is taking over the planet, literally with packaging that NEVER biodegrades and is polluting all aspects of our environment. As a 25+ year director of product development in the food industry, I have been on the inside of these discussions. If we do not push back to those who can control the issue to do something about it, they will not! It's all about profits and doing enough "green washing" work to trick the casual consumer into thinking they are doing the right things for the environment. If they are forced to pay and also work towards reducing these wasteful packages this will go a long way towards a cleaner world for future generations to come. The planet literally needs this to happen. It is my hope that this bill will set in motion a succesful plan for a more responsible packaging program by these and future corporations.

Mahalo nui for your time and attention to this critical environmental matter,

Gwen Young

HB-2399-HD-1

Submitted on: 3/17/2022 4:31:21 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

This extended producer responsibility measure seems to be our best hope for dealing with the amount of waste that we are drowning in. Recycling has been a near complete failure in Hawaii and plastic pollution is reaching a crisis point. Burning plastic waste and converting it into toxic dioxins for us to breathe is not the answer. Please advance HB2399.

HB-2399-HD-1

Submitted on: 3/17/2022 4:59:32 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Koohan Paik	Individual	Support	Written Testimony Only

Comments:

STRONGLY SUPPORT!

HAWAII NEEDS THIS LAW PASSED!

Mitchell D. Roth
Mayor

Lee Lord
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

March 17, 2022

Sen. Mike Gabbard, Chair, and
Members of the Committee on Agriculture and Environment

Sen. Glenn Wakai, Chair, and
Members of the Committee on Energy, Economic Development, and Tourism

Dear Chair Gabbard, Chair Wakai, and AEN/EET Committee Members,

The County of Hawai'i Department of Environmental Management **supports HB 2399 HD1** to implement an EPR program to address packaging waste through the counties. Each county is best suited to address its own solid waste issues. Creating a mechanism where producers work directly with each county can address longstanding issues due to population density and shipping logistics on all islands.

Hawai'i's market share is small, but its low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

The corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, 16 of the top 20 are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable, or compostable.

Further, and perhaps most important, our national collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. This legislation compels the top producers to take the lead on developing reuse strategies by effectively partnering them with the County of Hawai'i and its community-driven zero waste movement.

Sincerely

Ramzi Mansour, Director,
Department of Environmental Management, County of Hawai'i

HB-2399-HD-1

Submitted on: 3/17/2022 5:57:18 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

I am in strong support.

HB-2399-HD-1

Submitted on: 3/17/2022 5:56:46 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Knapp	Testifying for Urban Ore, Inc.	Comments	Written Testimony Only

Comments:

I own and operate a resource trading company, Urban Ore, Inc., that has been in business for more than forty years in Berkeley, California. Our specialty is reuse; we chose it because reuse is higher on the hierarchy of recovery options, well above recycling. We have proven over our long history that reuse is a cost-effective form of resource recovery and can be highly profitable. Your bill HB 2399 will be more successful if a large proportion of it's funds are committed to supporting reuse over recycling. Two applications that are increasing in popularity here in the mainland are reuse of glass beverage containers, and reuse of restaurant foodware. Many cities in our area, led by Berkeley, are mandating that foodware be reusable. This has created demand for new companies that pick up durable foodware, clean it, and return it to restaurants. Nationally, serious thought and investment is being devoted to mandating standard glass bottle shapes and creating infrastructure for label removal, sanitizing, and returning standardized containers to bottlers. I hope your legislators take these cutting edge developments into account as they move HB2399 from passage to implementation and regulation. Thank you for the opportunity to comment.

HB-2399-HD-1

Submitted on: 3/17/2022 6:08:23 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Testifying for Big Island "Reef Keepers" Hui	Support	Written Testimony Only

Comments:



Aloha Senators!

They say a picture is worth a thousand words.

So on behalf of my little friend here, please pass this bill and all the other ones related to keeping more harm from befalling my friends. Only you have the power to stop this!

Malama Pono!

R A Culbertson

Honokaa

(for Big Island "Reef Keepers" Hui)

HB-2399-HD-1

Submitted on: 3/17/2022 7:05:56 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

HB-2399-HD-1

Submitted on: 3/17/2022 7:28:17 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Testifying for Kauai women's caucus	Support	Written Testimony Only

Comments:

The producer is making the money, let them share in responsibility for the waste and reducing the toll on the environment. it's being done elsewhere and can work here as well

HB-2399-HD-1

Submitted on: 3/17/2022 7:51:13 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chad Cooper	Individual	Support	Written Testimony Only

Comments:

Save the sea turtles!

HB-2399-HD-1

Submitted on: 3/17/2022 8:04:11 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

You are just screwing the people who end Up have to pay for your Stupied Chouces!!

HB-2399-HD-1

Submitted on: 3/17/2022 9:28:46 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Troy Schacht	Individual	Support	Written Testimony Only

Comments:

We need to decrease waste!

HB-2399-HD-1

Submitted on: 3/17/2022 9:42:08 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
janice palma-glennie	Individual	Support	Written Testimony Only

Comments:

aloha,

i strongly support this bill for all of the logical reasons presented over and over again by me and countless other hawaii residents.

mahalo for supporting this no-nonsense, overdue legislation.

sincerely,

janice palma-glennie

kailua-kona

HB-2399-HD-1

Submitted on: 3/17/2022 10:13:41 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice Chair Nishihara, Chair Wakai, Vice Chair Misalucha, and Members of the AEN and EET committees:

I'm writing in support of HB2399. Global plastic pollution has become an international crisis. Our oceans have become a dumping ground that ultimately hurt all of us, especially when it comes to our food supply. I see HB2399 as an important step to reduce our waste streams and therefore our pollution. Please pass HB2399.

Respectfully,

Paul Bernstein



Greg Maples, Chairman – Polynesian Cultural Center **Ryan Tanaka, Incoming Chair**- Giovanni Pastrami

Ave Kwok, Vice Chair- Jade Dynasty **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

Sheryl Matsuoka, Executive Director **Chivon Garcia**, Executive Assistant **Holly Kessler**, Director of Membership Relations

Date: March 17,2022

To: Sen. Mike Gabbard, Chair
 Sen. Clarence K. Nishihara, Vice Chair
 Committee on Agriculture and Environment

 Sen. Glenn Wakai, Chair
 Sen. Bennette E. Misalucha, Vice Chair
 Committee on Energy, Economic Development, and Tourism

From: Victor Lim, Legislative Lead

Subj: HB 2399, HD1 Relating to Waste Management Fee

The Hawaii Restaurant Association representing 3,400+ restaurants stand in opposition to HB 2399, HD1, that in the name of Extended Producer Responsibility, establishes a state mandated fee or tax. After two years of Covid Pandemic that shut down many businesses here and left the ones that are still in business hanging on a shoe string, this will make our situation worse.

While we are facing a global supply chain crisis along with unprecedented inflation, we have a state budget with a surplus so why do we want to try and shut down more businesses.

The Hawaii Restaurant Association was a member of the Plastic Source Reduction Working Group that convened in 2020 per Act 254 as established by the Legislature. We engaged in extensive discussion about Extended Producer Responsibility and in the Final Report that was unanimously approved by the whole group, made the following recommendation (To Undertake A Fair And Careful Study Of Extended Producer Responsibility).

We all agreed that this is a very complicated challenge that needs further study because we are 2,500 miles from the mainland USA, we don't do any major manufacturing here, nor do we have composting and recycling facilities here in the state, along with the high costs of shipping to and from the mainland.

Without doing further study on this very complicated issue and going straight to charging fees or tax as calls for by this bill at this point just doesn't make good logic.

Please hold this bill for all the above reasons. Thank you for giving us this opportunity to share our comments.



HB-2399-HD-1

Submitted on: 3/18/2022 5:00:48 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

Definitely a step in the right direction. I support HB2399 HD1.

Mahalo, Mary True, Pepeekeo

HB-2399-HD-1

Submitted on: 3/18/2022 7:20:07 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill to help with our waste issues - please pass it! Mahalo, JW

HB-2399-HD-1

Submitted on: 3/18/2022 11:00:16 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Strong	Individual	Support	Written Testimony Only

Comments:

Please support this much needed bill.

HB-2399-HD-1

Submitted on: 3/18/2022 11:07:37 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear. Committee Members,

I strongly support this bill. I am sick and tired of all the plastics I must accept to stay alive in this world. Furthermore there is little recycling on Hawai'i island and all this packaging becomes trash and toxics in landfills. I urge you to take action for responsibility and incentives to change the system.

Respectfully,

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785



March 18, 2022

Honorable Members of the Committee on Agriculture and Environment
Honorable Members of the Committee on Energy, Economic Development, & Tourism
31st Legislature, 2022, The State of Hawaii

RE: HB2399 HD 1 - An Extended Producer Responsibility Law - WRITTEN TESTIMONY IN SUPPORT

Aloha Chairs Gabbard and Wakai and Esteemed Members of the Joint Committees:

On behalf of Upstream, a national non-profit organization whose mission is to solve the plastics and climate crisis by transitioning from a throwaway culture to a reuse economy, I write in strong support of HB2399 HD1, which establishes an extended producer responsibility (EPR) program for packaging.

Upstream was founded in 2003 to promote EPR in order to ensure that the responsibility of producers for their products doesn't end when they place the products into commerce. Over the years, we have observed that EPR laws have succeeded only increasing recycling because that is what they have been designed to do. The problem is that the quantity of waste generated by producers continues to grow and it's become clear that we are never going to be able to recycle our way to a sustainable future.

We are excited about HB 2399 because, if enacted, it would be the first EPR law in the U.S. that recognizes that plastic pollution and packaging problems won't be solved by recycling alone. It prioritizes eliminating single-use packaging at the source by transitioning to reusable formats, which is better for people and the planet.

We are eager to see Hawaii lead the way in developing infrastructure that will enable reusable packaging systems that, in the long run, will lower packaging costs and reduce supply chain disruptions while easing the burden of managing all the waste. Hawai'i landfills are overflowing and plastic is washing up on its shores. Its time for government, business, and consumers to come together to find new ways to get consumers products they want or need without all the waste.

We strongly urge your AYE vote on HB2399 to adopt reuse as a better way than throw away.

Respectfully,

A handwritten signature in black ink that reads "Miriam F. Gordon".

Miriam F. Gordon
Policy Director, Upstream

miriam@upstreamolutions.org

upstreamolutions.org | Tune in to [The Indisposable Podcast!](#)

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March 18, 2022

Honorable Members of the Committee on Agriculture and Environment
Honorable Members of the Committee on Energy, Economic Development, & Tourism 31st Legislature,
2022, The State of Hawaii

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We strongly urge your AYE vote on HB2399 to adopt reuse as a better way than throw away.

Thank you,

Shell Cleave, Founder
shell@seahugger.org

HB-2399-HD-1

Submitted on: 3/18/2022 12:19:14 PM

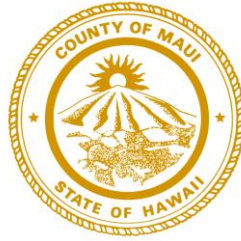
Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Penn	Individual	Support	Written Testimony Only

Comments:

I support this bill because we must address our plastic pollution.

MICHAEL P. VICTORINO
Mayor
ERIC A. NAKAGAWA, P.E.
Director
SHAYNE R. AGAWA, P.E.
Deputy Director
MICHAEL KEHANO, P.E.
Solid Waste Division
SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division
TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793

March 21, 2022

TESTIMONY OF TAMARA L. FARNSWORTH
COUNTY OF MAUI, MANAGER OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY
DIVISION

BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND
ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
Monday, March 21, 2022, 1:00 p.m.
Via Videoconference

In consideration of **HOUSE BILL 2399 HD 1 RELATING TO WASTE MANAGEMENT**
Honorable Mike Gabbard and Glenn Wakai, Chairs
Honorable Clarence K. Nishihara and Bennette E. Misalucha, Vice Chairs
Honorable Members of the House Committees on Agriculture and Environment; and Energy,
Economic Development, and Tourism

The County of Maui Department of Environmental Management stands in **SUPPORT of
HB2399 HD 1** which would establish an extended producer responsibility program within the
Department of Health for large-scale manufacturers of "fast-moving consumer goods,"
appropriate funds for one additional position to administer the program, and direct moneys
collected to the four counties to conduct a baseline and needs assessment study in order to
achieve an 80% reduction of packing waste.

Extended Producer Responsibility (EPR) programming is the next frontier in sustainable waste
management. As the County of Maui moves forward with adopting Zero Waste principles and
practices as policy, EPR is recognized as one of the highest priorities to achieve these goals.
This bill represents a "transitional EPR" model which will assist the counties in determining a
baseline and needs to significantly reduce packaging waste. Currently, the burden of managing
product packaging waste falls on municipal systems, county agencies, and county taxpayers.
EPR highlights and re-establishes the responsibility that product manufacturers should take for
the full life cycles of the products they make. This will encourage innovations in reuse and
designing for the end of life and/or recycling of the packaging of the products they manufacture,
as well as financially providing for the circular economic model that will relieve some of the
burden of disposal on consumers and municipalities.

Due to the importance and extent of this program, we support funding for three (3) additional
positions and additional time to implement the requirements, as identified by the Department of
Health. Thank you for the opportunity to provide testimony **in support of HB 2399 HD 1**.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT AND
ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM
ON
HOUSE BILL NO. 2399, H.D. 1

March 21, 2022
1:00 p.m.
Room 224 and Videoconference

RELATING TO WASTE MANAGEMENT

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2399, H.D. 1, establishes an extended producer responsibility program (EPRP) which:

- Prohibits unregistered covered producers from selling or offering for sale any fast-moving consumer good beginning and ending on a date determined by administrative rule.
- Requires covered producers to register with the Department of Health (DOH) and pay a fee of \$150 for each metric ton of packaging placed in the market in the State.
- Establishes the Extended Producer Responsibility Special Fund (EPRSF).
- Requires each county to develop a countywide needs assessment for resources needed to reduce the amount of packaging waste sent to landfills.
- Requires DOH to submit an annual report to the Legislature that contains a summary of the county needs assessments and a summary of the EPRSF.

- Appropriates an unspecified amount in general funds in FY 23 for deposit into the EPRSF.
- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the counties to prepare countywide need assessments.
- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the administration of the EPRP.
- Appropriates an unspecified amount in general funds in FY 23 to DOH for 1.00 full-time equivalent position for the EPRP.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Additionally, as a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2399, H.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.

HB-2399-HD-1

Submitted on: 3/18/2022 2:47:01 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lars Olsen	Individual	Support	Written Testimony Only

Comments:

This is a good solution that will incentive producers of waste that is clogging our waterways and ecosystems here in Hawaii to be more accountable and make less "wasteful" products. It will also help us here in Hawaii more effectively deal with the waste problem we have by funding our communities to develop resuse and refill infrastructure to meet this dire need.



Statement of
Brian Watanabe
President
Island Grown Foods, Inc.
dba: Hawaii Food Products
Before the
Committee on Agriculture and Environment

Monday, March 21, 2022,
1:00 pm HST
Via Videoconference
In consideration of

HB2399
Relating to Waste Management

Senator Mike Gabbard, Chair, Senator Clarence K. Nishihara, Vice Chair and Members of the Committee on Economic Development and Tourism.

RE: HB2399 HD1 Relating to Waste Management

Position: Oppose

Island Grown Foods, Inc. dba: Hawaii Food Products is a member of the Hawaii Food Industry Association (HFIA), which is comprised of 200 member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFP is also in opposition to this measure. As a Small Business, we are currently in the midst of a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. Our member businesses continue to meet these daily challenges, too often at their demise. Long time Kama'aina companies have battled rising raw material, energy, and labor costs to stay in business. Creating an additional financial obligation for businesses that feed out state is not the right choice for Hawaii, especially considering the ongoing global pandemic and ongoing global supply chain crisis.

I want to stress how important it is for the Committee Members to understand that this measure is not an example of the intent or practice of Extended Producer Responsibility. As written and understood, this measure would simply be a state mandated fee - an additional tax, on certain products. A tax which would by necessity be passed along to consumers. Hawaii is already one of only a handful of states that tax groceries. It would be very difficult for HFP to add another expense or tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis.

As a member of the HFIA, I support previous work done regarding the Plastic Source Reduction Working Group (PSRWG) that convened in 2020 per Act 254. That 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.

I agree with the recommendations of the PSRWG, which is to engage in extensive discussions about Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation:

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

Discussions on EPR is a policy approach to address waste reduction designed to encourage manufacturers to develop environmentally friendly products by being responsible for the costs of managing 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 Hawaii. 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 Hawaii independent of other state and federal packaging EPR initiatives; and
- (2) packaging EPR in Hawaii 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, any EPR policy is going 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 genuine EPR legislation in Hawaii without first understanding the costs and benefits. HFP agrees with HFIA's stance and is in support of conducting a study of EPR.

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



I also agree with HFIA and would also like to highlight the fact that this measure would not simply raise prices on products made outside of Hawaii. Many of the products that would be impacted by this measure are made in our state. Products processed and packaged at HFP and others, like beverages bottled here on Oahu in Kapolei would be subject to this added tax. As a result, this bill may not only raise prices on food and drinks for Hawaii consumers, but it may also reduce jobs at HFP.

This measure also has a range of practical problems: Packaging weight is not a metric that is tracked in food and consumer package good industries. It's unclear when, how, by whom, and at what stage of the supply chain this information would be gathered. If companies were able to get this information and somehow compelled to register to pay the added tax, the bill does not give any indication of what the enforcement mechanisms or agencies would be.

For all these reasons I oppose this measure as not being the right choice for our state, and we ask that it be held.

March 21st, 2022

Senate Committee on Agriculture and Environment
Senate Committee on Energy, Economic Development, and Tourism

RE: Support for House Bill 2399, Relating to Waste Management

Dear Chair Gabbard, Vice Chair Nishihara, Chair Wakai, Vice Chair Misalucha, and the rest of the members of these committees,

Pacific Whale Foundation is a 501 (c)(3) nonprofit whose mission is to protect the ocean through science and advocacy and inspire environmental stewardship. With nearly 4,000 supporting members, and a reach of 400,000 people per year through both our for- and non-profit programs, we use science-based solutions to understand, educate, and address the major threats facing the health of the ocean today.

One of the biggest threats facing the health of the ocean and the life within is marine debris. Our research has shown that marine debris is a threat to all the Hawaiian Islands, both due to our position within the North Pacific Sub Tropical Gyre as well as human overuse of fast-moving consumer goods¹. Our position within this Gyre, often referred to as the “Great Pacific Garbage Patch”, causes heavy loads of ocean-based debris accumulated on the windward sides of the islands. Although research on the origin of these debris is ongoing, we are still not able to fully address the source of this debris. However, our studies have shown that over 80% of the debris showing up on the leeward shores is land-based, and these debris we can control¹.

Land-based debris is often a product of mismanaged waste; either improper disposal on the consumer end or improper waste management (e.g. trash cans with no lids or landfills in windy locations). The end life of this land-based debris has always been the responsibility of the consumer, taxpayers, and of the municipality that handles that waste. Extended producer responsibility (EPR) is a concept that instead places the responsibility of that waste on the producer themselves, taking on the responsibility for the environmental impacts of their products, including upstream impacts inherent in the selection of materials for the products². This bill represents a transitional EPR model which will help counties determine baseline and needs to reduce packaging waste that we see turning up on our shorelines.

Through our Coastal Marine Debris Monitoring Program, a community science program that engages residents and visitors alike in hands-on conservation work, we have removed and recorded over 15,000 food wrappers from Maui’s coastlines alone. Often comprised of plastic, this debris can end up in the ocean with a single gust of wind, potentially causing harm to all marine life from small fish up to large whales.

In addition to addressing the physical waste of these consumer goods, the EPR concept integrates upstream impacts of the continued production of these products (often plastic), which we are in desperate need of curbing due to the carbon emissions associated.

With the integration of EPR into waste management, it will encourage innovation in product design that directly consider the end of life of the products being manufactured. Some innovations are already being seen across the world with a variety of reuse programs, including here in Hawai'i. More reuse programs equal less strain on municipalities, taxpayers, and most importantly, the health of our ocean environment.

We are out of time to implement the beginnings of this type of circular economy concept into waste management in our vulnerable island state. Thank you for allowing me to submit testimony today.

References

1. Blickley et al., *Trends and drivers of debris accumulation on Maui shorelines: Implications for local mitigation strategies.*, 2016, Marine Pollution Bulletin
2. Organization for Economic Cooperation and Development, Fact Sheet, Extended Producer Responsibility

HB-2399-HD-1

Submitted on: 3/18/2022 3:04:40 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha AEN/EET Chairs and Committees,

Finally a user pay bill that makes the users pay! I support HB2399 HD1 because it creates an extended producer responsibility (EPR) program. The really good thing about the bill is they collect fees **from only the top producers** (examples Nestlé, Procter & Gamble, Unilever, PepsiCo and the Coca-Cola Company) of fast-moving consumer goods based on the volume of packaging placed on the market each year from 2023 to 2027. The money collected will be placed in an EPR special fund and utilized for each county to create a report that assesses the resources needed to reduce packaging waste by 50% and 80% by TBD deadline.

Another reason this is such a great bill is it will pave the way for adoption of reuse and refill packaging systems in Hawaii. It will also reduce packaging costs and supply chain disruptions. It will hopefully give local businesses the power to offer customers products in sustainable packaging that does not eat (excuse the pun) into already small profit margins.

It will also reduce our collective environmental impact and supports a more sustainable local based food system and creates new green industries and jobs. This is a creative and innovative bill that should be passed!

Mahalo for your consideration,

Tlaloc Tokuda

Kailua Kona HI 96740

HB-2399-HD-1

Submitted on: 3/18/2022 3:25:17 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ersel Hensley	Individual	Support	Written Testimony Only

Comments:

Aloha folks,

A reduced packaging implementation program for each county, based on volume placed on the market will help.

Mahalo,

Ersel

HB-2399-HD-1

Submitted on: 3/18/2022 3:27:47 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Support	Written Testimony Only

Comments:

Dear Chairs, Vice Chairs and Committee Members,

We have had decades to see that recycling plastic is not an option, particularly in Hawai`i where the distance to the industrial-level facilities makes recycling cost-prohibitive. The veneer of recycling has only led to the increased production of single-use disposable plastic.

I support HB2399 HD1 because it raises funds from large, multi-national corporations, and not small local businesses, and establishes as a first priority county-specific needs assessments, in recognition of the unique needs and resources of each county.

The bill also allocates funds for staff positions and enables Hawai`i to apply for related federal funding.

Thank you for the opportunity to submit my **support for HB2339 HD1**.

HB-2399-HD-1

Submitted on: 3/18/2022 4:00:24 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bahman Sadeghi	Testifying for Meadow Gold Dairies Hawaii	Oppose	Written Testimony Only

Comments:

March 18, 2022

Hawaii State Legislature

415 S Beretania St.

Honolulu, HI 96813

Re: H.B. No 2399

Dear Representatives of the Hawaii State Legislature:

We are currently experiencing a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. As the state's sole dairy processor, we rise to meet that challenge every day. To create an additional burden for our business that supplies local restaurants, schools, small businesses, and families across the state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

We believe it is important for the Committee to understand that this measure is not an example of the intent or practice of Extended Producer Responsibility. As written this measure would simply be a state mandated fee, i.e. an additional tax, on certain products, a fee which would by necessity be passed along to consumers. Hawaii is already one of only a handful of states that tax groceries. We cannot see a justification for the state to add another tax on groceries and other

essential items at a time of unprecedented inflation, during a global supply chain crisis, when the state budget has a surplus.

HFIA was a part of the Plastic Source Reduction Working Group (PSRWG) that convened in 2020 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 PSRWG engaged in extensive discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation: 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 Cooperation 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, any EPR policy is going 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 genuine EPR legislation in Hawaii without understanding the costs and benefits.

As a member of HFIA, we support conducting a study of EPR. 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.

Sincerely,

Bahman Sadeghi

CEO

Meadow Gold Dairies Hawaii

HB-2399-HD-1

Submitted on: 3/18/2022 4:23:48 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

I am excited to hear that Bill HB2399, the Extended Producer Responsibility (EPR) for packaging, has been scheduled for its first hearing in the Senate. This is a great incentive to help us to get to a sustainable, green economy and I really hope the Senate will pass this bill.

Several states have passed these kinds of bills, and I believe this is a great way to begin a state of accountability of how much non-biodegradable packaging actually costs. I hope that there will be more incentives to actually recycle these products if and when they get to the consumer's table, although I am aware with the crackdowns from various markets it can be hard to resell the packaging. I do think any way the municipal government can make it easier for people in urban and rural areas to recycle is a big plus, and I hope that this bill can provide this service as well in its final stages.

This bill has really great provisions which include the creation of an EPR program, one which collects fees from producers of toiletries and packaged foods, requiring them to register with the state. These fees are based on the volume of packaged material on the market from the year 2023, through 2027. These fees will be placed in a special fund for each county to create a plan to reduce packaging waste by 80 percent by a set deadline, and in subsequent years after 2027 used towards packaging reuse programs.

In anticipation of the 2028 benchmark, I also would like to suggest the implementations for more plans to create packaging reusing programs now, so that in 2028 these programs are at the minimum shovel ready or more ideally already in use. Our landfills can't afford the debris from this packaging, and if we can't recycle this stuff readily we need to at least find a constructive means for this debris, such as perhaps some kind of capped fuel or building materials.

HB-2399-HD-1

Submitted on: 3/18/2022 4:26:28 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carissa Cabrera	Individual	Support	Written Testimony Only

Comments:

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

I am testifying today in support of measure HB 2399 as it stands. I am a locally based marine conservationist who deeply cares about the restoration and continued regeneration of our lands and waters. As plastic pollution continues to fill our landfills, and often become marine debris as a survival hazard for our wildlife and ecosystems, a measure such as this one would help alleviate that pressure from our home. Extended Producer Responsibility is a key component to building a circular waste system, and it is unfair to place the financial burden on our residents to pay for waste management. Hawai'i remains an environmental leader in our country, yet single use plastic is still rampant in our consumer systems. This regulation could set the standard to place people and planet above profit, and lead the way for other regions of the world to follow suit.

Mahalo for hearing my testimony.

Carissa Cabrera

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

ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR

MICHAEL O'KEEFE
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 22-35

March 18, 2022

The Honorable Mike Gabbard, Chair
The Honorable Clarence K. Nishihara, Vice Chair
and Members of the Committee on Agriculture and Environment
The Honorable Glenn Wakai, Chair
The Honorable Bennette E. Misalucha, Vice Chair
and Members of the Committee on Energy, Economic Development, and Tourism
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Gabbard and Wakai, and Vice Chairs Nishihara and Misalucha:

SUBJECT: House Bill 2399 HD1, Relating to Waste Management

The City and County of Honolulu's Department of Environmental Services ("ENV") supports HB 2399 HD1 and the establishment of an extended producer responsibility program.

ENV supports the prevention or elimination of waste before it is created, otherwise known as the source reduction of packaging waste, as a high value waste management strategy, in accordance with the Environmental Protection Agency's Waste Management Hierarchy. Moreover, ENV supports placing the physical and/or financial responsibility for source reduction on the businesses that produce excessive consumer good packaging waste. The source reduction of waste ultimately translates to less waste requiring disposal and less waste ending up in landfills, thus reducing our reliance on landfills and prolonging the usefulness of existing landfills.

Thank you for your consideration. Please feel free to contact me with any questions at 768-3486.

Sincerely,

Roger Babcock, Jr., Ph.D., P.E.
Director

HB-2399-HD-1

Submitted on: 3/18/2022 7:11:59 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candace C Casper	Individual	Support	Written Testimony Only

Comments:

We cannot continue to pretend we have space for more garbage, and for plastic that is not recycled. Consumers are trying to work with plastic (Precious Plastic movement), and businesses need to be held responsible for their garbage.

HB-2399-HD-1

Submitted on: 3/18/2022 8:53:12 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Dolbier	Individual	Support	Written Testimony Only

Comments:

I support SB2399.

HB-2399-HD-1

Submitted on: 3/18/2022 8:57:43 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melody Euaparadorn	Individual	Support	Written Testimony Only

Comments:

Please support HB2399 relating to waste management and establishes an Extended Producer Responsibility Program for the state . Let's make product manufactures responsible for reducing the increasing amount of consumer waste on our island!

HB-2399-HD-1

Submitted on: 3/18/2022 9:17:50 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gianni Maize	Individual	Support	Written Testimony Only

Comments:

Companies should provide a clear path forward for an ecologically responsible disposal of the byproducts of their products. When companies do not do so, or are not *able* to do so, it is only fair for those companies to pay a restitution to those communities, especially such that they can choose to divest from those companies byproducts as best suits them. Those companies profits are built on the externalities that end up burdening communities like ours; this is an unjust and morally reprehensible relationship.



Chair Mike Gabbard
Vice-Chair Clarence K. Nishihara
Senate Committee on Agriculture & Environment
Monday, March 21, 2022
1:00 PM
Conference Room 224 & Videoconferencing
Written Testimony Only

RE: Strong Support of HB2399 HD1 - Extended Producer Responsibility

Dear Chair Gabbard, Vice-Chair Nishihara & Committee Members,

Thank you for the opportunity to testify on behalf of the Chamber of Sustainable Commerce in strong support of HB2399 HD1. As business owners who believe in strengthening our economy without hurting employees, communities and the environment, we urge this committee to vote in favor of HB2399 HD1.

As the larger community awakens to the environmental racism embedded in siting incinerators and landfills, opposition to these practices are growing. With that added attention, governments are looking for alternatives: reuse strategies are the most effective means for reducing packaging waste, which represents about 40% of the state's waste stream.

If passed into law, HB2399 HD1 will establish a model for extended producer responsibility (EPR) which is well suited to Hawaii's unique environmental, social and economic conditions. By engaging those producers with the means to distribute the cost of pilot reuse programs over a market share of at least \$500 million, this legislation puts the responsibility for underwriting these programs where it rightfully lies: on businesses that set global trends for design and marketing.

By directing those funds to cover the costs of reuse programs that include producers, county agencies and community groups (as project partners), this legislation gives rise to collaborations that can effectively reduce the volume of waste Hawaii sends to incinerators and/or landfills.

While other EPR programs in the U.S. aim to create a layer of bureaucracy and vested interests that will permanently increase costs to consumers, the transitional nature of this proposed program places an appropriate degree of responsibility on the producers that can afford to invest in sweeping systemic change.

Hawaii Legislative Council	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu	Elle Cochran Maui Surfboards Maui	Russel Ruderman Island Naturals Hilo / Kona	Joell Edwards Wainiha Country Market Kauai	Maile Meyer Na Mea Hawaii Honolulu
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HB-2399-HD-1

Submitted on: 3/19/2022 7:50:07 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vanessa Lee Miller	Individual	Support	Written Testimony Only

Comments:

Aloha Esteemed members of the State Legislature,

Please support your community, the ‘āina and future generations who will have to carry the burden of an ever encroaching landfill into kapa spaces by voting for HB 2399.

The onus and kuleana of controlling waste must be placed on the shoulders of those who have helped create it. Private recycling firms cannot get off the ground. Instead we give up and just through most recyclable waste back into landfills and our sacred ‘āina.

Me ke aloha,

Vanessa Lee Miller

HB-2399-HD-1

Submitted on: 3/19/2022 8:05:24 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Pong	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

Please help preserve Hawaii and its surrounding paradise. Obviously the passage of this bill is better late than never. We must stop this rampant destruction of this beautiful state and there's no time than the present to turn back decades of plastic destruction. Your Children's Children deserve the scenic and sacred beauty that Hawaii exemplifies. All of us on this planet needs this bill to pass It should be an example for the entire world. We need to make a change and it needs to be now.

Thank you for standing up for what's right. There are some things more valuable than money; and this is one of them.

kind regards,

Henry Pong

HB-2399-HD-1

Submitted on: 3/19/2022 8:26:01 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joy Loudermelt	Individual	Support	Written Testimony Only

Comments:

The responsibility for cleaning up packing waste should be put on th the large corporations who profit from creating that waste.

HB-2399-HD-1

Submitted on: 3/19/2022 9:38:59 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stacy K. Tang	Individual	Support	Written Testimony Only

Comments:

This Bill, will help us reduce packaging waste being landfilled and incinerated in our state. Hawaii must become more self-reliant and managing our own waste is a must. Land is finite and burning our waste, contributes to the climate crisis.

Hawaii must switch to reuse and refill systems for packaging, to reduce environmental degradation to our ocean, lands and climate.

We must revert to a circular based model for our economy, where nothing was wasted. Our throw away mentality has brought us here. We're standing at the edge of a cliff, looking down at the abyss. It's time to pull a 180° and SAVE OURSELVES!

By reducing waste as HB2399 would do, we are reducing our emissions and forcing TOP PROCUCERS/ CORPORATIONS, who have grown fat and greedy on all this waste, to be held accountable, in some SMALL way. At least having the EPR report will give us the data we need, to reduce waste in each county. **A LOT LATE, but at least we're DOING SOMETHING.**

HB-2399-HD-1

Submitted on: 3/19/2022 9:39:28 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TOM DIGRAZIA	Individual	Support	Written Testimony Only

Comments:

HB2399 is a pioneering bill that will pave the way for much needed plastic reduction and waste.
Mahalo! Tom

HB-2399-HD-1

Submitted on: 3/19/2022 11:48:55 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
P Noel Bobilin	Individual	Support	Written Testimony Only

Comments:

Aloha, I strongly support this bill because it will pave the way for adoption of reuse and refill packaging systems in Hawaii. It will reduce packaging costs and supply chain disruptions. It gives local businesses the power to offer customers products in sustainable packaging that does not eat into already small profit margins. It reduces our collective environmental impact, supports a shift toward a more sustainable local based food system and creates new green industries and jobs

Mahalo

Noel Bobilin 96771



To: The Honorable Sylvia Luke, Chair, the Honorable Kyle T. Yamashita, Vice Chair, and members of the House Finance Committee
From: Hilo Downtown Improvement Association (by Sharla Sare)
Re: Hearing HB2399 HD I RELATING TO WASTE MANAGEMENT.
Tuesday February 15, 2022, 2:00 p.m., by vicleoconference

Aloha Chair Luke, Vice Chair Yamashita and members of the House Finance Committee,

The Hilo Downtown Improvement Association (DIA) is writing in support of HB2399 which would establish and extended producer responsibility program for packaging. The DIA was established in 1960 and is the only collaborative voice representing the interests of our downtown community. Our mission is to preserve and revitalize Hilo's historic waterfront district for all who visit, live, work and shop in downtown.

Within the last year the DIA formed a Sustainability committee composed of members from the community that are passionate about revitalizing our downtown economy. Our main idea of hosting zero waste events centered around educating the public on social and environmental issues affecting downtown never fully launched due to covid. However, we did conduct a waste audit at the grand opening of the Hilo Town Market in collaboration with Zero Waste Hawai'i Island. We will continue relationship building with local businesses to pilot use of reusable containers in the upcoming year.

Our interactions with residents and local business owners affirms the idea of a "Zero Waste Hilo" resonating within our community. Education around transitioning away from single-use service ware to reusable containers is ongoing, and we have identified a major hurdle to transitioning over to reuse of containers is lack of dishwashers in our community.

Due to supply chain issues many local businesses have seen disruptions in supply of glass containers and single-use to go ware. Supply chain disruptions have made the concept of reusable containers more attractive to businesses, but a service that redistributes and sanitizes containers will be necessary for businesses to transition away from single-use products. A pilot program to reuse glass beverage containers is underway and the DIA will partner to pilot reuse of other types of containers in the coming years.

Funding provided by the EPR special fund will be vital for businesses to transition away from single-use without increasing costs. In the long run, reuse of containers will save money but the cost to put such a system in place will require significant investment. Please pass HB2399 to make the transition from single-use to reuse possible.

Mahalo,

Sharla Sare
President
Hilo Downtown Improvement Association
PO Box 37Hilo, HI 96721
admin@downtownhilo.org
<https://www.downtownhilo.org>

HB-2399-HD-1

Submitted on: 3/19/2022 12:49:33 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ray Aivazian III	Testifying for Seed.World	Support	Written Testimony Only

Comments:

We support HB2399 relating to waste management. Accountability needs to be taken with the amount of plastic waste that is coming to our island and negatively impacting it.

HB-2399-HD-1

Submitted on: 3/19/2022 1:35:39 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tadia Rice	Individual	Support	Written Testimony Only

Comments:

HB2399 HD1 will help reduce our collective environmental impact and support a shift toward a more sustainable local based food system that creates new green industries and jobs. Please SUPPORT HB2399 HD1 so we can reduce greenhouse gas emissions that contribute to the climate crisis.

Mahalo,

Tadia Rice

HB-2399-HD-1

Submitted on: 3/19/2022 3:17:38 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Racquel Segato-Figueroa	Individual	Support	Written Testimony Only

Comments:

Aloha! I am a Hawai'i resident concerned about waste and pollution. I urge you to support HB2399 HD1 which will help us reduce packaging waste being landfilled and incinerated in the state and help Hawaii switch over to reuse and refill systems for packaging. For too long big companies have been shirking the blame by placing responsibility on the consumer. It's time to hold these companies accountable for the waste that they create with their products and find zero waste solutions. In order to reduce environmental degradation of our ocean, lands, and climate, Hawaii needs to move to a more circular system with less wasteful packaging design. Mahalo!

HB-2399-HD-1

Submitted on: 3/19/2022 4:03:59 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Dahlman	Testifying for CropLife America	Oppose	Written Testimony Only

Comments:

CropLife America (CLA) is the national association representing manufacturers, formulators, and distributors of pesticide products used in agriculture production. We support and promote scientific-based policy in the regulation of pesticide products at both the state and federal level. We are opposed to HB2399 due to the unintended consequences the bill will have on farmers. We already have in place a recycling program for product containers used in agriculture and are concerned that this bill will affect our already struggling industry. We would appreciate your consideration for a possible waiver for farmers. Mahalo.

HB-2399-HD-1

Submitted on: 3/19/2022 4:22:43 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Selah levine	Individual	Support	Written Testimony Only

Comments:

This bill is a step forward in helping to sustainably deal with our waste. Hawaii needs to recycle more of its plastic waste and in order to do that some of the burden must fall on the producers. Hopefully this will provide the means nessecary to facilitate more plastic recycling while also encouraging companies to package their products in a less wasteful manner. Please approve this bill.

HB-2399-HD-1

Submitted on: 3/19/2022 4:51:03 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosanne Shank	Individual	Support	Written Testimony Only

Comments:

I support this bill and believe that the corporations, companies, etc. need to take responsibility for the amount of plastics used in packaging and shipping. I am glad that the local legislature is taking a stand on this issue. It is vital for our future in the islands that we reduce the amount of plastics now. Thank you.

HB-2399-HD-1

Submitted on: 3/19/2022 5:30:57 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cara Oba	Individual	Support	Written Testimony Only

Comments:

The plastics industry has long been placing the burden of responsible action on the consumer. Extended producer responsibility helps to rebalance that burden so that we are all vested in developing and advancing alternatives. I support HB2399 HD1. It's time we start paying attention to what these waste impacts really are so we can determine what our infrastructure needs are and how we can start taking necessary action to get to where we want to be. We can look at other nations to see into the future of what uncontrolled plastic waste can do -- where it literally overtakes the environment such that people live in a toxic waste landscape. We need to bring plastic use under control and this is a great way to start. I support this bill!

HB-2399-HD-1

Submitted on: 3/19/2022 6:57:32 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
gisella	Individual	Support	Written Testimony Only

Comments:

Landfills are filling up, and we do not need more new landfill sites. I see plastics everywhere and in our ocean. This needs to be stopped starting with the large companies especially with their bulky plastic packages. We need more circular economy in packaging waste and to keep our Hawaii islands beautiful. We have to think about the future generations and the long terms of reducing plastic wastes.

Mahalo,

Gisella

HB-2399-HD-1

Submitted on: 3/19/2022 7:33:08 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kupuna for the Mo'opuna	Testifying for Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

We are in **STRONG SUPPORT** of HB 2399 HD1 that establishes an Extended Producer Responsibility program in Hawai'i.

Mahalo nui!

HB-2399-HD-1

Submitted on: 3/19/2022 7:48:20 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Christopher	Individual	Support	Written Testimony Only

Comments:

I support HB2399 in our efforts to reduce our waste in Hawaii. More steps need to be taken to limit our waste.



To: The Senate Committee on Agriculture and Environment (AEN)
and
The Senate Committee on Energy, Economic Development, and Tourism (EET)
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Monday, March 21, 2022, 1pm

In strong support of HB2399 HD1

Aloha Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and members of the AEN and EET committees,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org is in **strong support of HB2399 HD1**.

HB2399 HD1 establishes an extended producer responsibility (EPR) program. More and more consumers are rightfully demanding environmentally friendly products that reduce waste and are manufactured with fewer toxic materials. By reducing waste, we are reducing greenhouse gas emissions that contribute to global climate breakdown. When we reduce waste, we help sustain the environment for future generations. However, product stewardship is needed. Product manufacturers must take responsibility to reduce the environmental footprint of their products. Establishing an EPR program is an important step forward in that effort.

As the State strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, EPR policies offer an effective pathway forward towards a safe and sustainable climate and future.

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

Sherry Pollack
Co-Founder, 350Hawaii.org

HB-2399-HD-1

Submitted on: 3/19/2022 8:13:58 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hoouluhū Erika Perry	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

I am writing in support of HB 2399. This piece of legislation is very important to Hawai‘i's environmental health and in establishing a local Green Economy. Passing it will make Hawaii a world leader in Extended Producer Responsibility. The funding generated by the bill will support local ecological design innovators who are striving to develop pilot reuse programs and could help make Hawai‘i a leader in the production of repurposed goods and a model for upcycling and reuse industry development.

Mālama pono,

Ho‘oululāhui Erika Perry

HB-2399-HD-1

Submitted on: 3/19/2022 8:35:40 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heidi Hughes	Individual	Support	Written Testimony Only

Comments:

The producers of ubiquitous plastic need to bear the burden of dealing with the resulting waste. It just makes sense that producers use their resources to figure out how to create products and systems that don't end up in the landfill or ocean, and are reusable or genuinely easily recyclable. As it stands, consumers have limited options to avoid using many plastics, and difficulty disposing of or recycling the plastics they can't avoid. Producers can make containers that are reusable and recyclable, use labels that are easy to remove, etc. HB 2399 is a good move in this direction.

HB-2399-HD-1

Submitted on: 3/19/2022 8:41:23 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noreen Dougherty	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2399 HD1 because we need to reduce packaging waste. The producers should use reusable environmentally friendly ways to package. Please support this bill.

Noreen Dougherty

Kapaa Hawaii



HAWAII CROP IMPROVEMENT ASSOCIATION

In Opposition to HB2399 HD1
Relating to Waste Management

Senate Committee on Agriculture and Environment
Senate Committee on Energy, Economic Development, and Tourism

Date: Monday, March 21, 2022
Time: 1:00pm
Place: Conference Room 224 & Videoconference

Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and members of the committees:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in opposition to HB2399 HD1, which establishes an extended producer responsibility program; requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year; provides for the deposit of fees into an extended producer responsibility special fund; and provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

Though well-intentioned, this measure will increase the cost of products in the midst of an existing supply chain crisis and overall economic uncertainty. HCIA respectfully requests that the Legislature require a two-year study before enacting these measures to ensure that the state and counties have a plan to implement the program and take stakeholder input into consideration.

Mahalo for this opportunity to testify in opposition to HB2399 HD1. If you have any questions, please contact me at your convenience.

Sincerely,

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

HB-2399-HD-1

Submitted on: 3/19/2022 9:38:58 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chuck Flaherty	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support HB2399 D1.

We must stop trashing the place in which we live if civil society and life as we know it is to survive.

The path to righteousness has many steps. This is a big step in the right direction.

Mahalo,

Chuck Flaherty

HB-2399-HD-1

Submitted on: 3/19/2022 9:55:50 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives,

Please support this bill with an AMENDMENT.

We live on an island and we must do whatever we can to address the environmental impacts of waste products.

The needed amendment is supported by Recycle Hawaii and includes:

(d) The registration and each renewal shall include the covered producer's estimated sales volume for the preceding year and the corresponding estimated packaging volume placed in the market in the State by the covered producer's sales volume during that year. The packaging volume generated in the State shall be used to calculate the fee in subsection (e).

Mahalo for your consideration.

Elizabeth Hansen

Registered voter

Hakalau HI 96710

HB-2399-HD-1

Submitted on: 3/19/2022 10:15:46 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives,

Please support this bill with an AMENDMENT.

We live on an island and we must do whatever we can to address the environmental impacts of waste products.

The needed amendment is supported by Recycle Hawaii and includes:

(d) The registration and each renewal shall include the covered producer's estimated sales volume for the preceding year and the corresponding estimated packaging volume placed in the market in the State by the covered producer's sales volume during that year. The packaging volume generated in the State shall be used to calculate the fee in subsection (e).

Mahalo for your consideration.

Rodger Hansen

Registered voter

Hakalau HI 96710

March 20, 2022

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

FROM: Institute for Local Self-Reliance
Neil Seldman, Director, Waste to Wealth Initiative

DATE: March 21, 2022

RE: HB2399 Relating to Waste Management
Position: Support

Dear Senators,

Thank you for this hearing. For the record my name is Neil Seldman and I am a solid waste and recycling analyst for the Institute for Local Self-Reliance, based in Washington, DC. Please accept my testimony to the Committee on Energy and Environmental Protection on HB2399 Relating to Solid Waste Management today as my testimony before the Agriculture and the Environment (AEN) and Energy, Economic Development and Tourism (EET) Committees. I support this legislation and feel it will be a model for other state's packaging policy decisions.

The Institute for Local Self-Reliance (ILSR) supports HB2399 HD1 (House Bill 2399/House Draft 1) based on its extensive knowledge of recycling and wasting practices on Hawaii Island. ILSR prepared a Zero Waste Plan for Hawaii Island in 2009. Most recently in 2021-22, ILSR worked with Recycle Hawaii to produce the Zero Waste Plan Update for the Island.

ILSR supports the Bill because it accomplishes a number of important public policy principles and goals:

+ A true polluter pays policy with direct payments of EPR fees to a dedicated government agency for transparent and fair distribution to counties for infrastructure development.

Washington D.C. Office
1710 Connecticut Avenue, NW 4th Floor
Washington, D.C. 20009
Tel: 202-898-1610
www.ilsr.org

- + A sunset clause creates a true partnership between industry and government. Industry is taxed to pay for needed capital infrastructure then the government assumes operating costs of the system.
- + A focus on the global corporations which produce the vast majority of the materials that have to be recycled, composted or landfilled.
- + The Bill avoids the creation of a Producer Responsibility Organization, PRO, with monopoly powers and is exempt from antitrust laws, which replaces local decision-making. The PRO is an unnecessary middle bureaucracy that gives far too much power to global corporations with inadequate public oversight as seen in the PRO system in British Columbia, Canada and Oregon. California and Washington legislatures rejected EPR bills because they feared this unfair system, which replaces market forces with corporate decision-making.
- + The Bill requires each county to prepare an infrastructure investment plan for approval.
- + The bill does not place the Hawaii bottle bill program under the aegis of a PRO, which are hostile to container deposit legislation.

Thank you for your time,



Neil Seldman, PhD

HB-2399-HD-1

Submitted on: 3/20/2022 4:32:59 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Marsha Hee. I was born and raised in Pauoa, Honolulu; have lived on Kaua'i and currently reside on Hawaii Island. My family continues to live and work in Hawaii with future generations thriving.. I am a retired educator for public schools; community arts & culture, reuse/recycling/composting and mental health organizations..

My clear concern for the global impact of Climate Change continues to elevate. For Hawaii, we need to do everything we can to pass statewide laws leading to reduction of carbon emissions; pollution of water, land, and air; conservation of natural resources and native species.

I support HB 2399 to commit our state government's direction towards responsible partnership with large corporations that generate high percentages of packaging waste coming to our islands. This legislation is implementable as an initial step towards building a necessary infrastructure for a more equitable solid waste management strategy.

Mahalo for your attention, consideration and support of HB2399.

Sincerely,

Marsha Hee

PO Box 1050, Volcano HI 96785

HB-2399-HD-1

Submitted on: 3/20/2022 6:59:30 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amanda Almeida	Individual	Support	Written Testimony Only

Comments:

I support HB2399. As much individual attention I pay to how much I consume, I know that I'm barely making a dent in the amount of waste I see consume. I already try and find glass container alternatives, even, if they are more expensive, and use bar soap for shampoo, which is more expensive, and use packageless method of shopping where I can. The additional cost falls on me because those options are not yet the norm. On top of that there is a list of items that I consume weekly, that I have no alternative to using plastic, like: Tofu, yogurt, milk. Making producers for goods responsible for the plastic packaging they produce makes incentivize them to look at alternatives for their packaging, which is out there for most goods. Additionally the funds created from this bill will allow the higher ups and us and a community to figure out how to deal with the immense waste we produce. I am seeing a lot of alternative to plastic packaging, i.e. compostable "plastics". We will eventually need a commercial composting facility, as I'm not sure what to do with those compostable plastics right now.

Thank you for taking the time to read my testimony.

HB-2399-HD-1

Submitted on: 3/20/2022 7:17:29 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Testifying for Recycle Hawaii	Support	Written Testimony Only

Comments:

EPR, Extended Product Responsibility HB 2399

This Bill would require manufacturers to be responsible for reducing or eliminating packaging altogether, or packaging their product in a reusable package, or facilitate recycling if there's no other solution. This is our chance to all come together and create a whole new dynamic, a whole new way to visualize and structure our supply chain. It doesn't end at the cash register, currently it ends in the ocean, our streets, the landfill, the atmosphere. The world now produces 380 million tons of plastic each year. [<https://ourworldindata.org/plastic-pollution>] We can no longer ignore these facts. We can no longer continue with this behavior. The time has come to take responsibility for our actions, all of us, citizens, governments and corporations. Let's change that linear thinking and close the loop.

As you read this testimony, there's a good chance you're breathing plastic. On average, we consume about half a pound of plastic per year. "...the average American eats and drinks in about 45,000 plastic particles smaller than 130 microns annually, while breathing in roughly the same number." [<https://phys.org/news/2019-06-consume-credit-card-worth-plastic.html>] I know you've read about how plastics can take hundreds of years to break down in the environment, but in reality, it never breaks down. Plastics are made from oil and methane gas. Those substances have been decomposing for millions of years and they have already broken down into their lowest common denominator. All we've done is released them into our environment. Now we need to get control of these substances, because they are literally killing us and our children.

As I'm sure you remember, matter and energy cannot be created or destroyed, only transformed. That's why incineration, or "waste to energy" is an illusion. Yes, some of the energy in our rubbish is transformed into heat to make electricity, but much of it is just more waste, into the atmosphere. In the burning of rubbish releases tons of CO2 and thousands of different chemical compounds into the atmosphere. We like to pretend that fire destroys things, but it doesn't, it transforms things and those things end up poisoning our air, water and land. Also, incineration is a linear mindset. We cannot continue to extract materials from our natural world and then destroy them. We live on a finite sphere and we've used it all up, there's no place left for the other animals. We can't survive without those other animals. Capitalism competes with those animals for real estate and resources. Today 200 species of animals will go extinct, gone forever. Tomorrow 200 more will disappear. Everyday we lose 200 species of animals. We're losing animal species now at a rate that's faster than after the meteor hit 65 million years ago. The biggest driver of this extinction event is loss of habitat. We can't

continue to destroy their habitat to maintain this linear economic model. We have to close the loop or they'll die and if they die, we'll die.

Please, there's no time to waste, we have to act now. Legislators before you have kicked this plastic bottle down the road, now you have to pick it up. It's not fair, and you can blame them, blame us, blame humanity, but at some point, someone has to do something to stop this insanity and that person is you, and the time is now.

I hear you thinking, but what can I do about this? We only ask one simple thing from you. After you do this one thing, you're going to feel so good about it, contact your elected representatives and tell them you support Bill: SB3246; that's it. If you're feeling a little more adventurous or passionate, tell them about your children and your concerns. Extra credit: Really participate in your democracy, after all, it is your democracy. Submit formal testimony when the bill comes up for a vote: <https://www.capitol.hawaii.gov/home.aspx>

Thank you from Everyone at Recycle Hawaii.

HB-2399-HD-1

Submitted on: 3/20/2022 7:28:59 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Codie King	Individual	Support	Written Testimony Only

Comments:

Please seriously consider this bill being past for our State and serve as a warning to other communities that we need to do something NOW ! Excessive packaging and waste is unacceptable for the health of our planet!

CMKing



**Senate Committee on Agriculture & Environment /
Senate Committee on Energy, Economic Development and Tourism**

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB2399 HD1

Monday, March 21st, 2022 1:00 p.m., Conference Room 224

Aloha Chair Gabbard/Wakai, Vice Chair Nishihara/Misalucha and Members of the Committees,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of HB2399 HD1.

HB2399 HD1 establishes an Extended Producer Responsibility (EPR) program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

HB2399 HD1 requires some top waste producers to take the lead on developing reuse strategies by effectively partnering with counties and their community-driven zero waste movements.

Programs that target Extended Producer Responsibility (EPR) is the responsible path forward to move toward sustainable waste management. As our counties move to adopt Zero Waste goals and practices, EPR is part of the solution to reaching these goals.

HB2399 HD1 assists the counties to determine a baseline and needs to significantly reduce packaging waste specifically. Right now the burden of managing product packaging waste falls onto municipal systems, and county taxpayers. EPR programs place responsibility instead onto the product manufacturers to address the full life cycles of the products they make. Pressures such as this spawn innovation and will encourage reuse and designing for the fate of the packaging of the products they manufacture. This measure therefore will relieve some of the burden of disposal on consumers and municipalities.

HAPA supports funding for three (3) additional positions, as requested by the Department of Health.

Please pass HB2399 HD.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Anne Frederick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anne Frederick

Executive Director

HB-2399-HD-1

Submitted on: 3/20/2022 7:51:34 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Severine Busquet	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB2399-HD1 engages the producers best suited to eliminate packaging waste in a fair and balanced way. Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399-HD1 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. HB2399-HD1 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii's community-driven, zero waste movement.

For these reasons, I strongly support HB2399-HD1.

Thanks for your attention

Severine Busquet

Hawaii Kai, Honolulu 96825

HB-2399-HD-1

Submitted on: 3/20/2022 8:13:09 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paula Miller	Individual	Support	Written Testimony Only

Comments:

My name is Paula Miller and I am a resident of Ninole, on the Hamakua Coast of the Big Island.

I strongly urge you to support HB2399. This bill shifts financial responsibility for handling packaging waste to producers. Fees will only be collected from top producers that created the plastic pollution crisis. HB2399 will pave the way to transition Hawai'i to reuse and refill systems for packaging.

Please support HB2399.

HB-2399-HD-1

Submitted on: 3/20/2022 8:26:42 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Miller	Individual	Support	Written Testimony Only

Comments:

I support this bill in order to reduce the number of materials that need to go into our landfills.

Charging fees to the producers of these products will help to offset the cost of the programs.

Mahalo for your consideration,

Gary Miller

Dear Legislator:

We urge you to approve HB 2399 as a first step for developing reusable packaging systems, and thereby reduce waste in our landfills in Hawaii.

Sustainable Kohala has worked hard for years to help our community create Zero Waste public events. We have buried compostable materials, collected food waste for pigs, and reduced the volume of waste from our events to our local landfill by 80%.

But we have been dismayed by the fact that there has been no incentive to reduce packaging waste, and no way to deal with it without taking it to our transfer station. The recent shutdown of recycling plastic in Asia has intensified this problem.

We have been hoping for legislation that would offer a way of to reduce packaging that winds up as trash in our increasingly full landfills.

Creating an Extended Producer Responsibility fund will begin the imperative process of letting big producers know that we are serious about reducing packaging waste, while funding efforts to transition to re-usable packaging systems.

Please support efforts to retain the beauty and health of our precious Hawai'i ecosystems by reducing packaging waste.

Sincerely,

The Steering Committee of Sustainable Kohala

Valerie Barnes

John Enloe

Mellanie Lee

Richard Liebmann

Michael Menchetti

Deborah Winter

John Winter

Natalie Young

HB-2399-HD-1

Submitted on: 3/20/2022 9:32:28 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tapani Vuori	Individual	Support	Written Testimony Only

Comments:

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

FROM: Tapani Vuori

DATE: 03/20/22

Dear Honorable Chair, Vice Chair and the Committee Members,

I strongly support this bill as it is clear that any efforts to mitigate excessive waste stream volume will never fully address the proliferation of waste that ends up buried in our landfills or burned here in Hawaii. This is not a sustainable long term strategy shifting the burden of our consumption to future generations. It is also clear that communities worldwide are negatively impacted by the global supply chain framework which stops at the door step of the consumer so rather than having this one directional flow we really should have a bidirectional or circular supply-consumption chain. Manufacturers globally are not currently incorporating the true cost of the product into the pricing model as the cost is calculated to the point of delivery; not beyond. This creates the post consumption costs to the communities and the environments impacted thus privatizing the profits while socializing the costs. The nexus and the true cost of the product or service has to be accurate in order to price it correctly which also determines if it is a viable product or service. Lastly, I would strongly urge you to consider a higher fee than \$150 per metric ton so our community can have meaningful resources to address this issue. Thank you.

Tapani Vuori

HB-2399-HD-1

Submitted on: 3/20/2022 9:50:17 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Gabbard, Vice Chair Nishihara, and Members of the AEN Committee!

I strongly support HB2399 HD1.

Over the past several years, I have become obsessed with the magnitude of the problem of toxic and carbon-producing waste in our landfills and in our oceans. Then I heard from Zero Waste Kaua'i about the concept of "**extended producer responsibility**". So I was excited to hear of this bill, and am eager to support it.

It is more than fair to require certain large-scale producers of packaging materials to register with the Department of Health, and to charge them a fee to be used to support research and implementation of reduced toxic waste. It is an urgently needed beginning for Hawai'i's solution to this global problem!

Please pass HB2399!!

Mahalo nui loa,

Cheryl Ogawa Ho, Nu'uaniu

HB-2399-HD-1

Submitted on: 3/20/2022 10:05:30 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
katherine kazlauskas	Individual	Support	Written Testimony Only

Comments:

I believe that large corporations should be responsible for the amount and type of waste produced in their product distribution. It's should not be solely the sellers or consumers responsibility, especially when the larger corporations get tax breaks, quantity discounts, and subsidies.

it's time to hold the major producers of single use and, often, un-recyclable materials accountable.

please support HB2399.

sincerely,

Katherine Kazlauskas

HB-2399-HD-1

Submitted on: 3/20/2022 10:16:17 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Darlene Scancella	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill because I believe that those that create excess packaging for consumers should be held responsible for, at least, the partial amount of funds it takes to dispose of the waste, thus discouraging the excess packaging.

HB-2399-HD-1

Submitted on: 3/20/2022 10:22:46 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

To address environmental degradation of our ocean, lands, and climate, Hawaii needs to move to a more away from wasteful packaging and toward reuseable, refillable options. HB2399 HD1 will reduce our reliance on landfills, and will help address climate change by cutting down on greenhouse gas emissions from waste incineration.

HB-2399-HD-1

Submitted on: 3/20/2022 10:46:23 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roberts "Bob" Leinau	Individual	Support	Written Testimony Only

Comments:

HB2399 helps to move us in the right direction away from the accumulated waste of our wasteful society. It is a global problem and it needs to be addressed now. Kicking the can down the road to some future distopia is not the thing to do. Lets figure out how to work with natural cycles.

Mahalo, Bob Leinau

Local Business Sign-on letter to support HB2399 – Extended Producer Responsibility bill for packaging!

This is a sign-on letter for local Hawaii businesses that are in support of HB2399. This letter was put together by Zero Waste Hawai'i Island because we know business owners are very busy people and have difficulty finding time to submit testimony. Businesses in support of HB2399 signed-on to this letter in person (signature gathering), via email, and via a google form.

To: Chair Mike Gabbard, Vice Chair Clarence Nishihara, Chair Glenn Wakai, Vice Chair Bennette Misalucha, and all members of the Senate Agriculture and Environment and Energy, Economic Development, and Tourism Committees

From: Local Hawaii Businesses

RE: Hearing HB2399 HD1 RELATING TO WASTE MANAGEMENT

Aloha Chair Gabbard and Wakai, Vice Chair Nishihara and Misalucha, and members of the Senate Agriculture and Environment, and Energy, Economic Development, and Tourism Committees,

We, the undersigned local Hawaii businesses (**40 signed-on**), write in support of HB2399 HD1, which establishes an extended producer responsibility (EPR) program for packaging. This program will: Collect fees from top producers of fast-moving consumer goods for 5 years and creates an EPR special fund to: (1) Conduct county needs assessments to determine the resources needed to reduce packaging waste by TBD targets and deadline (2) Establish reuse programs for packaging.

As eco-conscious business owners, we are dedicated to offering our customers products in sustainable packaging; however, we currently have few, if any, options that do not result in landfilling or incineration waste.

“Green” compostable packaging options are largely false solutions that are still highly extractive of the planet, often contain toxins, and are also being landfilled due to lack of industrial composting facilities and collection systems.

We are eager to see Hawaii develop infrastructure that will enable reusable packaging systems that, in the long run, will lower packaging costs and reduce supply chain disruptions.

We envision a future where we eliminate much of our locally created packaging waste through bottle and jar refill programs, reusable to-go ware for food and beverages, and reusable packaging systems for locally produced food and agricultural products.

We believe the counties are in the best position to facilitate the development of this shared infrastructure that will prevent waste from being created.

Our Hawai'i landfills are overflowing and plastic is washing up on our shores. It's time for government, business, and consumers to come together and find a way to get our products without all the waste. Please pass HB2399 to help Hawaii adopt a reuse system for packaging and reduce the scourge of waste on our 'āina through this “transitional” EPR program.

*Local Hawaii Businesses Community,
(See next page)*

Business Name	Name of Person	Business type
808 Sweets	Amy Gallero	Local made products (food)
Aloha Baskets and Balloons	Sharla Sare	Local made products (gifts)
Artful Cups By Lola	Sherry Dupaya	Local made products (art/décor)
Attainable Sustainable, LLC	Kris Bordessa	Self-reliance living education
Aunt Sue's Sugar Shack	Susan Diamenti	Local made products (food)
Auntie Lucinda's Bakery	Lucida	Local made products (food)
Big Island Empanadas	Midello Jennye	Prepared food vendor
Big Island Grindz	Josiri Hehuru	Prepared food vendor
Creative Mae Studio	Charity	Local crafted products
Eclectic Virgo	Lyla Rozett	Local crafted products (jewelry)
Grace Flowers Hawaii	Alison Higgins	Florist
Hana Hou	Shadi Faridi	Clothing and gift shop
Hana Hou Recycling	Nicholas Riznyk	Recycler/Waste Hauler
Hilo Food Hub	Zack Larsen	Commercial kitchen
Hilo Town Market	Ian Hatch	Market organizer
Into the Realms		Local made products (herbal/medicinal)
In Harmony Hawaii LLC	Monica Stone	Zero Waste Consulting
Island Motion Wear	Delia Silva	Clothing shop
Island Naturals Markets	Russell E. Ruderman	Grocery store
Kamuela Gourmet	Dorene Centeio	Food product producer
Koko Kai Foods LLC	Aline Steiner	Food product producer
Kolohe By Nature	Bre Lika	Local made products (art/décor)
Kuke Pule 'Ai	Michele	Local crafted products
Lotus Garden Hilo	Megan Isaac Magdalene	Eco lodging
Mother Felter Creations	Grace Dexter Jones	Local crafted products (textile crafts)
NAP Glass	Nash Adams	Local crafted products
Neapolitan Pizza	Mike Ui	Prepared Food vendor
Orig Media	Jeff Orig	Media production company
Palace Grounds Cafe	Tina Holt	Coffee shop
Pop Culture Artisan Pops	Justin Udom	Food product producer
Precision Palms LLC	Adam	Plant nursery
Simply Homesteady	Ashley Longakae	Local crafted products
The Locavore Store	Catarina Zaragoza	Grocery store
Upcycle Hawaii	Mattie Larson	Products made from recycled materials
Volcano Mushrooms		Local grown products
Volcano Precious Plastics		Products made from recycled materials
Whatta Waffle	Sharla Sare	Prepared food vendor (food truck)
Wild HeArtist	Mishi Clauberg	Art and gift store and coffee/tea shop
XLR8HI	Omar Sultan	Economic development agency
Vespucci Collective	Grant Overton	Renewable Energy

HB-2399-HD-1

Submitted on: 3/20/2022 10:47:35 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Block	Individual	Support	Written Testimony Only

Comments:

I think this is one of the most important issues in the legislature. It is high time that producers take responsibility for the packaging they use, especially regarding #1 and other non-recyclable plastic. I urge the House to pass this bill.

HB-2399-HD-1

Submitted on: 3/20/2022 11:01:05 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurie boyle	Individual	Support	Written Testimony Only

Comments:

Aloha, I support HB2399 for the simple reason that Hawai'i cannot afford to continue purchasing products from large companies who are still wrapping their products in petroleum-rich, ocean-killing plastics and this bill makes sense to stop the plastic from reaching our shores by restricting the use of it in packaging.

Mahalo for your time.

HB-2399-HD-1

Submitted on: 3/20/2022 11:15:30 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Testifying for Zero Waste Kauai	Support	Written Testimony Only

Comments:

Talking with residents and tourists throughout Kauai about recycling, we constantly hear that the biggest change needs to be on the producers' side in terms of redesigning packaging and products so they can be recycled or repaired. This bill is the first step toward that goal Zero Waste Kauai is strongly in support. This bill -

- Will pave the way for adoption of reuse and refill packaging systems in Hawaii
- Will reduce packaging costs and supply chain disruptions
- Gives local businesses the power to offer customers products in sustainable packaging that does not eat into already small profit margins
- Reduces our collective environmental impact
- Supports a shift toward a more sustainable local based food system
- Creates new green industries and jobs

HB-2399-HD-1

Submitted on: 3/20/2022 11:16:45 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kananinohea Makaimoku	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-2399-HD-1

Submitted on: 3/20/2022 11:20:01 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Dear Chair Gabbard, Vice Chair Nishihara, Committee on Agriculture and Environment, Chair Wakai, Vice Chair Misalucha, and Committee on Energy, Economic Development and Energy,

I strongly support HB2399 HD1.

HB2399 HD1 will help us reduce packaging waste being landfilled and incinerated in the state and help Hawaii switch over to reuse and refill systems for packaging. In order to reduce environmental degradation of our ocean, lands, and climate, Hawaii needs to move to a more circular system with less wasteful packaging design.

By reducing waste as HB2399 HD1 would do, we are reducing greenhouse gas emissions that contribute to the climate crisis.

I appreciate the opportunity to provide testimony in support of HB 2399 HD1. Thank you for your time and attention to this matter.

Respectfully yours,

Caroline Kunitake

HB-2399-HD-1

Submitted on: 3/20/2022 11:23:54 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CARLA SUE JENKINS	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. There are already too many bills that cannot be enforced due to money issues for enforcement. This would be another one.

TO: AEN and EET Committees
FROM: Georjean Adams
DATE: 3/20/22
RE: HB2399 HD1 Comments

If this bill passes, there will need to be significant discussion during rulemaking with all stakeholders to determine how it can be practically and fairly implemented. Furthermore, I believe it is naïve in thinking quick development of county “needs assessments” will get anywhere near the packaging reduction goals of 50 and 80%. Expected shortcomings per the purposes stated in the bill:

“Is particularly suited to Hawaii.” There is very little industry to achieve collection, processing, reuse or recycling in the state such that the transportation, infrastructure and life cycle¹ management costs will be overwhelming.

“Engages the producers best suited to eliminate packaging waste in a fair and balanced way.” No “covered producers” are based in the state. There will be high transaction costs and challenges for investment in local infrastructure, not to mention extensive recordkeeping for international companies’ small Hawaiian markets.

“Positions the State to take full advantage of federal funding aimed at reducing waste.” EPR should be part of a national effort to influence rethinking and redesign of packaging and distribution business models. In addition, county and state agencies need talented grant writers on staff to be able to get this money.

“Prioritizes reuse strategies as the most effective way to accomplish this goal.” It should not be assumed that reuse is THE solution. Priority should be given to the waste diversion methods with the least net life cycle adverse impacts - which may or may not mean reuse. It will depend on the nature of the product.

Other issues that would have to be dealt with during DOH rulemaking, especially for the neighboring islands, include e.g.:

- How the counties are to determine how much of their waste is composed of packaging, much less how much of that packaging comes from “fast-moving consumer goods” made by large companies.
- Better defining “fast-moving consumer goods” and “nondurable” (nontrivial).

¹ By **life cycle**, I mean the net health, environmental, safety and economic impacts and risk management costs

- at every stage of the product life: raw material acquisition of raw materials, manufacture, distribution, use and disposition and
- to everyone who may encounter or are stakeholders of the product at each stage: government, business, workers, neighbors, users, and NGOs

- Clarifying who is a “covered producer” in a way that avoids duplicate obligations by the distribution chain.
- How the law would be enforceable insofar as it relies on international corporate data.
- The potential impact on Hawaii’s consumers who may find many products are no longer available to them or could become very difficult to economically and/or safely acquire.

I recommend further dialog with stakeholders and close attention to the implementation successes and failures of mainland state programs before Hawaii begins this effort.

HB-2399-HD-1

Submitted on: 3/20/2022 11:28:06 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Whidden	Testifying for Hawaiian Ethos	Support	Written Testimony Only

Comments:

Hawaiian Ethos strongly supports HB2399 HD1

‘Āina inspired packaging and waste stream management will reduce our collective environmental impact and create new green industries and jobs.

Since opening in 2019, Hawaiian Ethos has made sustainability and reducing waste a priority in everything we do. In the area of packaging, our aim has been to use reusable, compostable, or recyclable solutions whenever possible. Today, Ethos is honored to support HB2399 and looks forward to its passing paving the way for the adoption of reuse and refill packaging systems throughout Hawaii.

This bill represents an important milestone in supporting the future of green industry in Hawaii—please pass HB2399 and help reclaim the state's pristine environment, prevent further unnecessary pollution, and make businesses accountable for our waste streams.

Hawaiian Ethos
Chris Whidden, VP

HB-2399-HD-1

Submitted on: 3/20/2022 11:46:18 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Asta Miklius	Individual	Support	Written Testimony Only

Comments:

Packaging waste is a huge pollutant, impacting the environment, economy, and public health. I think this bill is a great step towards making producers of packaging waste responsible for their products as well as bearing the financial responsibility to develop and implement solutions to address the problem of packaging waste. Please support this bill. Thank you.

HB-2399-HD-1

Submitted on: 3/20/2022 11:57:11 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maxx Phillips	Testifying for Center for Biological Diversity	Support	Written Testimony Only

Comments:

Please accept the Center for Biological Diversity's testimony in support of House Bill 2399 HD1.

Mahalo,

Maxx Phillips, Esq.

Hawai'i Director and Staff Attorney

Center *for* Biological Diversity

1188 Bishop Street, Suite 2412

Honolulu, Hawai'i 96813

mphillips@biologicaldiversity.org

www.biologicaldiversity.org

HB-2399-HD-1

Submitted on: 3/20/2022 12:27:06 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha

My name is Maki Morinoue and I am in strong support of HB2399. It is extremely crucial as we ship in over 80% of our food to not only move towards growing much of our food here on our island but to reduce the plastic wherever we can and bring in earth friendly packaging options at the forefront as the garbage remains here on island. It is absolutely necessary for the majority of our packaging to be able to decompose without a commercial composting facility as we do not have this option available to us.

Please continue to support and pass HB2399 towards alleviating the intense amount of plastic debris to our island

Mahalo

Maki Morinoue

Holualoa

96725

HB-2399-HD-1

Submitted on: 3/20/2022 12:40:33 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelly High	Individual	Support	Written Testimony Only

Comments:

I am in support of HB2399 relating to waste management. We live in a unique environment where land mass is extremely small compared to human population. Waste accrues quickly, especially with the dominant tourism industry. Dumps are filling up; the Hilo landfill recently reached capacity and now our trash must be exported elsewhere. What will we do when all the landfills reach capacity?

This is why we need measures like this: to encourage reducing waste through monetary incentive or otherwise, and hold accountable those producers who contribute the most waste.

Money allocated to the EPR special fund will help each county assess how bad the problem has become, and how quickly we need to act. This is critical as our climate and environment changes, and we can no longer rely on antiquated systems of waste management. Please pass HB2399 to take a small but necessary step to gain control over an out-of-control waste system.

HB-2399-HD-1

Submitted on: 3/20/2022 12:46:20 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherri Thal	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB2399 is such an important start to solving a huge, worldwide problem of consumer goods packaging! We Kama'aina have little to no choice when buying goods of all kinds. As much as I try to avoid purchasing anything that is housed in plastic, the big companies keep producing their products in just that! It is time for these companies to pay up, or change their ways. The Hawaiian Islands needs a solution to the packaging crisis, and HB2399 can help if passed. I strongly support this bill.

Mahalo for taking a step to preserve the 'Aina, the ocean and all living things!

Sherri Thal, Kea'au, HI 96749

HB-2399-HD-1

Submitted on: 3/20/2022 12:48:42 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ron Reilly	Individual	Support	Written Testimony Only

Comments:

Dear Chairs Gabbard and Wakai, Vice Chairs Nishihara and Misalucha, and members of the Committees,

I strongly support HB2399.

The volume of unnecessary plastic packaging is appalling.

Thank you for your consideration, Ron Reilly

Volcano Village, Hawaii 96785

HB-2399-HD-1

Submitted on: 3/20/2022 12:52:47 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kirsten Snook	Testifying for Volcano Precious Plastic	Support	Written Testimony Only

Comments:

Aloha kākou,

As an ecopreneur upcycling post-consumer plastic, I am happy to see the proposal for Extended Producer Responsibility moving forward in our legislature. Currently, the responsibility for reusing and recycling plastic is the consumers', and I have seen firsthand how heavily it weighs on many of them. Recycling plastic is time-consuming and expensive, and it only makes sense to enact Extended Producer Responsibility.

With the closing of the Hilo landfill, our citizens are concerned not only about how quickly the Kona landfill will exceed capacity, but also the types of material we are disposing of. Ecopreneurs, if given the funding, can help address the plastic problem and keep plastic out of our landfill and ocean. Businesses like VPP can, if funded, create closed-loop economies and produce items we currently import (think: 5 gallon buckets, plant pots, light switches, picnic tables, etc) from our own post-consumer and post-construction plastics. This eliminates the economic and environmental costs of shipping and disposal of items, closes waste loops, makes our island more self-reliant, and creates jobs as well.

Upcycle HI is an example of the success of such a business, and has been a job creator. Volcano Precious Plastic and others are already on the ground, ready to partner with any and all organizations to implement real change, starting immediately. We honor our mission: to achieve economic sustainability, environmental sustainability, and social sustainability.

Putting the responsibility of the disposal of plastics onto those who profit most from its creation is the only option going forward. We have heard too many mysterious "recycling" claims from producers that have not come to fruition, and microplastics are now found in every biome on Earth, including in animal species we have just discovered. The ubiquitous "chasing arrows" symbol has become obsolete, and "plant based" plastics are complicating matters by requiring a separate waste stream from petroleum-derived plastic.

The economic and environmental cost of each metric ton of plastic waste has been estimated at \$3300 to \$33,000; the proposed measure does fall short on this figure. But it is a start. And we need to start.

We can accelerate cleaning up this colossal problem if HB2399/SB3246 is implemented this year. Volcano Precious Plastic wishes to secure a cleaner, self-sustaining future for Hawai'i

Island, and this bill is a sea change for mitigating our plastic problem. We are out of time and must address this urgent issue now.

Mahalo nui loa,

Kirsten Snook

Volcano Precious Plastic

HB-2399-HD-1

Submitted on: 3/20/2022 12:53:25 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mackenna Cady	Individual	Support	Written Testimony Only

Comments:

I support HB2399. Large producers of plastic MUST take responsibility for its pollution problem in Hawai'i.

HB-2399-HD-1

Submitted on: 3/20/2022 12:58:53 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John	Testifying for Paradise Beverages	Oppose	Written Testimony Only

Comments:

Good afternoon Chair Gabbard, Vice Chair Nishihara, Chair Wakai, Vice Chair Misalucha and members of the committees. Thank you for the opportunity to comment in opposition of H.B. 2399, HD 1 – relating to waste management.

I strongly oppose this bill as a matter of practicality and economy. While I agree that work needs to be done developing a proper and effective ERP plan for Hawaii, this bill does not begin to delve into the issues, and begins with levying a fee on the fast moving foods and beverages from large corporations. This levy is in essence taxation on the population of Hawaii. As a state with limited ability to produce sustainable food alternatives, and thus imports over 90% of the food and beverages consumed, the levy will immediately be included in the cost of goods paid by Hawaii distributors and retailers, who will in turn have to pass those costs on to Hawaii consumers. This will significantly increase costs of basic human need of food and beverage across the Hawaii population. The businesses within the food and beverage sector historically have thin operating margins, it is irresponsible to think that this levy will simply be absorbed by businesses and not be passed on to consumers.

As for recycling programs, the current use of garbage to produce power will see a reduction of "fuel" and an increase in the costs of operating H Power, thus increasing electricity costs to Hawaii consumers. The only way to recycle currently is to ship packaging waste back to the mainland or use it as fuel in power production. There is so much work to do to establish a proper and sustainable ERP program, this bill simply attaches a levy to all Hawaii consumers to start talking about it. This doesn't put the program in place or address many of the issues and cross connections with other programs (glass tax or HI 5, for example), it is a local tax on local consumers that will take the cost of living in Hawaii to even more desparaging levels, effecting the average working family more than most. For the 400+ families who depend on paychecks from Paradise Beverages, including my own, I urge you to step back from this legislation and rethink the approach.

Thank you for listening ot my thoughts on this matter.

John Erickson

President, Paradise Beverages, Inc.

HB-2399-HD-1

Submitted on: 3/20/2022 1:00:00 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bridget Paulson	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill. With proper funding, allocation, and support the waste and reuse sector can be used to create solutions and opportunities for Hawaii. Through my experiences as an interior designer, work within a nonprofit handling reusable goods, and volunteer work I have had many inspiring and informative interactions with the community and learned the value and impact a system of this stature would have within numerous communities throughout the islands.

Creating awareness, programs and design based solutions has also been a common interest with in the design community and non profits. Approving this bill would be the foundation for a movement that would benefit the people and land.



Committee Chair and Members:

We are currently experiencing a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. To create an additional burden for the businesses that feed our state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

It is important for the Committee to understand that this measure is not consistent with the intent or practice of Extended Producer Responsibility. As written, this measure would simply be a state mandated fee, i.e. an additional tax, on certain products, a fee which would by necessity be passed along to consumers. Hawaii is already one of a small number of states that tax groceries. The State should not add another tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis, when the state budget has a surplus.

The Plastic Source Reduction Working Group (PSRWG) convened in 2020 per Act 254, and 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 PSRWG engaged in discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report was unanimously approved and made the following recommendation: Undertake a fair and careful study of Extended Producer Responsibility (EPR).

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 Cooperation 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 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, any EPR policy is going 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. In sum, it would be imprudent to pass this measure without understanding the costs and benefits.

Thank you for the opportunity to testify.

A handwritten signature in black ink that reads "Jason Higa".

Jason Higa
CEO
FCH Enterprises, Inc.

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HONOLULU, HI 96826
808 973-0880
FAX 808 955-7043

HB-2399-HD-1

Submitted on: 3/20/2022 1:41:00 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Chairs, Vice Chairs and committee members,

I'm Shannon Matson, and currently serving on the boards of the Sierra Club, Recycle Hawai'i, and as the Vice Chair of the Democratic Party of Hawai'i. While I believe that my testimony is valid and supported by all of these roles that I hold, I am submitting this testimony today officially on behalf of myself and my family only.

This is crucial legislation that is timely and urgently needed. This bill:

- Creates an extended producer responsibility (EPR) program
- Collects fees from only the top producers (examples Nestlé, Procter & Gamble, Unilever, PepsiCo and the Coca-Cola Company) of fast-moving consumer goods based on the volume of packaging placed on the market each year from 2023 to 2027
- Money will be placed in an EPR special fund and utilized for each county to create a report that assesses the resources needed to reduce packaging waste by 50% and 80% by TBD deadline
- In subsequent fiscal years, monies in the EPR special fund will be expended by the counties for packaging reuse programs

Our overflowing landfills and lack of financial support for recycling programs show that we are critically in need of some real waste management reform. Please hold producers accountable and create meaningful change in how our products are packaged by passing this bill.

Mahalo,

Shannon Matson

HB-2399-HD-1

Submitted on: 3/20/2022 1:48:34 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Coert Olmsted	Individual	Support	Written Testimony Only

Comments:

I think it is only fair that manufacturers and consumers share the cost of packaging recycling and disposal, particularly single use plastic containers.

Coert Olmsted, 10 year voting resident



March 21, 2022

To: The Honorable Mike Gabbard, Chair
Members, Senate Committee on Agriculture and Environment

The Honorable Glenn Wakai, Chair
Members, Senate Committee on Energy, Economic Development and Tourism

From: Tim Shestek
Senior Director, State Affairs

Re: **HB 2399 HD1 Relating to Waste Management. – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose **HB2399 HD1**. While we understand the intent of this legislation is to create an extended producer responsibility program (EPR) for packaging materials, HB2399 HD1 is inconsistent with traditional EPR programs. Instead, HB2399 HD1 would essentially create a new tax on select food and grocery products. As highlighted by the Hawaii Food Industry Association in prior testimony on this legislation, HB2399 HD1 would add “another tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis, and when the state budget has a surplus.”

HB2399 HD1 would require certain producers of covered products to register with the Dept. of Health and pay an initial registration fee, based on each metric ton of packaging placed into commerce. Each county is then tasked with developing a countywide needs assessment that would detail the resources needed to reduce by 50% the volume of packaging waste landfilled by 2026 and by 80% by 2030.

It is not clear from the language what would be required of producers in terms of their compliance obligations, if any or what factors will be considered in how recycling and waste diversion will be measured. It is not clear how revenue raised would be disbursed, nor is there a clear understanding of the potential fiscal impact this measure may have on consumer goods.

ACC and its member companies support a variety of policies that aim to reduce plastic waste in the environment, increase the collection and processing of plastic material and create new market demand for recovered plastics. We have established industry targets that 100% of plastic packaging be recyclable or recoverable by 2030 and that plastic packaging contain a minimum of 30% post-consumer recycled material by that same date.

In addition, efforts to modernize and expand the nation’s recycling infrastructure have significantly increased. In the last three years, 64 projects in mechanical and advanced recycling¹ in the U.S have been announced, valued at \$6 billion. Together, these projects have the potential to divert approximately 8.9 billion pounds of waste from landfills each year.

While we are opposed to HB2399 HD1 in its current form, ACC believes an effective EPR system for consumer packaging can improve the collection and recycling of packaging materials. At its core, an EPR system should do the following:

Improve the recycling system overall by increasing access and modernizing the collection of all materials, including metals, paper, glass, and plastic.

¹ <https://www.americanchemistry.com/better-policy-regulation/plastics/advanced-recycling>



- Increase the types and volumes of materials that are currently recycled through increased access, collection and sortation infrastructure investment.
- Improve education for consumers and residents to increase participation and reduce confusion and contamination.
- Encourage new business initiatives and entrepreneurs focused on developing local solutions that promote circularity.

Provide funding to help improve recycling access, collection, sorting and outreach by investing all money collected through fees on consumer-packaged goods back into the system.

- Companies that manufacture consumer packaged goods could provide additional resources to support existing government and subscriber funding to improve recovery and recycling for all packaging materials.
- All packaging materials should be covered by the program to ensure specific packaging does not disproportionately shoulder the funding support required for the overall system.
- Funds collected through the program should be reinvested solely to help expand efficient collection and sorting and enable recycling systems, while capitalizing on existing infrastructure.
- Systems should provide disincentives to landfilling waste with the objective of encouraging recycling.

Consider and incentivize the use of packaging materials with better environmental performance.

- Recognize key sustainability attributes such as source reduction, weight, energy and water use, greenhouse gas emissions and food waste reduction.
- Consider the circularity traits of all materials such as recycled content, recyclability and composting.
- Support initiatives that use environmentally sustainable recycling technologies and packaging.

Support innovation in recycling technologies via the private and public sectors to ensure more used plastic is reused and not treated as waste.

- Support a competitive marketplace for increased investment in improved sortation and mechanical recycling.
- Recognize the role of advanced recycling in recovering more plastic waste and in producing recycled plastics and other recycled products.

Maintain and promote a competitive, free market approach to strengthen manufacturing supply chains and to develop recycling infrastructure and new circular markets for recycled plastics through appropriate collaboration across the plastics value chain.

- Maintain the important roles of local government and waste management companies, including operation and management of community and municipal waste management programs to avoid single-source providers and stranded assets.
- Allow companies to freely compete for materials.
- Allow use of new technologies and processes for materials to be remanufactured into new products.
- Reward efficiency and innovation and, where possible, help build on existing infrastructure.

Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC's Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at ryamasaki@808cch.com

Committees on Agriculture and Environment and Energy, Economic Development, and Tourism
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: HB2399 HD1 SUPPORT

March 20, 2022

Dear Chairs Gabbard & Wakai, Vice Chairs Nishihara and Misalucha, and esteemed members of the Agriculture and Environment and Energy, Economic Development, and Tourism Committees,

I am writing in SUPPORT of HB2399 HD1, which seeks to establish an extended producer responsibility program.

My name is Erika Molyneux, and I am a mother and community college instructor living in Kaneohe and working in Pearl City. As someone who has lived on Oahu for over 20 years, I have seen our beaches become progressively more polluted with micro and macro plastics, and have witnessed the debris from a tsunami in Japan wash ashore and sully our shores. I step on trash as I wade in our waters and see packaging littered throughout our neighborhoods as I venture outdoors with my family. I mourn the fact that my children have never experienced the pristine beaches and parks I knew when I was younger.

Not so long ago, I read a Consumer Reports magazine article dedicated to facts about the detrimental effects of plastics and disposable packaging on our environment. Through participation in Keiki O Ka 'Aina and interaction with our local Sustainable Coastlines organization, I learned more about this disturbing topic. I discovered only 10% of plastics are recycled, and on Oahu, as far as I know, we do not even have a contract for a recycling center to recycle the materials we set aside in our blue bins. Most packaging ends up in the landfill. Even compostable bioplastics that are not actually composted add to our landfills, where they do not break down. Images of micro-plastic mosaics my daughter and I made from beach pollution on the next page.

Any initiatives you can make to help our community become more self-sustainable and move toward a zero-waste lifestyle will benefit our lives, our culture, our environment, and our future. Beach clean-ups help, but the plastic that is cleaned up still goes somewhere. Recycling helps, but ultimately, this is the least efficient of our R's. The representative from Sustainable Coastlines with whom I spoke suggested the traditional RRR of "Reduce, Reuse, Recycle" be amended to "REFUSE, Reduce, Reuse, Recycle", in that order of hierarchy, meaning we seek out and support businesses that refuse to use plastics and disposable packaging.

For my own part, I now garden, compost at least some of my food and green waste and have switched to a number of zero-waste menstrual and food storage and bag options, but I could do more.

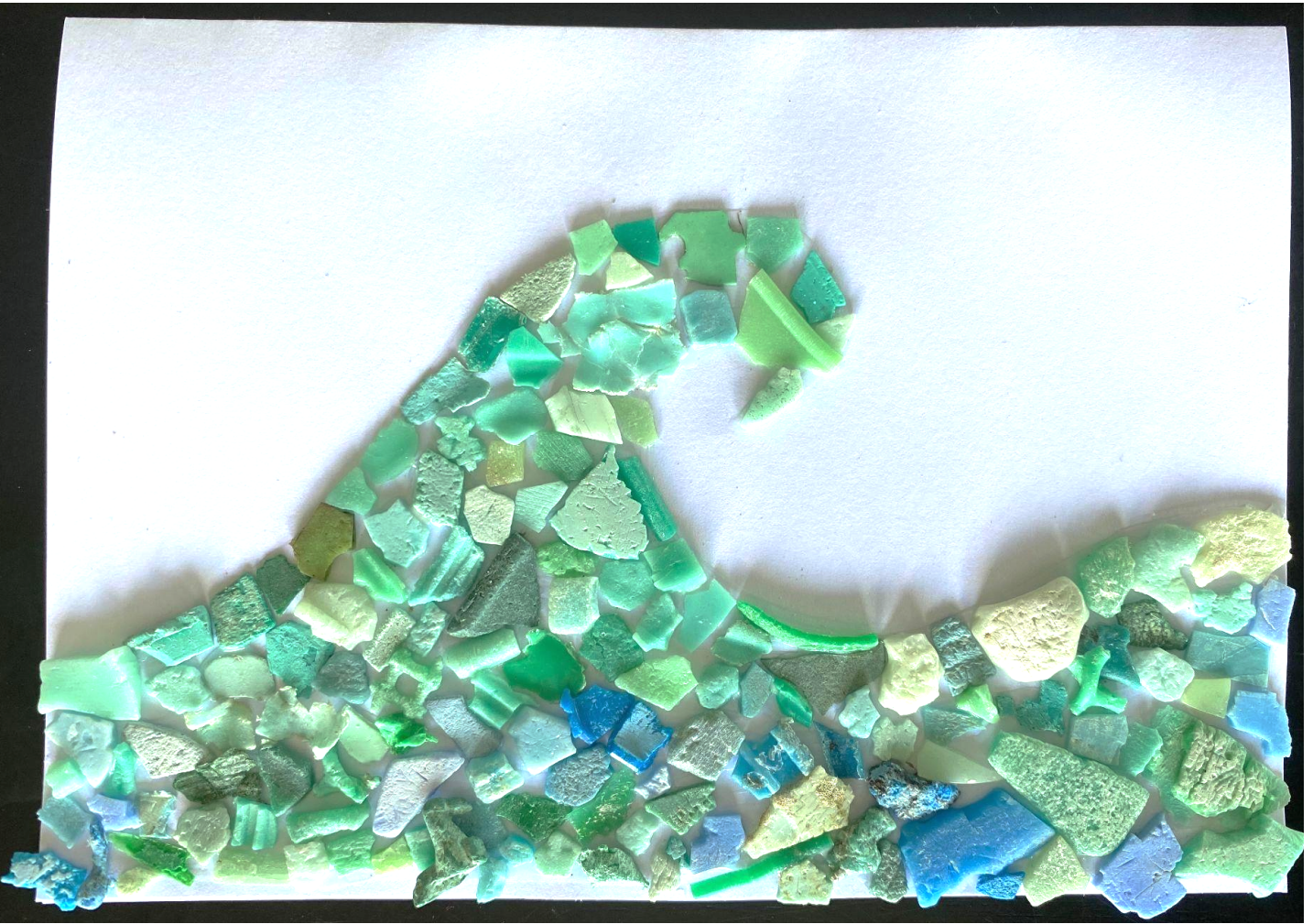
As a society, the more we educate our people and model an environmentally-ethical and sustainable lifestyle, and the more legislative measures can help make this lifestyle economically feasible, the more likely we are to reverse the devastating destruction we have unleashed on our planet.

For all these reasons and more, I strongly support PASSING HB2399 HD1. Mahalo nui!

Sincerely,



Erika Molyneux





The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Opposition – Hawaii House Bill 2399

**Joint Senate Agriculture and Environment and Senate Energy, Economic Development, and Tourism
Committees
March 21, 2022**

Chair Gabbard, Chair Wakai, Vice- Chair Nishihara, Vice-Chair Misalucha and Members of the Senate Agriculture and Environment Committee and Members of the Senate Energy, Economic Development, and Tourism.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide written testimony on House Bill 2399 that purports to establish an extended producer responsibility (EPR) program for packaging and printed material. In reality, HB 2399 does not represent EPR and is nothing more than a regressive tax on packaging. While AMERIPEN is willing to support certain legislation to implement packaging producer responsibility, we cannot support HB 2399 in its current form and encourage the Committees to not advance it. Furthermore, we encourage consideration of legislation that would credibly study how true packaging producer responsibility could be implemented in Hawaii and AMERIPEN would be supportive of that approach.

AMERIPEN is a coalition of stakeholders 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. The packaging industry supports more than 2,500 jobs and accounts for more than \$728 million in total economic output in Hawaii.

Packaging plays a vital role in Hawaii, ensuring the quality of consumer goods as they are manufactured, shipped, stored, and consumed, protecting the health and safety of Hawaiians, who consume, use, and handle those products. Packaging has value and none of it belongs in landfills, roadsides or waterways. We need to recover it to be recycled and reused, and no one knows better how to do that than the AMERIPEN members who design, supply, produce, distribute, collect, and process it. They are driving innovation, designing for better environmental performance to boost recycling and evolve the recycling infrastructure.

AMERIPEN supports policy solutions, including packaging producer responsibility, that are:

- **Results Based:** Designed to achieve the recycling and recovery results needed to create a circular economy.

- **Effective and Efficient:** Focused on best practices and solutions that spur positive behaviors, increase packaging recovery, recapture material values and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and funded by shared cost allocations that are scaled to make the system work and perceived as fair among all contributors and stakeholders.

HB 2399 does not meet these principles and we are therefore opposed to it as drafted. It will establish a mandate for packaging producers to participate in government-run programs that will simply shift the cost of the current recycling system to producers of packaged goods to support county and municipal governments but will do nothing to actually improve recycling.

AMERIPEN supports Hawaii's efforts to evaluate their solid-waste plan and improve the management of packaging materials in the municipal waste stream and we continue to support efforts to improve recycling. We support the recommendation from the Plastic Source Reduction Working Group¹ that there be an EPR study conducted that includes a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawaii. This study should incorporate lessons learned and discussions from other states that have been pursuing parallel efforts to implement EPR. AMERIPEN has had extensive and productive discussions with different states over many years on EPR legislation for packaging and believes a study in Hawaii is the correct and critical first step in determining what is needed in Hawaii and how to create a true EPR system for packaging.

Following are our key concerns with HB 2399 that must be addressed to move towards creating a truly workable EPR program in Hawaii.

1. **Problematic Definition of “Covered materials and products”** – *“Covered materials and products” means, regardless of recyclability: (1) Any part of a package or container, including material that is used for the containment, protection, handling, delivery, and presentation of a product that is sold, offered for sale, imported, or distributed in the State; and (2) Primary, secondary, and tertiary packaging intended for the consumer market; service packaging designed and intended to be filled at the point of sale, including carry-out bags, bulk goods bags; and beverage containers.*

The definition of packaging creates a critical standard for the implementation of the program. Currently, the definition includes secondary packaging, as well as tertiary packaging that could be interpreted to capture business to business transactions. We would prefer that the definition only addresses 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. **Problematic Definition of Covered Producer:** *(1) Produces a packaging volume of more than ten thousand metric tons internationally; or (2) Has international gross sales of fast-moving consumer goods of more than \$500,000,000.*

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

The definition of producer is a key part in determining how an EPR structure will work in a state and the definition in HB 2399 needs to be more specific. Otherwise, determining who is the producer vs brand owner vs supplier could become an issue. We prefer a definition that has been used in other state EPR proposals.

If the item is sold in packaging under the manufacturer's own brand or is sold in packaging that lacks identification of a brand, the producer of the packaging is the person that manufactures the packaged item; B: If the item is manufactured by a person other than the brand owner, the producer of the packaging is the person that is the licensee of a brand or trademark under which a packaged item is used in a commercial enterprise, sold, offered for sale or distributed in or into this state, whether or not the trademark is registered in this state

3. **EPR Special Fund:** EPR funds are traditionally managed by a producer responsibility organization (PRO) made up of the producers paying fees into the EPR program to meet the goals set out in the EPR program. However, in HB 2399 as currently drafted, the funds would be managed by the Hawaii Department of Health and then given to the counties for them to decide on what the monies will be spent. This is not acceptable, and consistent with existing packaging EPR programs throughout the world, producer funds should be managed by the producers themselves.
4. **Unknown Administration and Producer Fees** – The producer registration and material fees required to be paid to the Department are unknown. Administration fees that go to the Department must be more clearly defined and capped annually. The producer material fees should be determined and collected from producers by a registered PRO, rather than by the Department or in statute as is the case right now in HB 2399 (\$150 per ton of covered material placed in the market by that producer).
5. **Needs Assessment:** We agree that a needs assessment is always a critical part of creating an EPR system for packaging. The needs assessments required in HB 2399 will only detail the “resources needed” in each county to meet the reduction of materials going to landfill or being incinerated, rather than determining several factors, including what the costs might be to producers. An effective needs assessment must contemplate far more, including an analysis of existing solid waste management data collection; reporting and analysis mandates and practices; the amount of recyclable materials that have historically been collected and processed; the availability and performance of collection, transport, and processing capacity and infrastructure relative to the management of recyclable materials; current barriers affecting equitable access to recycling, composting or reuse programs across the state; and an assessment of consumer education regarding recycling, reuse and source reduction and recommendations for improving consumer awareness and practices.

In conclusion, AMERIPEN recognizes and supports the need to reduce waste in Hawaii through a shared responsibility program and we would like to partner with you and other stakeholders to work on a reasonable path forward that would create a true EPR program in Hawaii. HB 2399 does NOT do this and rather is a regressive tax on packaging for which consumers will likely ultimately bear the brunt of the

tax through increased prices for the goods they purchase. We recommend that HB 2399 be amended to an EPR study, preferably the one that was recommended by the Plastic Source Reduction Group.



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E-mail: mail@abcstores.com

Testimony 3/18/22

Re: HB2399 HD1 Relating to the Waste Management

Good afternoon Chairperson Mike Gabbard, Chairperson Glenn Wakai and members of the Agriculture and Environment, and Energy, Economic, Development Committee. I am Curtis Higashiyama Government Affairs Manager and I appreciate this opportunity to testify.

ABC Stores are in **Opposition** to HB2399 HD1. Establishes an extended producer responsibility program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule. Appropriates moneys. Effective 7/1/2100 (HD1)

We are currently experiencing a global supply chain crisis. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. To create an additional burden for the businesses that feed our state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

We believe it is important for the Committee to understand that this measure is not an example of the intent or practice of Extended Producer Responsibility. As written this measure would simply be a state mandated fee, i.e. an additional tax, on certain products, a fee which would by necessity be passed along to consumers. Hawaii is already one of only a handful of states that tax groceries. We cannot see a justification for the state to add another tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis, and when the state budget has a surplus.

We encourage the committee to conduct further cost and benefit analysis before passing an EPR policy. Any EPR policy is going 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 genuine EPR legislation in Hawaii without understanding the costs and benefits.

We hope that you will **hold** this bill.

Mahalo for the opportunity to testify.

HB-2399-HD-1

Submitted on: 3/20/2022 7:27:41 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Haun	Individual	Support	Written Testimony Only

Comments:

Please pass this important bill now!

HB-2399-HD-1

Submitted on: 3/20/2022 7:29:41 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah E Chard	Testifying for Loved by the Sun	Support	Written Testimony Only

Comments:

Aloha,

I am small business owner in Hilo, HI and I support this bill. I support the movement towards more sustainable packaging that will reduce the cost for my business as well reduce the environmental impact we have as a small island community.

Here at Loved by the Sun we already are reusing our bottles and offer our customers a bottle deposit for returning them. We receive and reuse around 50% of the bottles that we purchase. If we had a large facility for sanitizing and washing that would reduce the cost of our efforts.

Mahalo,

Sarah

HB-2399-HD-1

Submitted on: 3/20/2022 7:41:24 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Farahi	Individual	Support	Written Testimony Only

Comments:

I support this measure that puts pressure on larger corporations to look for ways to reduce waste. It is crazy that there has not been any monies from those that bring in the insane amount of waste to our already overwhelming trash problem. This is a small step in the right direction.

HB-2399-HD-1

Submitted on: 3/20/2022 8:03:14 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Roberts	Individual	Support	Written Testimony Only

Comments:

Thank you for supporting this bill!

HB-2399-HD-1

Submitted on: 3/20/2022 8:06:22 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Mattos	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Rebecca Mattos and I am currently the Education & Outreach Director for Sustainable Coastlines Hawaii, a local 501c3 non-profit that exists because of the extreme amount of plastic pollution that has been inundating Hawai'i for the past few decades. In 10 years, our organization has removed over 600,000 pounds of debris from coastlines across the Hawaiian islands, and the majority of it is plastic. When we go to remote beaches here on O'ahu, such as the James Campbell National Wildlife Refuge in Kahuku, there is evidence of major corporations such as Nestle, Coca Cola, P&G, and others, who produce single use items that are shipped across the Pacific and end up on our beaches. Plastic is a failed design in the way that we are using it for single use packaging-only to be thrown in a trash can after a few minutes, or sometimes less. This material has devastated our environment, leading to climate change impacts such as sea level rise (North Shore housing and our roadways in O'ahu falling into the ocean), endangered animals choking or suffocating on plastics, and even humans now ingesting a credit card worth of plastic every week-with the enormous amount of plastic in the atmosphere. This waste is being produced and marketed to consumers by billion dollar companies, who have no financial or other obligation to clean up their mess. In our beautiful and fragile ecosystems, we cannot afford to let this happen any longer. Now is the time to hold the companies accountable for the consequences of their pollution and stop flooding our lands with plastic (which is made from fossil fuels). The cost to the consumer, the 'Aina, the wai, and our health is too high. We must pass HB2399 to send the message that enough is enough. Preserve Hawaii and start to heal this harm by reducing the flow of plastic into our islands and waste streams. Mahalo nui for your time and I encourage you all to do what you know is right and support people and our 'Aina over corporate greed.

HB-2399-HD-1

Submitted on: 3/20/2022 8:08:37 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara DiGrazia	Individual	Support	Written Testimony Only

Comments:

Please do what's pono for our island home.

HB-2399-HD-1

Submitted on: 3/20/2022 8:38:06 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Our Revolution Hawaii	Support	Written Testimony Only

Comments:

Aloha Committe,

My name is David Mulinix, Cofounder & Statewied Community Organizer, Our Revolution Hawaii, and on behalf of our 5,000 members and supporters statewide, we stand in strong support of HB2399 HD1 which will help us reduce packaging waste being landfilled and incinerated in the state and help Hawaii switch over to reuse and refill systems for packaging. In order to reduce environmental degradation of our ocean, lands, and climate, Hawaii needs to move to a more circular system with less wasteful packaging design.

Mahalo for your kind attention,

David Mulinix, Cofounder & Statewide Community Organizer

Our Revolution Hawaii

HB-2399-HD-1

Submitted on: 3/20/2022 10:04:00 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melelani Jones	Testifying for Kokua Diaper LLC	Support	Written Testimony Only

Comments:

FROM: Kōkua Diaper LLC

(by Melelani Jones owner, founder, and operator)

Re: HB2399 Relating to waste management

Aloha All!

My name is Melelani Jones, I'm a mother of two under 5, a kanaka maoli, and the founder, owner, and operations head at Kōkua Diaper a cloth diaper delivery service here on the island of Maui.

Here we divert an average of 1,200 single-use diapers weekly from our landfill and that number is growing as we see a positive shift in conscious consuming with where people are putting their dollar.

We see that these goals are possible and attainable. But we need more help and accountability from the big corporations that produce the greatest volumes from consumer waste here in Hawaii. Creating ways to combat the excessive waste. That being said, we here at Kōkua Diaper are in ABSOLUTE SUPPORT of HB2399 HD1!

Our over emphasis on recycling is clearly not the answer for Hawaii as a whole with limited spatial resources and our local municipalities unable to take on such waste. So finding other avenues such as “EPR” is a step in a much needed right direction.

This bill marks first step in actionable “extended producer responsibility” where it becomes producers of these products their “Kuleana” in what happens to said plastic bottle or over done packaging in hopes to put pressure and shift mindset in their manufacturing processes, in turn not passing the buck on to Hawaii’s already struggling ‘ohana and leaving a ton of waste behind.

Hawaii is so special, unique, and geographical isolated that we must find ways to tailor her needs over ours. This bill takes all of this in to massive consideration!

We at Kōkua Diaper asks you to please pass this bill for Hawaii and to once again be a front runner in enviromental change globally.

Mahalo nui!

Mele from Kōkua Diaper

Mālama ‘āina one diaper at a time

HB-2399-HD-1

Submitted on: 3/20/2022 8:29:37 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Corby	Individual	Support	Written Testimony Only

Comments:

Please pass this bill ! We need to do everything we can to reduce plastic and other waste in Hawaii. This bill would help reduce all the plastic packaging right at the source. We can't keep drowning in plastic and non biodegradable waste. It's killing the planet and us and animals. Please pass this important bill to save Hawaii !

Puna resident

HB-2399-HD-1

Submitted on: 3/20/2022 10:19:29 PM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaiuluakane Tiogangco	Individual	Support	Written Testimony Only

Comments:

Aloha honorable committee members,

I am writing to show my support for HB2399. As a high school senior, I recognize the importance of reducing our waste and the importance of setting up reuse and recycling facilities and programs within our communities. This bill would aim to hold these major producers accountable for the waste that their products create. It is crucial to be thinking about the next steps to take to make sure that the future of Hawaii is sustainable. The make-take-waste model is detrimental to the environment and we must implement circular and regenerative models immediately. This bill would be a great start! Mahalo for your consideration.

HB-2399-HD-1

Submitted on: 3/21/2022 6:51:45 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Godbey	Individual	Support	Written Testimony Only

Comments:

Our landfills are filling up.

Plastic film is one of the top 10 items found in HI's waste system.

We need to hold big corporations accountable for the mass amount of packaging they produce vs. taxpayers covering the cost of this waste management.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 21, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON ENERGY, ECONOMIC DEVELOPMENT, AND TOURISM

TESTIMONY ON HB 2399, HD1
RELATING TO WASTE MANAGEMENT

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Gabbard and Wakai, Vice-Chairs Nishihara and Misalucha, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau opposes HB 2399, HD1, which establishes an extended producer responsibility program and requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year.

Though well-intentioned, this measure may increase the cost of the items that farmers and ranchers use for their agricultural products. This additional increase in the cost of production, especially with the current supply chain disruption and overall economic uncertainty, may result in higher prices for consumers for locally grown agriculture products. HFB respectfully requests that the Legislature require a two-year study before enacting these measures to ensure that the state and counties have a plan to implement the program and take stakeholder input into consideration.

Thank you for this opportunity to testify.



Hawai'i Wildlife Fund

PO Box 1801, Kealahou HI 96750 (Hawai'i) & PO Box 790637, Paia HI 96779 (Maui)

Celebrating 25+ years of protecting Hawai'i's native wildlife
through research, education and conservation.

21 March 2022

Re: House Bill 2399 HD1

Aloha Chairs and Vice Chairs of the Senate Agriculture and Environment (AEN) and Energy, Economic Development, and Tourism (EET) committees,

On behalf of Hawai'i Wildlife Fund (HWF), we are writing this **letter of full SUPPORT for HB 2399 HD1** relating to waste management and establishing an Extended Producer Responsibility (EPR) Program for the state. This forward-thinking legislation will help us reduce plastic waste reaching Hawai'i and will create a program that places responsibility on big corporations and producers (with gross sales over \$500M) for the end-of-life disposal of their products. HB 2399 also encourages producers to use more circular designs, and shifts responsibility away from taxpayers, local businesses, and individual consumers (i.e., blaming the "litterbug" versus the producers). In concert with the various County-level and Statewide bans on single-use plastic products, this EPR measure and its funding mechanisms will drastically improve the way (plastic) waste is managed and accounted for in the islands, and will demonstrate how the state of Hawai'i is taking the exemplary lead towards sustainability.

Plastics (production, transport, disposal) are contributing significantly to global carbon emissions with a [new report](#) even calling plastics "the new coal". Yet the plastics industry is large and growing at an unprecedented rate to meet global plastics demand, owing to convenience and rapid urbanization. Many post-consumer and end-of-life plastics end up in priceless natural landscapes or the ocean, which not only causes visual pollution but also creates significant direct and indirect ecosystem impacts. HWF has seen evidence of these detrimental impacts over the decades with our collective efforts to remove trash from beaches throughout Hawai'i Nei, and we have documented hundreds of brand-name products from afar washing up on our remote and ecologically-sensitive coastal ecosystems. See our November 2020 blog, "[Hidden Meanings: What brand names reveal about marine debris along our southern shorelines](#)" for more details. This EPR bill (HB 2399) and its companion (SB 3246) are steps in the right direction to curb this rising tide of trash and to protect Hawaiian coastal ecosystems and our global climate crisis. ***We hope that AEN/EET Committee members pass this measure and it proceeds through the Legislature this session.***

Hawai'i Wildlife Fund (HWF) is a small nonprofit organization that has been working to conserve native species in Hawai'i since 1996. During that time, we have been actively involved in research, education, restoration and advocacy projects related to the protection of coastal and nearshore habitats. We are *not* in the waste management business, however we began community-based cleanup events in the 1990s because of the direct and indirect impacts that plastic pollution has had on our native wildlife. Since that time, we have removed over 360 tons from the shores of Hawai'i Island, Maui and Midway, and collaboratively on the French Frigate Shoals. It's time to start reducing the influx of plastic waste to our shorelines. *Many thanks for your time and consideration on this matter!*

Me ka mahalo pumehana,

Megan Lamson, M. Sc. | HWF President & Program Director (megan@wildhawaii.org)

Hannah Bernard | HWF Co-founder & Executive Director (wild@aloha.net)

HB-2399-HD-1

Submitted on: 3/21/2022 7:33:58 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Testifying for apollo kauai, zero waste kauai	Support	Written Testimony Only

Comments:

Aloha House Members,

I hope Im not too late to support this bill. The crestors of this waste need to be more responsible, instead of putting the burden on the people of Hawaii.

For instance:

The bill creates an extended producer responsibility (EPR) program

- It **Collects fees from only the top producers** (examples Nestlé, Procter & Gamble, Unilever, PepsiCo and the Coca-Cola Company) of fast-moving consumer goods based on the volume of packaging placed on the market each year from 2023 to 2027
- The Money will be placed in an EPR special fund and utilized for each county to create a report that assesses the resources needed to reduce packaging waste by 50% and 80% by TBD deadline
- In subsequent fiscal years, monies in the EPR special fund will be expended by the counties for packaging reuse programs

Mahalo,

Pamela Burrell

Zero Waste Kaua'i



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

March 21, 2022

To: Committee on Agriculture and Environment
The Honorable Mike Gabbard, Chair
The Honorable Clarence K. Nishihara, Vice Chair

Committee on Energy, Economic Development and Tourism
The Honorable Glenn Wakai, Chair
The Honorable Bennette E. Misalucha, Vice Chair

Fr: Carlos I. Gutiérrez, Vice President, State & Local Government Affairs
Consumer Healthcare Products Association

RE: HB 2399 HD1 - Relating to Extended Producer Responsibility - OPPOSE

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter medicines (OTC), dietary supplements, and consumer medical devices, I'm writing to express opposition to H.B. HB 2399 HD1. While we share a desire to increase recycling and reduce waste to landfills, we cannot support a state program that potentially conflicts with existing federally mandated packaging requirements meant to ensure consumer safety, medicinal efficacy, and product stability. We also hesitate to support legislation that will add to already historic inflationary pressures that threaten the affordability of personal healthcare for thousands of Hawai'i residents.

Consumer Healthcare Product Packaging Focuses on Safety

Manufacturers of consumer healthcare products take very seriously the types of packaging used to transport, store, and safely deliver consumer healthcare products to consumers seeking self-care options. As the first line of defense for Americans looking to address minor health ailments, consumer healthcare product packaging must withstand the rigors of volatile temperature changes during transport, lengthy durations on store shelves and medicine cabinets, and illicit tampering of the product itself before it is consumed. A very complex and highly regulated federal framework for OTC consumer healthcare packaging has been in place for decades and serves to provide safety, efficacy, and stability of products for consumers. State action on packaging for these products likely conflicts with federal laws and regulations already in place and could compromise the end safety, affordability, and stability of the product themselves.

OTC Product Packaging Are Regulated by the Federal Government

Packaging of consumer healthcare products differs from other consumer products in that it is often dictated by federal rules and regulations. The Food and Drug Administration (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 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 and certify compliance. In addition, drug products for which packaging does not comply with PPPA packaging and labeling regulations are misbranded under the FDCA (21 U.S.C. § 352(p)). Any attempt by the state of Hawai'i to limit packaging could cause conflict between state and federal law. Manufacturers of consumer healthcare products, therefore, should not be penalized for using packaging that satisfies existing federal requirements for safety and stability.

Consumer Healthcare Products Should Be Exempt from State Packaging Stewardship Programs

To avoid conflict between state and federal law, CHPA recommends exempting FDA approved consumer healthcare products from the requirements of HB 2399 HD1. This exemption can be accomplished by including the language pasted below:

"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."

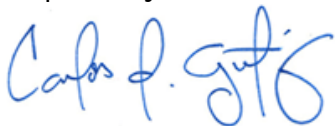
Consumer Healthcare Products Play a Critical Role in American Healthcare

Thousands of Hawai'i residents rely on consumer healthcare products as an easily accessible, affordable, and effective first line of defense against common ailments and illnesses. The COVID-19 pandemic has illustrated the importance of these products in limiting needless visits to doctors' offices and boosting immune health for American families. Today, Hawai'i residents are facing historically high inflation rates not seen in decades. The costs associated with this proposed program will exacerbate already existing inflationary pressures and hurt Hawai'i residents' ability to treat common health ailments affordably.

Conclusion

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.

Respectfully submitted,



Carlos I. Gutierrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
cgutierrez@chpa.org | 202-429-3521

HB-2399-HD-1

Submitted on: 3/21/2022 8:44:36 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Kelly	Individual	Support	Written Testimony Only

Comments:

I support this bill

Do the right thing! Reduce human waste

HB-2399-HD-1

Submitted on: 3/21/2022 8:45:15 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Itana Silva	Individual	Support	Written Testimony Only

Comments:

Committee on Agriculture and Environment

Senator Mike Gabbard, Chair

Senator Clarence K Nishihara, Vice Chair

Committee on Energy, economic Development, and Tourism

Senator Glenn Wakai, Chair

Senator Bennette E. Misalucha, Vice Chair

HB2399 - Extended Producer Responsibility for packaging

DATE: Monday, March 21, 2022

TIME: 1:00 PM

PLACE: Conference Room 224 & Videoconference

TIMESLOT: AEN

In Support

I am Itana Silva, as an individual citizen and part of Maui County community I am testifying in favor of the HB2399 Bill.

We need to support the zero-waste movement, which is a way of life that promotes the goal of reducing the amount of material we throw away. One way to achieve that goal is support any

waste management action on your community. Waste is one of the biggest environment issues in the planet Earth nowadays. And creating an extended producer responsibility (EPR) program by collecting fees from only, the top producers of fast-moving consumer goods based on the volume of packing placed on the market each year from 2023 to 2027 will help support the zero-waste movement which is a beneficial movement to all of us and the environment.

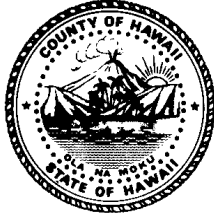
Thank you,

Itana Silva

HEATHER L. KIMBALL

Council Member

*Chair, Committee on Governmental Operations,
Relations and Economic Development
Council District 1*



Contact Information

(808) 961-8828

(808) 961-8018 (staff)


heather.kimball@hawaiiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720*

TO: Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Senate Committee on Agriculture and Environment

Senator Glenn Wakai, Chair
Senator Bennette E. Misalucha, Vice Chair
Senate Committee on Energy, Economic Development, and Tourism

FROM: Heather L. Kimball 
Council Member, District 1

DATE: March 21, 2022

SUBJECT: **SUPPORT HB 2399, RELATING TO WASTE MANAGEMENT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to establish an extended producer responsibility program.

In this instance I am providing testimony in my capacity as an individual member of the Hawai'i County Council.

I **SUPPORT** this measure for the following reasons:

1. Reducing packaging waste benefits the state, the counties and our residents by protecting the environment and public health.
2. It shifts the cost of addressing packaging waste from the consumer to producers.
3. Corporations who produce the most consumer goods and associated packaging waste have the responsibility and the means to address this issue.
4. Places emphasis on reuse to address packaging waste.
5. Provides funding for mandated County needs assessments.
6. Positions the state to receive matching funds from the federal "Recycling is Infrastructure Too" initiative.

For these reasons, I **SUPPORT** HB 2399 Relating to Waste Management.

March 21, 2022

Senator Mike Gabbard
Chair, Senate Committee on Agriculture and
Environment
415 South Beretania Street
Hawaii State Capitol, Room 201
Honolulu, HI 96813

Senator Glenn Wakai
Chair, Senate Committee on Energy, Economic
Development and Tourism
415 South Beretania Street
Hawaii State Capitol, Room 407
Honolulu, HI 96813

Senator Clarence K. Nishihara
Vice Chair, Senate Committee on Agriculture
and Environment
415 South Beretania Street
Hawaii State Capitol, Room 214
Honolulu, HI 96813

Senator Bennette E. Misalucha
Vice Chair, Senate Committee on Energy,
Economic Development and Tourism
415 South Beretania Street
Hawaii State Capitol, Room 215
Honolulu, HI 96813

Dear Chairs Gabbard and Wakai and Vice Chairs Nishihara and Misalucha,

On behalf of companies that make medicine for animals, I am writing to request a clarification to HB 2399, an act relating to waste management, and ask that animal health products not to be subject to the requirements of this bill.

The Animal Health Institute (AHI) is the U.S. trade association for research-based manufacturers of animal health products – the medicines that keep pets and livestock healthy.

The animal health industry is committed to improved sustainability in all facets of the supply chain, including the packaging used to deliver safe products to customers. Many companies have already made changes to reduce unnecessary packing waste, including replacing Styrofoam packing needed to keep vaccines cold with reusable coolers.

Sustainability is one factor among many that animal health companies must consider in the packaging equation. Medical products for animals are required to be sterile or enclosed in packaging with tamper-resistant seals to protect public health. Other factors that must be considered include:

- protection against all adverse external influences that can alter the properties of the product, e.g., moisture, light, oxygen, and temperature variations;
- protection against biological contamination;
- protection against physical damage;
- ability to carry the correct information and identification of the product;
- ability to ensure these requirements are met throughout the whole of the intended shelf-life of the product.

Additionally, depending on the requirements from the governing federal agency, products may be labeled with specific instructions on disposal.

The kind of packaging and the materials used must be chosen in such a way that the packaging itself does not chemically interact with the product through leaching or absorption. Conversely, the packaging must

not allow the product to have an adverse effect on the packaging, changing its properties or affecting its protective function.

Animal health products are licensed by three different federal agencies, each with their own unique packaging standards and requirements.

1. Drugs approved by the Food and Drug Administration under the Food, Drug and Cosmetic Act. Sponsors must specify for the agency the materials of construction and packaging used for each product and provide data showing those factors will maintain stability of the product over its shelf life. Consequently, each product has its own unique approved packaging. Changes to product packaging take months of development followed by FDA review and approval.
2. Vaccines and biologics are approved by the US Department of Agriculture under the Virus, Serum, Toxins Act. Manufacturers are required to ensure packaging maintains the integrity of the vaccine, so temperature is a major consideration. Packaging must also accommodate detailed USDA labeling requirements.
3. Flea and tick prevention products are approved by the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act. FIFRA §25(c)(3) authorizes EPA to establish standards with respect to the package, container, or wrapping in which a pesticide or device is enclosed to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated under FIFRA. Additionally, §25(c)(3) requires EPA's CRP standards to be consistent with those established under the Poison Prevention Packaging Act of 1970.

In order for animal health companies to maintain product safety and stability while increasing the sustainability of packaging, we ask that animal health products not to be subject to the requirements of this bill and offer this possible exemption language:

In Section 2, the following products shall not be considered covered material or products:

- (1) Used for drugs, medical devices, biologics, or diagnostics approved or authorized by the Food and Drug Administration or United States Department of Agriculture for use in animals;
- (2) Used for veterinary pesticide products approved by the Environmental Protection Agency for use in animals.

Please let me know if you have questions or if I can provide additional information. Thank you for your consideration.

Sincerely,



Ronald B. Phillips
Senior Vice President, Policy



THE **Odom** CORPORATION

Hello Member of the Committee,

Thank you for the opportunity to speak with you today.

I'm part of a local, family owned beverage distributor that employs **506** Team Members across **10** facilities within the Hawaiian Islands. We're proud of what we continue to provide for our community locations:

- Oahu: **2**
- Hawaii: **4**
- Kauai: **2**
- Molokai
- Maui

As a local business, we take pride in how we partner. We're members of **2** neighborhood Organizations:

- Hawaii Food Industry Association
- Hawaii Restaurant Association

As HFIA's acting president since 2018, we partnered with industry leaders within the Hawaiian community in order to support local business during recent pandemic shutdowns.

We strive to promote & strengthen local education within the islands. We currently have **62** local Alumni Team Members from **8** colleges/universities on the islands.

We're honored to employ **18** graduates from University of Hawaii, including **4** hires this year currently. To enhance our support towards our local infrastructure, we post available roles on **8** Hawaii sites, personally providing facility tours for the Community Colleges & financially supporting Hawaii College Scholarships. This sustaining local emphasis has resulted in **3** seniors from Honolulu receiving substantial grants for College Tuition in 2022.

Most recently we've offered several legislatures a personal tour of our facility.

We oppose HB 2399.

A targeted tax would directly hinder our existing business, which has been dramatically adversely affected by an ongoing pandemic as restaurants & bars (ultimately our customers) have been completely shut down.

Beverage Distributors along with all supply chain industries are suffering from bottleneck constraints. Aluminum shortages have put productions at a standstill. CDL Driver shortages make it difficult to deliver to local Foodland's. We rely on barge to attain materials to do business which creates additional time constraints. We are reliant but resilient on local community & infostructure in order to do business in Hawaii. This targeted tax will hinder our growth within your community.

We're proud to continue to bottle on island. This creates local jobs & local infostructure. These tax burdens create additional barriers that are not sustainable to grow local business on island.

As a local business, we're dedicated to Hawaii. The Hawaiian infostructure has been burdened by closures in the past 2 years. The Beverage Industry plays a crucial component to Hawaii's livelihood as it supports both local & critical entities across all islands. We oppose this targeted tax increase as it directly affects our business entirely.

As a member of the Hawaiian community, I thank you for your time.

HB-2399-HD-1

Submitted on: 3/18/2022 11:16:07 AM

Testimony for AEN on 3/21/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Zelkovsky	Individual	Support	Written Testimony Only

Comments:

When Kaua`i passed the plastic bag ban a few years ago we noticed that while doing beach cleanups the reduced number of plastic bags on our beaches.

There still is an inordinate amount of food packaging on our beaches, it ends up in the rock jettys blown there by the wind and wedged snugly.

Please pass HB 2399 HD1 and reduce the amount of trash on the beach and in the parks.

Thank you

Robert A Zelkovsky, DC

46 year Kaua`i resident