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

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 HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
ON  
HOUSE BILL NO. 2399

**February 3, 2022**  
**9:05 a.m.**  
**Room 325 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 establishes an extended producer responsibility program (EPRP) which:

- Prohibits unregistered covered producers from selling or offering for sale any fast-moving consumer good from January 1, 2023 to December 31, 2027.
- 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 of general funds in FY 23 for deposit into the EPRSF.

- Appropriates an unspecified amount of special funds from the EPRSF in FY 23 for the counties to prepare countywide need assessments.
- Appropriates an unspecified amount of special funds from the EPRSF in FY 23 for the administration of the EPRP.

B&F notes that, with respect to the general fund appropriation 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.

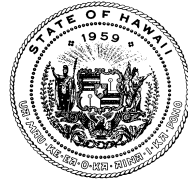
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

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, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



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

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

REPRESENTATIVE NICOLE E. LOWEN, CHAIR  
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Hearing Date: 2/3/2022 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 proposes an innovative solution to require producers of  
10 excessive packaging waste to be accountable for their products.

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

15 The Department is currently in the process of releasing a request for proposals to update  
16 the statewide integrated solid waste management plan. As part of this update, the Department  
17 will focus on waste streams and possible solutions to address the waste. EPR, as defined in  
18 HB2399, will be one of the waste stream solutions that the Department intends to assess.

1 The Department respectfully offers the following comments on this bill:

2 Personnel needs. The Department requests the establishment of three positions to manage  
3 the Department's EPR program. The Department estimates that it will need 1) a Planner to  
4 develop rules, oversee and manage goals and objectives related to waste management, analyze  
5 and assess waste reduction targets, and develop reports, including an annual report to the  
6 Legislature; 2) a Contracts Specialist to develop and manage contracts with the counties and  
7 oversee reimbursements and deliverables; and 3) an Environmental Health Specialist to assist  
8 with enforcement of producers and other issues statewide. The Planner position would need to  
9 initially be funded with general revenues until rules are developed and producers begin paying  
10 fees into the EPR special fund. At that point the other two positions would be filled and all three  
11 positions would be funded by the EPR special fund.

12 Third-party audits. The Department respectfully requests that Section 9. Enforcement. (a)  
13 be amended to allow the Department to require third-party audits to determine compliance.

14 Implementation dates. Due to the time needed to develop and implement administrative  
15 rules, execute contracts with the counties, and complete other tasks necessary to effectively  
16 implement this bill, the Department also respectfully requests that the program year, sales  
17 prohibition start date, producer registration deadline, and other effective dates be amended to  
18 take effect after the Department has finalized its administrative rules.

19 **Offered Amendments:** SECTION 9. Enforcement. (a) The department may conduct or require  
20 audits and conduct inspections to determine compliance under this Act.

21 Additions appear as underlines and deletions appear as bracketed strikeouts.

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

TO: Committee on Energy & Environmental Protection

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

RE: HB 2399 Relating to Recycling

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 2399. 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 strong opposition to HB 2399. Should you have any questions or comments about my testimony you can contact me by email at [ahong@islandplasticbags.com](mailto:ahong@islandplasticbags.com) or by phone at 808-484-4046.

Sincerely,

Adrian K. Hong, CPA\*

President

Island Plastic Bags, Inc.

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\*Not in public practice

**HB-2399**

Submitted on: 2/1/2022 5:57:48 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Henry Curtis	Life of the Land	Support	No

Comments:

Please pass this very important bill. Mahalo



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**Joe Carter**, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

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

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: February 3, 2022  
TIME: 9:05am  
PLACE: Via Videoconference

RE: HB2399 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.

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 working group's engaged in extensive discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report<sup>1</sup> was unanimously approved and made the following recommendation:

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



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

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

The study should analyze the following two specific scenarios:

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

The study should evaluate:

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

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

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

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

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

House Representatives,

I have been facilitating a working group that developed an Extended Producer Responsibility (EPR) bill for packaging last year. Our main objective was to build consensus around a single EPR bill. We had higher aspirations than doing a study, which last year's EPR bill was reduced to by end of session. This working group essentially did that study. We looked at and compared different EPR models and bills passed in other countries/states and determined what would be the right fit for Hawai'i (a small state with a low population that is geographically isolated). This bill and its companion (SB3246), is the collaborative result of those discussions, which is a unique plan for "Transitional EPR". An approach that suits Hawaii in our unique circumstances.

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 level 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 and invest it into reuse infrastructure that in the long run will save people, planet and profit.

This bill is a unique approach to extended producer responsibility, as it will establish a fund by collecting a fee from the top 20 producers of consumer packaged goods. Fees will be used to assess what resources are needed by each county to reduce the volume of packaging waste sent to landfills or incinerators by 50% by 2026 and 80% by 2030. The part of this bill we are really excited about is funding in subsequent years will be allocated for **packaging reuse programs**. Investment from top producers that can afford it, will be vital to fund the transition from our old wasteful linear system to a new circular economy.

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 at the end of meal preparation all you do is put organic waste into one bin and reusable containers in another. Once a week someone empties the two bins, or you drop them off on the way to work at one of many convenient locations. Behind the scenes containers are tracked, sanitized and distributed back to manufacturers creating new green jobs in transportation, engineering, and information technology. Our cities, road sides and waterways are free of litter because nothing is disposable; everything has value.

It was not until after World War II that Americans 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 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 containers 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.

A transition to a new circular economy with reusable packaging is possible in a very short period of time if we as a society put our minds to it. A common lament we hear from Department of Health and county officials is lack of funding and personnel to do the work. We hear that lament and have provided funding for personnel to implement the needs assessment of this bill which can be contracted. There are also no penalties if the timeline for packaging waste reduction targets are not met. It is an ambitious goal, because the circumstances (a planet that is quickly heating up) are demanding rapid action. Please government stop telling us why you can not and just take this money and give it to us in the zero waste movement. We will gladly take it and put it towards its intended purpose: reducing packaging waste through reuse systems.

A vote for this bill is a vote for believing in a future in Hawai'i that cuts out waste. It's a journey we are all starting around the globe and we need to act fast. Humans are running out of time to clean up our act. Please pass HB2399. A vote for this bill is a vote to address climate change and transition Hawai'i towards a new circular economy.

Mahalo for your consideration,

Jennifer Navarra  
Coordinator  
Zero Waste Hawai'i Island



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## TESTIMONY

Jacob Cassady  
Director, Government Relations

On Behalf of  
The Association of Home Appliance Manufacturers

Before the Hawaii House of Representatives  
Committee on Energy & Environmental Protection

## HEARING

HB 1684: Relating to Recycling  
HB 2399: Relating to Waste Management

February 3, 2022

Chair Lowen, Vice Chair Martin and members of the Committee, HB 1684 and HB 2399 would establish a system of addressing packaging waste and recycling in Hawaii. We are still reviewing HB 2399, but it is very interesting in its practicality of focusing efforts on the priority waste material. We look forward to discussing HB 2399 in more detail. However, we are strongly opposed to HB 1684, which is based on a concept of EPR we have seen operate unsuccessfully in Canada for more than a decade.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives.

The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

In Hawaii, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Hawaii is \$2.95.2 million, more than 1,070 direct jobs and 1,120 indirect jobs, \$68.8 million in state tax revenue and more than \$100.4 million in wages.

HB 1684 would establish a packaging stewardship program to administer an extended producer responsibility (EPR) program, which would penalize all packaging materials and consumer goods while not addressing the environmental and social impact of plastic packaging. Assigning costs to all packaging material does not solve the primary problem of plastic waste and provides a disincentive to transition to non-plastic packaging. HB 2399 takes a different approach and addresses "fast-moving consumer goods" and their packaging. Solutions to manage packaging waste challenges is complex and a one-size fits all approach does not work. Focusing packaging waste efforts in a priority order makes sense. HB 2399 appears to be consistent with this intent. The home appliance industry takes its responsibility to provide solutions to help reduce waste seriously. Manufacturers continue to evaluate and research more sustainable alternatives for product packaging. The industry regularly collaborates with environmental advocates and policymakers to achieve goals like greater appliance efficiency. Current all-material packaging EPR programs essentially just fund the status quo, expensive and complex. AHAM supports solutions that are simple, effective and efficient.

### **Approach Would Negatively Impact the Recycling System in Hawaii**

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

## **EPR is Not a Proven Solution to Waste Management Challenges**

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

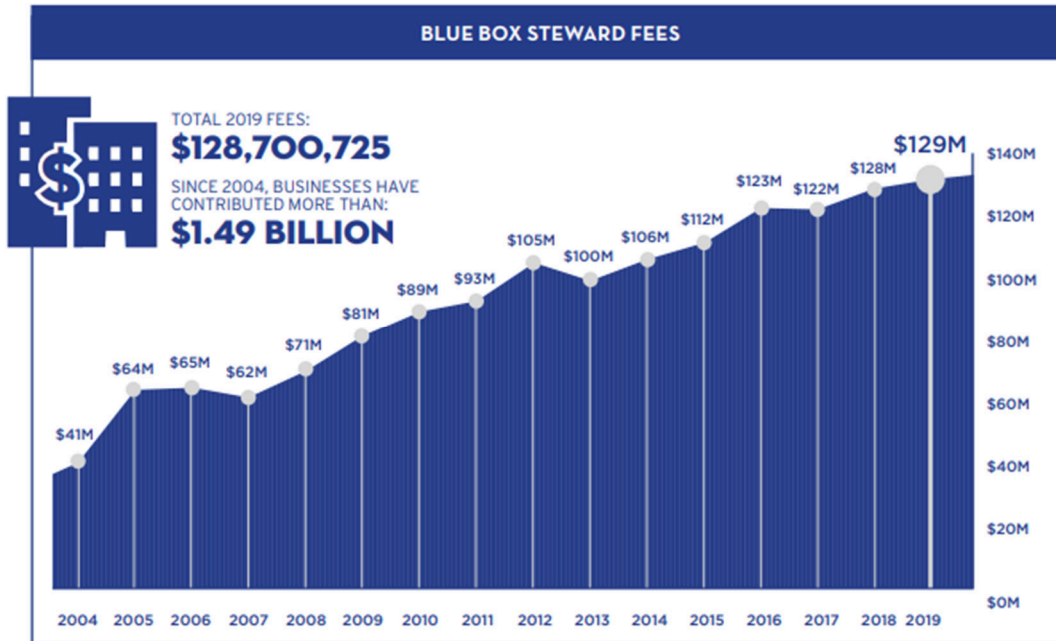
In addition, EPR attempts to insert a product manufacturer into the recycling stream, but the manufacturer has limited ability to influence consumer behavior regarding recycling or to change municipal waste policies that can drive greater recycling. In reality, EPR often results in hidden new costs to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

In Canada, "EPR" packaging programs exist in various provinces, with manufacturers having to comply with each program that varies in scope. This is very costly to both manufacturers and to residents and has shown to be ineffective in improving recycling rates or achieving any of the recycling targets that are set. Ontario and British Columbia (B.C.) have two of the more recognized programs. In Ontario, program costs have increased on average 8% per year and have tripled since its inception (see below).<sup>1</sup> In B.C., the program costs are 28.5 percent higher since 2014 (average annual increase of 5.2 percent).<sup>2</sup>

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<sup>1</sup> Stewardship Ontario. (2019). 2019 Annual Report. Stewardshpontario.ca

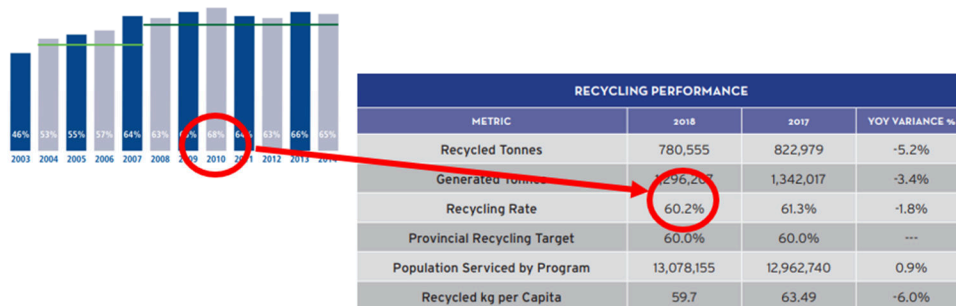
<sup>2</sup> Recycle BC. (2019) Annual Report 2019. Recyclebc.ca



-Stewardship Ontario 2020 Report

While the program costs skyrocket, the recovery rate is worse. In Ontario’s program materials recovery rate decreased from 68 percent to 60 percent (see below) and B.C’s has decreased by 2.4 percent. And to be clear, this is not even “recycling rate,” but “recovery rate,” which measures the reported amount of materials into the system compared to the amount collected.

Recovery Rate **decreased** from 68% in 2010 to 60.2% in 2018



Recycle BC and Stewardship Ontario are the only package recycling programs approved by each province’s Government, and as a result all obligated parties must adhere to their strict rules and regulations. This includes local processors and recyclers of materials, which if these programs choose not to do business with them, they will be out of business.<sup>3</sup>

<sup>3</sup> Note, Stewardship Ontario is currently winding down its program to restart under a new Ontario Authority, which aims to shift program costs completely to obligated parties

### **Institutional, Commercial and Industrial (IC&I) Streams and Service Parts Not Exempted**

Typically, when a new appliance is delivered and installed, the company delivering the appliance removes the packaging and takes it away for recycling. Through the business-to-business channel, materials are recycled and discarded accordingly, without placing a burden on municipal waste and recycling systems. The inclusion of Institutional, Commercial and Industrial (IC&I) would create significant unfairness and cross-subsidization between manufacturers. It also would create significant additional complexity and cannot be tracked by manufacturers on a unit level basis. For example, stretch wrap applied to a pallet of small appliances may be applied by a third party at a distribution center or after the manufacturing process, and service parts shipped to a service provider may sometimes be packaged individually and sometimes with multiple parts. The variability of packaging related to IC&I and service parts would add major complexity to manufacturer compliance requirements, ultimately raising costs for Hawaii consumers. In addition, material collected in business-to-business transactions have less contamination, which makes recycling easier. Placing this material in the more contaminated “blue box” recycling stream is lowering the recyclability of this material.

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

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

### **Conclusion**

AHAM appreciates the opportunity to provide comments on HB 1684 and HB 2399. Manufacturers of consumer products need flexibility in choosing appropriate materials for packaging their products to avoid situations that cause product breakage and damage during transport (which ultimately increases the lifecycle impact of the product) as well as to deter theft of smaller, high value electronics from retail establishments. An EPR program would increase costs for the industry thereby limiting the available resources for companies to invest in innovative and sustainable packaging solutions. The current system for appliances and appliance packaging works, and it should be allowed to continue on its successful path. Please AHAM’s Principles to Manage Packaging, which guide our advocacy as we address packaging in the waste stream and the recycling system design. For future reference, my contact information is (202) 202.872.5955 x327 or via electronic mail at [jcassady@aham.org](mailto:jcassady@aham.org).



# Policy Position

## AHAM's 8 Key Principles to Manage Packaging

### Background

The appliance industry recognizes the problems associated with pollution from packaging materials, and is making efforts to reduce the environmental impact of its product packaging.

Multiple stakeholders including state, local and federal governments must come together and identify responsible policy solutions that address this important environmental matter and recognize the role that manufacturers and businesses play in the delivery of consumer goods. The appliance industry provides the following 8 key principles to address packaging in the waste stream and the recycling system design.

### Principles That Address Materials in the Waste Stream

#### **1. Source Reduction Requirements Should be Realistic and Consider Whether Packaging Alternatives Are Adequate**

Requirements to use alternatives to existing packaging materials or material source reduction involve tradeoffs. There are already inherent financial incentives for manufacturers to reduce costs and amounts of packaging because their intent is to sell the product, not its package. At the same time, packaging must be robust enough to protect the product adequately. For example, polystyrene is an important component in packaging. The material is very effective because it is light, resilient, and withstands all climates, even very high humidity. Replacing polystyrene with a material such as corrugated cardboard may result in safety concerns and increased product damage because cardboard is unable to maintain its structural integrity in high humidity. Cardboard also makes the packaging larger, which increases GHG emissions because more truckloads are needed to deliver the same number of products. Similarly, no alternative exists for protective plastic film, which protects stainless steel surfaces and electronic displays on appliances. Furthermore, vague language for source reduction mandates, such as “to the maximum extent feasible,” are impossible to demonstrate and create compliance uncertainty.

## **2. There Are Fundamental Differences Between Consumer-Facing Packaging and Non-Consumer Facing Packaging**

Non-consumer facing packaging (often called transport or tertiary packaging) and household recycling streams that handle largely consumer facing or point-of-purchase packaging (common terms also include primary, sales, grouped, or secondary packaging), require separate policy frameworks. Large appliances generally operate within highly streamlined packaging waste management streams with high material recovery for tertiary packaging. Companies have an inherent financial incentive to cut costs and many have internal sustainability goals. Because tertiary packaging waste streams generally have less contamination across waste types, mixing tertiary waste streams with primary or secondary waste streams increases the system's complexity, makes compliance difficult, and creates more contaminated streams. Decreased recycling is the result. Furthermore, inclusion of tertiary packaging forces significant subsidization of residential programs, which is unfair for businesses that already manage and pay for tertiary packaging recycling independent of municipal recycling programs.

### **Principles That Address Recycling System Design**

#### **3. If EPR, then Real EPR**

Extended Producer Responsibility (EPR) is a policy approach where the responsibility for the recycling and/or disposal of post-consumer products lies with producers, but if producers are responsible, then their involvement should not be limited to merely subsidizing inefficient recovery and recycling programs. The decisions behind producers selecting efficient and effective partners must be proportional to the financial contribution. If producers are responsible for all of the costs to dispose/recycle in a given jurisdiction, then producers must have the ability to exercise proper oversight without being required to give preferential treatment to existing partners, collectors, or municipal programs during the EPR program's design and implementation.

#### **4. Recycling Infrastructure Is Inadequate**

The United States lacks sufficient recycling capabilities to meet current needs. Any program that sets mandates on recycling must also address the shortfall in capabilities where the recycling would actually take place. Many types of packaging materials are recyclable today, and increased infrastructure will support increased recycling rates and markets for their re-use.

#### **5. Responsibility for Recycling Requirements Must Be Based on Who Has Authority, And Targets Must Be Fair and Realistic**

Responsibility for meeting recycling requirements belongs with those entities who have authority to achieve the requirements. Assigning responsibility without authority is dysfunctional. In addition, recycling targets must be realistic and based on step-level improvement in infrastructure capability, with adequate time given to regulated entities for meeting established targets. Fair and realistic targets also require clear definitions for terms such as "compostable," "recycling," "recycled," or "recyclable."

## **6. Post-Consumer Content Requirements Must be Realistic**

Post-consumer content requirements must not degrade packaging quality, performance, and safety, or lead to burdensome cost increases. Increasing the amount of post-consumer content in packaging materials requires an adequate market to incentivize use of these materials. The current market does not support adequate supply or quality of many recycled packaging materials.

## **7. Harmonize Recycling Policies so People Clearly Understand What to Recycle and How**

Consumer confusion is rampant on how and what to recycle because existing recycling programs vary across jurisdictions. An effective recycling program relies on volume, which means municipalities must harmonize recycling policies and increase consumer involvement. Standards useful to this harmonization process are under development, containing methodologies to assess both recycling facilities and recyclable materials.

## **8. Implement Pay-As-You-Throw and Enforce Consumer Recycling Requirements**

Data from jurisdictions in San Francisco and Europe show that consumer financial incentives are necessary to achieve ambitious recycling targets. Pay-As-You-Throw or mandatory recycling policies must be part of a comprehensive plan.

### **AHAM Position**

AHAM recognizes the importance of finding solutions on this important environmental issue. The appliance industry will consider supporting legislative and regulatory packages that are consistent with the above stated principles.

December 5, 2019

# SB 3246

## EXTENDED PRODUCER RESPONSIBILITY

### WHY SUPPORT SB3246?

**As U.S. support for EPR builds, each state has a unique role to play in creating solutions. SB3246 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.

**SB3246 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.

**SB3246 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.

**SB3246 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. SB3246 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii's community-driven, zero waste movement.



*Let's do this!*



## QUESTIONS ABOUT SB3246

### Will SB3246 result in higher prices for Hawaii consumers?

SB3246 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 SB3246 impact Hawaii producers and retailers?

Only corporations that generate more than XXXX 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 SB3246 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.





**Written Testimony of  
David Thorp, American Beverage Association  
Before the House Committee on Energy & Environmental Protection  
Opposition of H.B. 2399: Relating to Waste Management  
February 3, 2022**

Good morning Chair Lowen, Vice Chair Marten and members of the committee. Thank you for the opportunity to comment in opposition of H.B. 2399 – relating to waste management.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). The American Beverage Association 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 on the Islands. Unlike most consumer products, many of our beverages, aluminum cans and plastic 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.

One of the first steps in any Extended Producer Responsibility (EPR) program is to conduct a needs assessment which is funded and managed by the Producer Responsibility Organization (PRO). The proposed “fee” in H.B. 2399 is simply a packaging tax to fund an assessment study that will not be useful if EPR legislation is ultimately enacted.

Sincerely,

*David Thorp*

David Thorp  
American Beverage Association  
Vice President, State Government Affairs West



**HB-2399**

Submitted on: 2/2/2022 8:06:37 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Nicole Lowen, Chair, the Honorable Lisa Marten, Vice Chair, and Members of the House Committee on Energy and Environmental Protection

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

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

Hearing: Thursday, February 3, 2022, 9:05 a.m., by videoconference

Aloha Chair Lowen, Vice Chair Marten, and members of the House Committee on Energy and Environmental Protection:

The Hawai'i Reef and Ocean Coalition is a group focused on protecting coral reefs and marine life, including from plastic marine debris. **The Hawai'i Reef and Ocean Coalition STRONGLY SUPPORTS HB2399!**

In order to reduce environmental degradation of our ocean, lands, 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. The producers of bottles and other packaging materials, as the ones who have great control over the content, need to take on a greater role.

**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 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 concern into consideration.

We ask that you pass this bill!

Mahalo!

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





February 2, 2022

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

**From:** Tim Shestek  
Senior Director, State Affairs

**Re:** **HB 2399 – Comments**

The American Chemistry Council (ACC) appreciates the opportunity to comment on HB 2399, legislation that seeks to establish an extended producer responsibility (EPR) program for packaging materials.

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 recycling<sup>1</sup> 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.

ACC also 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.**

- 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.

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



- 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.

As drafted, HB 2399 would require 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 or what factors will be considered in how recycling and waste diversion will be measured. Additional specificity is necessary so that producers clearly understand their compliance obligations.

Should HB 2399 move forward, ACC encourages the committee to engage in further dialogue with producers, material suppliers, packaging producers, waste industry representatives, environmental organizations, local governments and other stakeholders to discuss crafting an EPR program that is efficient, effective and implementable. ACC looks forward to being part of such a discussion.

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](mailto: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](mailto:ryamasaki@808cch.com)

**HB-2399**

Submitted on: 2/1/2022 7:37:32 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robert Culbertson	Individual	Support	No

Comments:



Aloha Representatives!

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

**HB-2399**

Submitted on: 2/1/2022 7:43:15 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
jeanne wheeler	Individual	Support	No

Comments:

Hawai'i really needs this bill - please pass it to help us move forward :) Mahalo, JW

**HB-2399**

Submitted on: 2/1/2022 7:51:26 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cynthia Punihaole Kennedy	Individual	Support	No

Comments:

Aloha Honorable Rep. Nicole Lowen Chair; Honorable Rep. Lisa Marten Vice-Chair and members of the Energy & Environmental Protection Committee

I **strongly support** HB 2399 because it will provide funding for reuse programs to replace our single-use packaging standard.

**HB-2399**

Submitted on: 2/1/2022 8:25:11 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I agree that this is important! Yes on HB 2399,

Mahalo,

Barbara Barry

**HB-2399**

Submitted on: 2/1/2022 9:01:49 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shannon Rudolph	Individual	Support	No

Comments:

Support

**HB-2399**

Submitted on: 2/2/2022 5:07:29 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Koohan Paik	Individual	Support	No

Comments:

It is a no-brainer to see that the burden of waste management on an archipelago thousands of miles from the source of ALL non-biodegradable waste should be the responsibility of the producer of that waste. The burden should not be on the islanders.



**HB-2399**

Submitted on: 2/2/2022 7:11:37 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mary True	Individual	Support	No

Comments:

I enthusiastically support HB2399. Corporations have been given a free ride for too long. Our islands have limited land mass and the population is growing. It's time corporations take some of those record setting profits they made during the pandemic and figure out how to handle the waste they produce in a pono manner. Mahalo for istening, Mary True, Pepekeo

**HB-2399**

Submitted on: 2/2/2022 7:40:05 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sanne Berrig	Individual	Support	No

Comments:

Testifying as a private citizen who works in landfill diversion on Hawai'i Island, I support this bill.

The bill is well-suited to Hawai'i; it emphasizes waste reduction and reuse, not just recycling. The bill taps into existing commitments from multi-national corporations; and it positions the State to tap into federal funding. County governments are over-burdened with the costs of sustainable materials management - it is time to hold producers responsible for the waste they create.

Please support this bill.

Mahalo,

Sanne Berrig

**HB-2399**

Submitted on: 2/2/2022 8:02:23 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Georjean Adams	Individual	Oppose	No

Comments:

Packaging EPR for Hawaii state and counties is extremely more complicated than programs on the mainland. I recommend waiting for experience with the new state EPR packaging efforts and then applying life cycle principles to the logistical challenges we have. We should encourage pilot programs for collection, processing, reuse and remanufacturing methods that would support circular economies on our islands.

**HB-2399**

Submitted on: 2/2/2022 8:34:48 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jim Scancella	Individual	Support	No

Comments:

I support this bill and believe that the entities that send waste to our islands should be responsible for its presence. I am hoping that this bill will encourage those companies to change their behavior and not send as much waste to our Islands.

**HB-2399**

Submitted on: 2/2/2022 8:46:48 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Maki Morinoue	Individual	Support	No

Comments:

Aloha

I am in strong support for mitigating our single use plastic problem. As an island and a place in which the currents bring to us the gargabe of our world and all the facts around the impending impact on off gassing and blocking preciouese oxygen into our ocean a new path forward for the future of this planets is crucial. The time is now. Not another time....

Mahalo  
Maki Morinoue  
Holualoa  
96725

**HB-2399**

Submitted on: 2/2/2022 9:57:03 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Phaethon Keeney	Individual	Support	No

Comments:

Aloha esteemed legislators, please SUPPORT HB2399, what a wonderful and commonsense plan to reduce packaging waste and generate innovative reuse strategies and business in Hawaii! This bill puts the responsibility on those who profit most by offsetting their packaging costs on Hawaii's fragile systems and instead shifts the balance towards thoughtful and productive solutions that Hawaii's businesses can take the lead in. Living on an island makes the need to close the loop towards a zero waste future all the more apparent to all, let's take those steps as quick as possible, thank you.

Mahalo nui for supporting HB2399

Phaethon Keeney

Honokaa Hawaii

**HB-2399**

Submitted on: 2/2/2022 10:53:11 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Severine Busquet	Individual	Support	No

Comments:

Aloha,

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 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.

For these reasons, I strongly support HB2399.

Thanks for your attention

Severine Busquet

Hawaii Ka



## 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.

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2 February 2022

**Re:** House Bill 2399

Aloha Chair Lowen, Vice Chair Marten, and other Representatives within the Hawai'i Energy & Environmental Protection (EEP) Committee,

On behalf of Hawai'i Wildlife Fund (HWF), we are writing this **letter of full SUPPORT for HB 2399** 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 EEP 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**

Submitted on: 2/2/2022 3:38:46 PM

Testimony for EEP on 2/3/2022 9:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Dean	Individual	Support	No

Comments:

I support HB2399 We can't have capitalism for the masses and socialism for the corporations. Why is the cost of waste management being put upon the taxpayers? What incentive do companies have to deal with the waste they're creating? There is none. They just package their products, sell them, dust off their hands and say, done! They're not done.

Somewhere in the past the public was like, hey, what are we going to do with all this rubbish? That was when we made a mistake, because instead of making industry deal with the rubbish, we said, "Well, let's take it somewhere and dump it." Then the local municipality noticed all these piles of rubbish and garbage all over the place, so they passed some laws and forced the citizens to dump all their rubbish in one giant pile. And maybe that was fine when the population of Earth was less than 3 billion, but now, there's 8 billion people buying billions of tons of commodities every year. Now humanity is finally starting to realize that we live on a finite sphere and that life consists of only a micro thin layer on the surface of that sphere. People have to admit that matter and energy can't be created or destroyed. That can mean only one thing, linear thinking is an illusion, it doesn't exist in reality. Everything is cyclical in the Universe and we have to accept that truth. The concept that a resource can be extracted from nature and then be discarded in an endlessly linear fashion is delusional and completely ignores the laws of physics. Believe me, you can ignore the laws of man, but you can't ignore the laws of physics.

Should we unbox our products in the store right after we buy them and leave a pile right there at the register, making the store owner deal with it? Should we reverse the flow of empty packaging back to the manufacturer, load up the container that everything came in with all the packaging? Then send it back to the distribution center where it can be sorted and reloaded into other containers and sent to the company of origin? Truthfully, I'd like to see that. I'd like to see the look on the manager's face when the truck pulls into their loading dock and the workers open the door, surprise; it's packed full of plastic and cardboard. Oh, you better believe waste management would become the number one issue in America. Suddenly you would see executives in emergency meetings trying to solve this problem. Ultimately, they would realize the most cost effective solution for them would be to eliminate disposable packaging. Corporations would set up cleaning and repackaging operations immediately. Before any product was manufactured, corporations would design packaging that would factor in the cost of post sale expenses. They would first see if they could eliminate packaging and ship in bulk, if that wasn't feasible they would then try for a reusable packaging

system and if that wasn't feasible, they would design packaging that was truly easy and cost effective to recycle.

It's funny how humanity allows corporations to dump their waste on us. We don't even think about it, and on April 15th we all whine and complain about paying taxes. We pay them for the rubbish, then we pay them again to dispose of it, what a racket. This time I'm against socializing costs. The price of a product should reflect the cost of packaging management at the point of sale. Oh, but people might not buy as much stuff if it were more expensive. It's not more expensive, the only difference would be, consumers would know how much they're paying before they buy. The way it is now, they're being lied to. They think the cost of that bottle of water is two dollars, they don't realize that they just increased their tax burden by fifty cents.

HB2399 is really about telling the truth. Please pass HB2399, because we can no longer hide from the truth. We can no longer pretend that resources are limitless and nature's ability to absorb our pollution is infinite; that's a lie. It's time to tell the truth.

**HB-2399**

Submitted on: 2/3/2022 5:04:51 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

The 4Rs

RESPONSIBLE GOVERNMENT, MANUFACTURERS, CONSUMERS

REDUCE

RECYCLE

REFUSE

**HB-2399**

Submitted on: 2/3/2022 6:55:00 AM

Testimony for EEP on 2/3/2022 9:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James Trujillo	Individual	Support	No

Comments:

mahalo for accepting this testimony in favor of passing HB 2399  
we need to have legislation in place to address the solid waste issues that our state faces every day. HB 2399 attempts to move the needle in reducing waste and increasing recycled content in our consumer products.  
please pass HB2399 to move us closer to a sustainable Hawai'i

with respect and aloha,

james g trujillo  
po box 33  
kapa'a, HI

96746