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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii does not have  
2 a sustainable solid waste management system. Most waste created  
3 in the State is landfilled or incinerated, which represents a  
4 linear waste stream, is costly, and creates pollution that is  
5 harmful to the health of the environment and to the residents of  
6 the State. Landfills discharge leachate, a contaminated and  
7 often highly toxic fluid, which has the potential for leakage  
8 that can harm groundwater, surrounding communities, and the  
9 nearshore and marine resources downslope. On Oahu, the landfill  
10 produces around nine thousand eight hundred gallons of leachate  
11 per day, where the potential for leakage of leachate threatens  
12 Oahu's drinking water supply. Waste that is incinerated can be  
13 used to produce energy, but this process still produces air  
14 pollutants, greenhouse gases, and toxic ash, as more than four  
15 hundred tons of toxic ash from H-Power are buried in the  
16 landfill every day.



1 A linear waste management system is characterized by a  
2 take-make-dispose model, where virgin resources are extracted  
3 and goods are produced and then discarded, leading to waste  
4 production and the depletion of resources. In a linear economy,  
5 taxpayers and their local government bear the costs associated  
6 with waste management. In contrast, a circular economy is  
7 designed to keep resources in use for as long as possible,  
8 reducing waste and promoting sustainability. A circular economy  
9 prioritizes waste reduction and creates a closed-loop system  
10 where producers are accountable for the cost of disposal of  
11 their products, creating market-based incentives for waste  
12 reduction and product redesign that reduces waste at the source  
13 and facilitates reuse, composting, and recycling.

14 A zero-waste initiative in Hawaii would elevate these  
15 circular economy principles and put them at the center of the  
16 State's waste management strategies, broadly redirecting state  
17 agencies tasked with overseeing solid waste management to  
18 prioritize source reduction, reuse, refill, and composting and  
19 to improve the availability of recycling services for waste that  
20 cannot be avoided, reused, or composted. The adoption of a  
21 zero-waste initiative would lead the shift away from the linear



1 waste system and toward a circular economy that is more  
2 sustainable, will create green jobs, and will reduce costs for  
3 waste management borne by taxpayers. It would also address  
4 environmental and public health concerns posed by Hawaii's  
5 overflowing landfills. As a remote island state reliant on  
6 tourism, extended producer responsibility is an essential  
7 component of a circular economy, as it places shared  
8 responsibility for a product's lifecycle, including end-of-life  
9 management, onto the producers of the product. This encourages  
10 more sustainable product design that leads to less waste and  
11 more reusable and fully recyclable products.

12 Extended producer responsibility programs can exist for  
13 almost any product type. There are existing programs in other  
14 jurisdictions that cover a range of products including carpets,  
15 large appliances, e-waste, packaging waste, prescription drugs,  
16 batteries, paint, pesticides, tires, photovoltaic panels, used  
17 motor oil, and mattresses. Under these programs, producers are  
18 responsible for ensuring that services are available to reclaim  
19 and recycle products when they reach the end of their useful  
20 life. Countless tons of waste and virgin resources are avoided  
21 when these programs are implemented. Additionally, extended



1 producer responsibility programs for packaging waste exist in  
2 Europe and Canada and in recent years have been adopted in  
3 California, Colorado, Maine, and Oregon, and proposed in many  
4 other state legislatures.

5 The goal of this Act is to lay the foundation for the  
6 creation of a sustainable future for Hawaii and its residents by  
7 reducing waste, minimizing resource inputs, and promoting a  
8 closed-loop system that will benefit the environment and the  
9 economy.

10 The purpose of this Act is to protect the environment and  
11 reduce costs to taxpayers by establishing a zero waste  
12 initiative and packaging waste reduction and reuse program, with  
13 participation and funding from large producers of consumer  
14 packaged goods. The program shall be developed through:

- 15 (1) An implementation plan that:
- 16 (A) Requires the department of health, with the  
17 assistance from each county, to develop an  
18 assessment of statewide needs to determine  
19 resources required to reduce packaging waste by  
20 seventy per cent from the baseline amount, with  
21 priority on waste prevention through eliminating



- 1 unnecessary packaging and switching to reusable  
2 packaging systems;
- 3 (B) Establishes an advisory council composed of  
4 relevant stakeholders that will advise the  
5 department of health on how to structure a  
6 producer-funded packaging reduction and reuse  
7 program; and
- 8 (C) Requires the department of health to develop the  
9 packaging waste reduction and reuse program; and
- 10 (2) A packing waste reduction and reuse plan and program  
11 that:
- 12 (A) Develops a packaging waste reduction and reuse  
13 program implementation plan by December 31, 2026,  
14 including decisions on producer funding after  
15 public process; and
- 16 (B) Beginning July 1, 2027, implements a packaging  
17 waste reduction and reuse plan funded in whole or  
18 in part by producers.

19 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
20 amended by adding a new part to be appropriately designated and  
21 to read as follows:



1 "PART . ZERO WASTE INITIATIVE AND PACKAGING REDUCTION AND  
2 REUSE PROGRAM

3 §342G-A Definitions. Whenever used in this part, unless a  
4 different meaning clearly appears from the context:

5 "Advisory council" means the packaging waste advisory  
6 council established pursuant to section 342G-C.

7 "Baseline amount" means the weight and number of items of  
8 packaging waste each county determines was sent to its  
9 landfills, a power plant that burns municipal solid waste as a  
10 fuel, or both, during calendar year 2024.

11 "Brand" means a name, symbol, word, or mark that identifies  
12 a product, rather than its components, and attributes the  
13 product to the owner of the brand.

14 "Consumer packaged goods" means a product that is sold  
15 quickly and at a relatively low cost, such as prepared food and  
16 beverages in food service, packaged foods, non-deposit  
17 beverages, household cleaning products, toiletries, personal  
18 care products, cosmetics, over-the-counter drugs, pet supplies,  
19 and other products, as determined by the department upon  
20 considering the recommendations of the advisory council.



1 "Covered producer" means a packaging producer selling a  
2 large amount of consumer packaged goods in the State, as  
3 determined by the department upon considering the  
4 recommendations of the advisory council, but shall not include  
5 producers of low or medium amounts as defined by rule by the  
6 department.

7 "Packaging reduction" means the reduction of the weight and  
8 number of items of packaging used to provide products for  
9 consumption.

10 "Person" means any individual, partnership, firm,  
11 association, public or private corporation, limited liability  
12 company, not-for-profit organization, public benefit  
13 corporation, public authority, federal agency, the State or any  
14 of its political subdivisions, trust, estate, or any other legal  
15 entity.

16 "Producer", with respect to packaging material, means:

17 (1) Any person, except for the State or any of its  
18 political subdivisions, that manufactures or uses in a  
19 commercial enterprise, sells, offers for sale, or  
20 distributes the packaging material in the State under  
21 the brand of the manufacturer;



1           (2) An entity that is not the manufacturer of the  
2           packaging material but is the owner or licensee of a  
3           trademark under which the covered product is used in  
4           commercial enterprise, sold, offered for sale, or  
5           distributed in the State, whether or not the trademark  
6           is registered; or

7           (3) An entity that imports the packaging material into the  
8           United States or the State for use in a commercial  
9           enterprise, sale, offer for sale, or distribution in  
10          the State.

11          "Returnable" means that a product can be conveniently  
12          returned after use to a reuse or return system.

13          "Reusable packaging" means a product or packaging that is:

- 14          (1) Reusable, refillable, or returnable;
- 15          (2) Non-toxic;
- 16          (3) Safe for washing and sanitizing according to  
17          applicable state food safety laws; and
- 18          (4) Part of a system that achieves multiple cycles of use,  
19          equitable access, and reduce waste.

20          "Reuse and refill" means the return of packaging back into  
21          the economic stream for use in the same kind of application





1 intended for the original packaging, without changing the  
2 original composition or purpose of the product or the components  
3 thereof.

4 "Zero waste" means the conservation of all resources by  
5 means of responsible production, consumption, reuse, and  
6 recovery of products, packaging, and materials without burning  
7 and with no discharges to land, water, or air that threaten the  
8 environment or human health.

9 **§342G-B Hawaii zero waste initiative.** (a) There is  
10 established within the department a Hawaii zero waste initiative  
11 with the goal of sending zero waste to the landfill or to  
12 incineration.

13 (b) The department shall, by rule, establish dates and  
14 interim goals under the Hawaii zero waste initiative by which  
15 the State shall achieve a twenty-five per cent, fifty per cent,  
16 and seventy-five per cent reduction in the amount of waste going  
17 to the landfill or incineration.

18 (c) Under the Hawaii zero waste initiative, the department  
19 shall:

20 (1) Facilitate a transition from a linear economy to a  
21 circular economy;



- 1 (2) Establish policies and programs that reduce waste and  
2 consumption and maximize reuse, refill, composting,  
3 and recycling;
- 4 (3) Seek to reduce the amount of toxic and hazardous waste  
5 that is imported into the State and poses a risk to  
6 air quality, water quality, and groundwater resources  
7 and otherwise creates dangerous pollution when used or  
8 disposed of;
- 9 (4) Where feasible, seek market-based solutions that  
10 internalize the external costs to producers that have  
11 been borne by taxpayers in the past, beginning with  
12 considering programs for products that have successful  
13 extended producer responsibility programs in other  
14 jurisdictions, including but not limited to carpets,  
15 large appliances, electronic waste, packaging waste,  
16 prescription drugs, batteries, paint, pesticides,  
17 tires, photovoltaic panels, used motor oil, and  
18 mattresses;
- 19 (5) Seek to learn from policies implemented in other  
20 jurisdictions, while also considering the State's  
21 unique needs and the needs of each county;



- 1 (6) Work with other state agencies, counties, and the
- 2 private sector to implement the Hawaii zero waste
- 3 initiative;
- 4 (7) Conduct public outreach and education statewide about
- 5 the Hawaii zero waste initiative; and
- 6 (8) Provide an annual report to the legislature on the
- 7 progress and implementation of the Hawaii zero waste
- 8 initiative.

9 **§342G-C Packaging waste advisory council; duties;**

10 **established.** (a) On or before January 1, 2025, the department  
11 shall establish a packaging waste advisory council, which shall  
12 advise the department on the needs assessment pursuant to  
13 section 342G-D and packaging waste reduction and reuse plan  
14 pursuant to section 342G-F.

15 (b) The advisory council shall:

- 16 (1) Provide recommendations to the department on how best
- 17 to achieve a seventy per cent reduction in packaging
- 18 waste sent to landfills or incinerated;
- 19 (2) Advise the department in the development of a
- 20 producer-funded packaging waste reduction and reuse
- 21 program that addresses the following:



- 1 (A) The types of materials being used for packaging
- 2 by product, products eligible for reuse and
- 3 refill, and products targeted for waste reduction
- 4 and diversion;
- 5 (B) The costs to transition to systems that reduce
- 6 waste or encourage reusable packaging and the
- 7 portion of those costs that will be covered by
- 8 producers;
- 9 (C) The programs and infrastructure that are needed
- 10 in Hawaii to divert packaging waste from
- 11 landfilling and incineration and the costs of
- 12 developing and running those waste diversion
- 13 programs;
- 14 (D) The needs and costs to improve Hawaii's packaging
- 15 materials collection systems and sorting and
- 16 processing facilities, including the portion of
- 17 the costs that will be covered by producers;
- 18 (E) The size of producers to be included as covered
- 19 producers engaged in the packaging waste
- 20 reduction and reuse program;



- 1 (F) The metrics that should be utilized to determine
- 2 the amount of fees collected from producers;
- 3 (G) The metrics that should be used to determine the
- 4 baseline amount of packaging generated by each
- 5 producer and for subsequent reporting, noting
- 6 that weight alone shall not be considered a
- 7 sufficient metric since transitioning to single-
- 8 use plastic to meet the requirements of reduction
- 9 is not considered acceptable;
- 10 (H) The covered products to include in the packaging
- 11 waste reduction and reuse program;
- 12 (I) The packaging material requirements that
- 13 producers shall follow and the timeline for
- 14 meeting such requirements;
- 15 (J) The state and county staffing needs to support
- 16 the packaging waste reduction and reuse program;
- 17 (K) The administrator of the packaging waste
- 18 reduction and reuse program; and
- 19 (L) Viable alternative packaging solutions for
- 20 locally made and imported products;



1 (3) For non-ex-officio members only, be subject to section  
2 26-34; and

3 (4) Perform any relevant analysis and make appropriate  
4 recommendations for the legislature, department,  
5 counties, and other stakeholders in developing  
6 criteria for reuse and refill programs.

7 The advisory council's recommendations shall include how to  
8 transition each county to develop and integrate new programming,  
9 or expand existing programming, to achieve the goals of the  
10 packaging waste reduction and reuse program to be developed and  
11 implemented pursuant to section 342G-F.

12 (c) The advisory council shall consist of the following  
13 members:

14 (1) The director of health or the director's designee, who  
15 shall serve as the chair of the advisory council;

16 (2) The chairs of the standing committees in the senate  
17 and the house of representatives with primary subject  
18 matter jurisdiction over the environment or the  
19 chairs' designees;



- 1           (3) A representative from the city and county of Honolulu  
2           department of environmental services with experience  
3           in sustainable waste management;
- 4           (4) A representative from the county of Maui department of  
5           environmental management with experience in  
6           sustainable waste management;
- 7           (5) A representative from the county of Kauai department'  
8           of public works with experience in sustainable waste  
9           management;
- 10          (6) A representative from the county of Hawaii department  
11          of environmental management with experience in  
12          sustainable waste management;
- 13          (7) One representative of a community organization in each  
14          of the four counties that has focused on packaging  
15          waste reduction, nominated by the chair;
- 16          (8) One expert in governmental activities regarding  
17          programs to achieve packaging waste reduction  
18          nationally and internationally, selected by the chair;
- 19          (9) Three representatives of large producers of packaging  
20          waste from consumer packaging goods in Hawaii,  
21          nominated by the chair;



- 1 (10) One representative from a Hawaii small business that  
2 manufactures products in the State, nominated by the  
3 chair;
- 4 (11) Two national experts in reusable packaging who are not  
5 affiliated with any packaging producers in Hawaii,  
6 nominated by the chair; and
- 7 (12) Two representatives from recycling and waste hauling  
8 businesses working in Hawaii, nominated by the chair.
- 9 (d) The members of the advisory council shall serve for  
10 two-year terms and may be reappointed by the chair. The members  
11 shall serve without compensation but shall be reimbursed by the  
12 department for expenses, including travel expenses, necessary  
13 for the performance of their duties.
- 14 (e) The chair shall determine how often the advisory  
15 council shall meet. The council meetings shall be open to the  
16 public and are subject to chapter 92. The department shall  
17 provide administrative support to the advisory council. The  
18 department may hire a facilitator to administer the advisory  
19 council.
- 20 **§342G-D Needs assessment.** (a) The department, with  
21 assistance from each county and advice and input from the





1 advisory council, shall develop a statewide needs assessment,  
2 which shall detail the resources needed to reduce packaging  
3 waste from each respective county's baseline amount by seventy  
4 per cent by 2030; provided that for a county with a population  
5 greater than five hundred thousand:

6 (1) The needs assessment shall detail the resources needed  
7 to reduce the county's packaging waste that the county  
8 sends to a landfill or to a power plant that burns  
9 municipal solid waste as a fuel; and

10 (2) The county shall categorize its resource needs by  
11 method of packaging waste disposal.

12 (b) The department shall compile the needs assessments and  
13 consolidate them along with any recommendations made by the  
14 counties and work with the advisory council to develop an  
15 implementation plan as described in section 342G-E; provided  
16 that priority shall be given to packaging reuse and refill  
17 programs.

18 **§342G-E Packaging waste special fund.** (a) There is  
19 established in the state treasury the packaging waste special  
20 fund into which shall be deposited:



- 1 (1) All fees, payments, and penalties collected by the
- 2 department pursuant to this part;
- 3 (2) Any appropriation by the legislature into the special
- 4 fund;
- 5 (3) Any grant or donation made to the special fund; and
- 6 (4) Any interest earned on the balance of the special
- 7 fund.
- 8 (b) The packaging waste special fund shall be administered
- 9 by the department.

10 **§342G-F Packaging waste reduction and reuse plan and**  
11 **program; implementation.** (a) The department shall develop a  
12 producer-funded waste reduction and reuse plan to implement a  
13 packaging waste reduction and reuse program to achieve the goal  
14 of a seventy per cent reduction of the amount of packaging waste  
15 deposited in landfills or incinerated in the State by 2030. The  
16 plan shall:

- 17 (1) Identify covered producers and covered products;
- 18 (2) How fees shall be set;
- 19 (3) How reduction shall be measured; and
- 20 (4) Reporting requirements for the producers;



1 provided that reduction shall not be measured by reducing the  
2 weight of packaging as it is against the goals of the State to  
3 increase the use of single-use plastics.

4 (b) By July 1, 2026, the department shall issue a draft  
5 implementation plan designed to achieve a seventy per cent  
6 reduction of packaging waste deposited in landfills or  
7 incinerated in the State by 2030 for review and comment by the  
8 advisory council. Within sixty calendar days after receiving  
9 the draft plan, the advisory council shall provide  
10 recommendations based on majority vote. Any advisory council  
11 member who does not endorse the recommendations of the council  
12 may submit a separate written recommendation to the department  
13 reflecting a minority opinion. The department shall consider  
14 the recommendations of the advisory council in developing the  
15 final draft for public review. By December 31, 2026, the  
16 department shall publish a final draft implementation plan for  
17 public review and comment pursuant to chapter 91. The public  
18 shall have ninety calendar days to provide written and oral  
19 comment. The department shall consider public input in  
20 developing a final plan.



1 (c) On or before July 1, 2027, the department shall  
2 publish a final packaging waste reduction and reuse  
3 implementation plan, including an implementation strategy  
4 designed to achieve a seventy per cent reduction of packaging  
5 waste deposited in landfills or incinerated in the State by  
6 2030, with funding in whole or in part from covered producers  
7 beginning on July 1, 2026.

8 **§342G-G Hiring process initiation.** The department and  
9 counties shall prepare to implement the packaging waste  
10 reduction and reuse program beginning July 1, 2027.

11 **§342G-H Rules.** The department may adopt rules pursuant to  
12 chapter 91 necessary to implement this part.

13 **§342G-I Annual report.** The department shall submit an  
14 annual report to the legislature no later than twenty days prior  
15 to the convening of each regular session, beginning one year  
16 after the establishment of the packaging waste reduction and  
17 reuse program. The report shall contain a summary of the  
18 following:

- 19 (1) Progress made toward achieving the seventy per cent  
20 packaging waste reduction goal, including the amount  
21 of packaging eliminated by weight and number of items;



- 1           (2) The needs assessments;
- 2           (3) Moneys deposited into the packaging waste special
- 3                 fund;
- 4           (4) The use of any moneys from the packaging waste special
- 5                 fund; and
- 6           (5) Any other findings and recommendations, including any
- 7                 proposed legislation.

8           **§342G-J Applicability.** This part shall not apply to any  
 9 material that is regulated by the department as a deposit  
 10 beverage or used in the packaging of a product that is regulated  
 11 as a drug, medical device, or dietary supplement by the United  
 12 States Food and Drug Administration under the Federal Food,  
 13 Drug, and Cosmetic Act or the Dietary Supplement Health and  
 14 Education Act of 1994."

15           SECTION 3. There is appropriated out of the general  
 16 revenues of the State of Hawaii the sum of \$                    or so  
 17 much thereof as may be necessary for fiscal year 2023-2024 and  
 18 the same sum or so much thereof as may be necessary for fiscal  
 19 year 2024-2025 to be deposited into the packaging waste special  
 20 fund established pursuant to section 342G-E, Hawaii Revised  
 21 Statutes.



1 SECTION 4. There is appropriated out of the packaging  
 2 waste special fund established pursuant to section 342G-E,  
 3 Hawaii Revised Statutes, the sum of \$ or so much  
 4 thereof as may be necessary for fiscal year 2023-2024 and the  
 5 same sum or so much thereof as may be necessary for fiscal year  
 6 2024-2025 for the department of health to fund contractors or  
 7 two full-time equivalent (2.0 FTE) permanent packing reduction  
 8 coordinator positions; provided that one coordinator position  
 9 shall administer the packaging reduction program and assist the  
 10 counties and one coordinator position shall develop rules,  
 11 oversee and manage goals and objectives related to packaging  
 12 waste reduction, and develop reports.

13 The sums appropriated shall be expended by the department  
 14 of health for the purposes of this Act.

15 SECTION 5. There is appropriated out of the packaging  
 16 waste special fund established pursuant to section 342G-E,  
 17 Hawaii Revised Statutes, the sum of \$ or so much  
 18 thereof as may be necessary for fiscal year 2023-2024 and the  
 19 same sum or so much thereof as may be necessary for fiscal year  
 20 2024-2025 to fund and manage the packaging waste advisory



1 council established pursuant to section 342G-C, Hawaii Revised  
2 Statutes, including any facilitator.

3 The sums appropriated shall be expended by the department  
4 of health for the purposes of this Act.

5 SECTION 6. This Act shall take effect on June 30, 3000.



**Report Title:**

Packaging Waste Reduction and Reuse Plan and Program; Department of Health; Producer; Appropriation

**Description:**

Establishes the Hawaii zero waste initiative to, among other things, manage the State's transition to zero solid waste to the landfill and to incineration. Establishes the packaging waste advisory council. Requires the department of health to develop an assessment of statewide needs to determine the resources required to reduce packaging waste by seventy percent from the baseline amount. Establishes a packaging waste reduction and reuse program. Appropriates funds. Effective 6/30/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

