

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 1326
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Health and Human Services, to which was referred H.B. No. 1326, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Hawaii Zero Waste Initiative to, among other things, manage the State's transition to a zero solid waste economy;
- (2) Establish the Packaging Waste Advisory Council;
- (3) Require 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;
- (4) Require the Department of Health to establish a Packaging Waste Reduction and Reuse Program;
- (5) Establish the Packaging Waste Special Fund; and
- (6) Appropriate funds.



Your Committees received testimony in support of this measure from the Department of Health, Department of Budget and Finance, Hawai'i Climate Change Mitigation and Adaptation Commission, Council Chair of the Hawai'i County Council, one member of the Hawai'i County Council, Department of Environmental Management of the County of Hawai'i, Office of the Mayor of the County of Maui, Hawai'i State Association of Counties, Sierra Club of Hawai'i, Upstream, Hawai'i Alliance for Progressive Action, Zero Waste Kauai, Hawai'i Reef and Ocean Coalition, Climate Protectors Hawai'i, 350Hawaii, Wild Kids, Hawaii Environmental Change Agents Solid Waste Task Force, Zero Waste Hawai'i Island, NO POHŌ, Energy and Climate Action Committee and Agriculture and Food Security Committee of the Environmental Caucus of the Democratic Party of Hawai'i, and thirty-four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Manufacturers Association; American Chemistry Council; Ameripen; Flexible Packaging Association; The Toy Association; Hawaiian Host Group; Consumer Technology Association; Wine Institute; Consumer Brands Association; Foodservice Packaging Institute; FCH Enterprises; Triple F Holdings, LLC; American Beverage; Island Plastic Bags, Inc; and one individual. Your Committees received comments on this measure from Sustainable Food Policy Alliance, Plastics Industry Association, and Hawai'i Restaurant Association.

Your Committees recognize that Hawaii's failures to account for the continuous production of solid waste and the externalized costs of a consumption-based economy have resulted in significant and ever-growing impacts to the environment, public health, and overall quality of life in the State. Leachates from landfills threaten to contaminate water resources; toxic emissions and ash from Oahu's waste-to-energy incineration facility have raised the risks of lung and heart disease, neurological complications, reproductive issues, and cancer; and the limited land and sensitive ecosystems severely limit the space available to receive and store waste byproducts. Your Committees therefore find that addressing the pollution of packaging waste will substantially benefit the State and protect the long-term well-being of the environment, economy, and public health. By establishing a foundational framework to reduce, reuse, and repurpose solid waste streams, this measure takes momentous strides in ensuring that the Hawaiian islands can continue to sustain themselves with fortitude



and grace, and with it, the people's social and economic systems that rely on a healthy and prosperous natural environment.

Your Committees have amended this measure by:

- (1) Deleting language that would have established a Packaging Waste Reduction and Reuse Program and Packaging Waste Special Fund, and appropriated monies from the special fund for the Department of Health to fund contractors or packing reduction coordinator positions for the Program;
- (2) Deleting language that would have required the Department of Health, by rule, to establish dates and interim goals under the Hawaii Zero Waste Initiative;
- (3) Revising the role, duties, and membership of the Packaging Waste Advisory Council;
- (4) Inserting language to allow for the establishment of a nonprofit producer responsibility organization;
- (5) Revising the requirements of the statewide needs assessment;
- (6) Allowing the Department of Health to contract with a third party for assistance in preparing the needs assessment;
- (7) Allowing the Department of Health to charge covered producers or the producer responsibility organization for reimbursement of costs of the needs assessment;
- (8) Requiring the Department of Health, in collaboration with the Packaging Waste Advisory Council and nonprofit producer responsibility organization, to develop a proposal to implement a producer-funded packaging reduction, reuse, and recycling program to achieve the goal of seventy percent reduction in packaging waste deposited in landfills or incinerated in the State by 2035;



- (9) Requiring the Department of Health to submit draft legislation to implement the producer-funded Packaging Reduction, Reuse, and Recycling Program, based on the needs assessment and input from the Packaging Waste Advisory Council and nonprofit producer responsibility organization, to the Legislature by December 31, 2026;
- (10) Excluding other producers as determined by the Department of Health from the definition of "covered producer";
- (11) Adding definitions of "packaging", "packaging waste", "producer responsibility organization", "recycle" or "recycling", and "reusable";
- (12) Updating definitions of "producer", "returnable", "reusable packaging", and "reuse and refill";
- (13) Amending section 1 to reflect its amended purpose; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1326, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1326, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Agriculture and
Environment and Health and
Human Services,



JOY A. SAN BUENAVENTURA, Chair

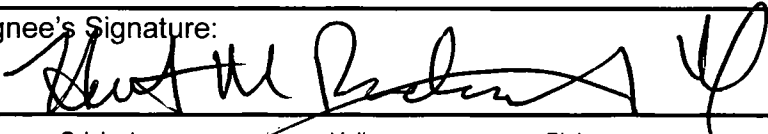


MIKE GABBARD, Chair



The Senate
Thirty-Second Legislature
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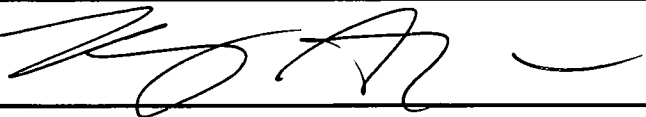
Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1326, HD1	AEN/HHS, WAM	03-20-23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312				
<input checked="" type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)		X		
DECOITE, Lynn		X		
RHOADS, Karl	X			
AWA, Brenton			X	
TOTAL	2	2	1	
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 1326 HD1</i>	<i>AEN/HHS, NAM</i>	<i>3/20/23</i>
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
SAN BUENAVENTURA, Joy A. (C)	✓	
AQUINO, Henry J.C. (VC)	✓	
MORIWAKI, Sharon Y.		✓
SHIMABUKURO, Maile S.L.	✓	
AWA, Brenton		✓
TOTAL	<i>3</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

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