

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

In reply, please refer to:  
File:

**Testimony in SUPPORT of HB1326 HD1  
RELATING TO THE ENVIRONMENT**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES  
SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/20/2023

Room Number: 224

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 Personnel and resources necessary to implement HB1326 HD1 will be met by this  
5 proposed bill. The Department estimates that \$350,000 of general revenues will be necessary in  
6 fiscal year 2024 and \$350,000 of general revenues will be necessary in fiscal year 2025, to be  
7 deposited into the packaging waste special fund. This would provide for two full-time equivalent  
8 (2.0 FTE) permanent positions established by HB1326 HD1 at \$100,000 each in fiscal year 2024  
9 and fiscal year 2025, and an additional \$150,000 each fiscal year for professional services and  
10 other miscellaneous costs to facilitate the packaging waste advisory council meetings.

11 **Department Testimony:** The Department supports HB1326 HD1 to establish a zero-waste  
12 initiative and address packaging waste by convening an advisory council, developing an  
13 assessment and implementation plan with the advisory council, and implementing  
14 recommendations to establish a Packaging Waste Reduction and Reuse Program to address  
15 packaging waste in the State. Packaging waste is a significant pollutant and addressing  
16 packaging waste will benefit the State and protect the environment, economy, and public health.  
17 The cost to manage packaging waste is currently borne by taxpayers in the State and counties

1 through landfill fees and property taxes, and HB1326 HD1 proposes a solution that requires  
2 producers of excessive packaging waste be accountable for their packaging decisions, otherwise  
3 known as extended producer responsibility (EPR).

4 There are currently four states that have implemented significant EPR legislation:  
5 California, Colorado, Maine, and Oregon. Each state has implemented its own variation of EPR  
6 tailored to their respective markets and unique needs. In Hawai'i, the Department currently  
7 implements the Electronic Device Recycling and Recovery Act, which is comparable to an EPR  
8 model as it shifts the burden of recycling used electronics from the individual taxpayer and onto  
9 the manufacturer of the eligible electronic device.

10 The Department continues to focus on improving the State's solid waste stream reduction  
11 rate and achieving its reduction goals. In late-October 2022, the Department executed a contract  
12 and encumbered funds to update the State Integrated Solid Waste Management (ISWM) plan.  
13 The State identified eight solid waste stream discussion topics to be addressed in the ISWM plan  
14 update. One of the solid waste stream discussion topics is packaging. A ninth solid waste stream  
15 discussion topic will involve the evaluation and assessment of current State recycling programs,  
16 and a tenth solid waste stream discussion topic has been left open to address one additional solid  
17 waste stream issue that is identified during discussions. The Department's contractor is tasked  
18 with developing a problem statement centered around each solid waste stream discussion topic,  
19 performing a comparative analysis that examines statutory and/or programmatic approaches that  
20 other states take to address similar solid waste stream issues, and highlighting potential solutions  
21 to address solid waste issues while considering the State's unique demographic and economic  
22 variables. One of the potential solutions that the contractor is required to evaluate for each solid  
23 waste stream discussion topic is EPR. An assembled task force that will be assisting the  
24 Department with the State ISWM plan update will use the information provided by the  
25 Department's contractor to address each solid waste stream topic. The Department estimates that  
26 its ISWM plan update will be completed in 2024.

27 The Department is also applying for federal grant funds from the United States (US)  
28 Environmental Protection Agency (EPA) through the US EPA's Solid Waste Infrastructure for  
29 Recycling (SWIFR) Grant Program. SWIFR grant funds can be used by the Department to  
30 develop comprehensive data collection efforts, and the Department has submitted a proposal to  
31 the US EPA to conduct a statewide waste characterization study. The Department anticipates

1 learning of its funding allocation this summer and receiving its award in the fall. After award, the  
2 Department will procure the services of a contractor to conduct the study, with an anticipated  
3 start date in mid-2024 and completion in 2025.

4 The Department's planning activities highlighted above will be instrumental in  
5 facilitating the advisory council's decision-making process and developing a packaging waste  
6 reduction and reuse plan. The Department would like to note that the advisory council and  
7 implementation plan may determine that legislative authority regarding program establishment,  
8 funding, or fee structures will need to be enacted prior to implementation, and the Department  
9 may need time to partner with the State Legislature to develop supporting legislation prior to full  
10 Packaging Waste Reduction and Reuse Program implementation.

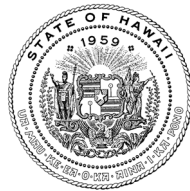
11 The Department respectfully requests a minor technical revision on page 20, line 7 to  
12 change the date from July 1, 2026, to July 1, 2027, for consistency.

13 Thank you for the opportunity to testify.

14 **Offered Amendments:** Additions appear as underlined, and deletions appear as bracketed  
15 strikeouts:

16 §342G-F (c) "... with funding in whole or in part from covered producers beginning on  
17 July 1, [~~2026~~] 2027."

JOSH GREEN, M.D.  
GOVERNOR



LUIS P. SALAVERIA  
DIRECTOR

SABRINA NASIR  
DEPUTY DIRECTOR

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

STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE  
*Ka 'Oihana Mālama Mo'ohelu a Kālā*  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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

**WRITTEN ONLY**

TESTIMONY BY LUIS P. SALAVERIA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND  
AGRICULTURE AND ENVIRONMENT  
ON  
HOUSE BILL NO. 1326, H.D. 1

**March 20, 2023**  
**1:30 p.m.**  
**Room 224 and Videoconference**

RELATING TO THE ENVIRONMENT

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

House Bill (H.B.) No. 1326, H.D. 1:

- Requires the Department of Health (DOH), by rule, to establish dates and interim goals to reduce the amount of waste going to the landfill or incineration.
- Establishes a Packaging Waste Advisory Council (PWAC) and specifies the organization and duties and responsibilities of the PWAC.
- Requires DOH to establish a statewide needs assessment to detail the resources needed to reduce packaging waste in each county.
- Establishes a Packaging Waste Special Fund (PWSF) to be administered by DOH.
- Requires DOH to establish a producer-funded waste reduction and reuse plan to implement a packaging waste and reuse program.
- Requires: 1) DOH to issue a draft implementation plan by July 1, 2026; 2) the PWAC to provide recommendations based on a majority vote within 60 calendar days of receipt of the draft plan; 3) DOH to publish a final draft implementation plan

for public review by December 31, 2026; and 4) DOH to publish a final packaging waste reduction and reuse implementation plan by July 1, 2027.

- Allows DOH to adopt rules pursuant to Chapter 91, HRS, to implement this bill.
- Requires DOH to submit an annual report to the Legislature that contains a summary of the progress made toward achieving the packaging waste reduction goal, the needs assessments, and the revenues and expenditures of the PWSF.
- Appropriates an unspecified amount in general funds in FY 24 and FY 25 for deposit into the PWSF.
- Appropriates an unspecified amount from the PWSF in FY 24 and FY 25 for contractors or 2.00 full-time equivalent permanent packing reduction coordinator positions.
- Appropriates an unspecified amount from the PWSF in FY 24 and FY 25 to fund and manage the PWAC.

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. 1326, H.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



STATE OF HAWAII  
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION  
COMMISSION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Co-Chairs:**  
Chair, DLNR  
Director, OPSD

**Commissioners:**  
Chair, Senate AEN  
Chair, Senate WTL  
Chair, House EEP  
Chair, House WAL  
Chairperson, HTA  
Chairperson, DOA  
CEO, OHA  
Chairperson, DHHL  
Director, DBEDT  
Director, DOT  
Director, DOH  
Chairperson, DOE  
Director, C+C DPP  
Director, Maui DP  
Director, Hawaii DP  
Director, Kauai DP  
The Adjutant General  
Manager, CZM

**Testimony of  
Leah Laramee  
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the Senate Committee on  
HEALTH AND HUMAN SERVICES  
&  
AGRICULTURE AND ENVIRONMENT**

**Monday, February 20, 2023  
1:30 PM  
State Capitol, Via Videoconference, Conference Room 224**

**In consideration of  
HOUSE BILL 1326 HOUSE DRAFT 1  
RELATING TO THE ENVIRONMENT**

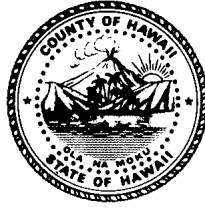
House Bill 1326 HD1 establishes the Hawai'i zero waste initiative, a packaging waste reduction and reuse program and the packaging waste advisory council. Requires the department of health (DOH) to develop an assessment of statewide needs to determine the resources required to reduce packaging waste by seventy percent from the baseline amount and appropriates funds. **The Climate Change Mitigation and Adaptation Commission (Commission) supports this bill.**

The Hawai'i Climate Change Mitigation and Adaptation Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. Much of the plastic waste that is disposed of in landfills results in the release of both methane and carbon dioxide. In 2008, 20 million tonnes (metric tons) of CO equivalent were released from the disposal of solid waste on land.<sup>i</sup> Materials consumption contributes directly to climate change because it requires energy to mine, extract, harvest, process and transport raw materials; more energy to manufacture, transport and dispose of waste products. Landfills are the top human-caused source of methane and the incineration of waste produces carbon dioxide as a by-product. Those items that can be recycled often are not for a variety of factors. The best way to reduce greenhouse emission from products is to eliminate packaging waste as much as possible. EPA estimates by cutting the amount of waste we generate by just 5 percent, we could reduce greenhouse gas emissions by 10.2 million metric tons.<sup>ii</sup> Mahalo for the opportunity to testify in support of this measure.

<sup>i</sup> Gregory, J (2010). Climate Change and Waste-The Missing Link [http://www.ccilap.org/pdf/ EPR](http://www.ccilap.org/pdf/EPR)

<sup>ii</sup> [Climate Change and Municipal Solid Waste Fact Sheet | Pay-As-You-Throw | US EPA](#)

**Jennifer Kagiwada**  
Council Member District 2 South Hilo



Office: (808) 961-8272  
jennifer.kagiwada@hawaiicounty.gov

## HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: March 17, 2023  
TO: House Committee on Finance  
FROM: Jennifer Kagiwada, Council Member  
Council District 2  
SUBJECT: HB 1326

Aloha Chair San Buenaventura, Vice Chair Aquino, Chair Gabbard, Vice Chair Richards, and Committee Members,

I am testifying in support of HB 1326 to establish the Hawai'i Zero Waste Initiative to help manage the State's transition to zero solid waste to the landfill and incineration, as well as developing a packaging waste advisory council. We must take action to hold producers financially responsible for the cost of managing packaging waste and reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste. We have a critical need to drastically reduce product packaging to help preserve our fragile environment and wildlife, with limited resources for recycling on our neighbor islands.

HB1326 HD1 would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriate funds for conducting the needs assessment and to contract or hire DOH staff.

Mahalo for the opportunity to testify in support of this bill.

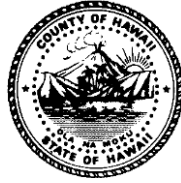
Mahalo,

Jenn Kagiwada



**Mitchell D. Roth**  
*Mayor*

**Lee Lord**  
*Managing Director*



**Ramzi I. Mansour**  
*Director*

**Brenda Iokepa-Moses**  
*Deputy Director*

# County of Hawai'i

## DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

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

March 17, 2023

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

Sen. Joy A. San Buenaventura, Chair, and  
Members on the Committee on Health and Human Services

Dear Chair Gabbard, Chair San Buenaventura, and Committee Members,

The County of Hawai'i Department of Environmental Management supports **HB 1326 HD1**, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027.

The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

This producer responsibility legislation, if enacted into law, will address the core issue of waste reduction by identifying, and by causing manufacturers to find, creative alternatives to divert and manage the many tons of packaging waste generated in the State each year, and will help us reach our sustainability goals.

Thank you for the opportunity to provide testimony.

A handwritten signature in black ink, appearing to read 'Ramzi Mansour'.

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

**RICHARD T. BISSEN, JR.**  
Mayor

**KEKUHAUPIO R. AKANA**  
Acting Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

March 17, 2023

**TO:** Honorable Rep. Kyle T. Yamashita, Chair  
Honorable Rep. Lisa Kitagawa, Vice Chair  
House Committee on Finance

**FROM:** Richard T. Bissen, Jr., Mayor  
Shayne R. Agawa, P.E., Acting Director of Environmental Management

**DATE:** March 17, 2023

**SUBJECT: SUPPORT OF HB1326, HD1, RELATING TO ENVIRONMENT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to protect the environment and reduce costs to taxpayers by establishing a zero-waste initiative and packaging waste reduction and reuse program, with participation and funding from large producers of consumer-packaged goods.

Packaging waste is of great concern for Maui County, specifically in addressing waste management, environmental related issues, and impacts to and from the business sector. It makes up for a large percentage of non-recyclable solid waste that must be managed, usually by municipalities at taxpayer expense. This problem must be addressed in order to further climate action goals, reduce dependence on landfills, as well as spur innovation and progress to support a circular economy.

Our administration **SUPPORTS** this measure for the following reasons:

1. The problem is extensive and complex, so it must be studied and understood before action can be taken. It is our position, that forming an advisory or working group will be the essential first step in that process. An advisory group will help us to better understand a complicated problem, study and determine baselines for the types and quantities of packaging waste on each island, and bring relevant stakeholders to the table to cooperatively plan for reduction strategies. This

includes efforts to improve packaging design, standardize materials, and to develop a potential Extended Producer Responsibility program for the State.

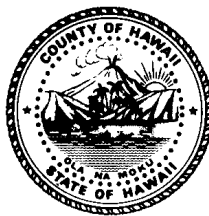
In comparison, the Department of Health convened the Plastics Source Reduction Working Group in 2019, mandated by Act 256. This Act offered the opportunity for a broad range of stakeholders, including the food service industry, beverage industry, all counties, state agencies, and environmental organizations to agree on specific policy recommendations. The COVID-19 pandemic prevented action on some of the recommend measures, however, the process was invaluable in generating collective recommendations.

2. This measure provides a reasonable way to approach the issue of packaging waste that will be inclusive of viewpoints from industry, government, and environmental advocacy groups. As a result, this group will be able to provide state-wide policy recommendations that represent all stakeholders.

We respectfully propose amendments to increase target dates by adding 2 years to comply. This will allow for a workable timeline for staff recruitment and preparation to implement the provisions of the bill.

For the foregoing reasons, we offer our **SUPPORT** of this measure.

**HEATHER L. KIMBALL**  
**COUNCIL CHAIR**  
Council District 1 (North Hilo,  
Hāmākua, and portion of Waimea)



Phone: (808) 961-8828  
Fax: (808) 961-8912  
Email: [Heather.Kimball@hawaiicounty.gov](mailto:Heather.Kimball@hawaiicounty.gov)

## HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.  
Hilo, Hawai'i 96720

March 19, 2023

Senate Committee on Agriculture and Environment  
Honorable Senator Mike Gabbard, Chair  
Senate Committee on Health and Human Services  
Honorable Senator Joy San Buenaventura, Chair  
**Submission via online testimony**

RE: **Support of HB 1326 HD1**

Dear Chair Gabbard and Chair San Buenaventura, and Members of the Agriculture and Environment and Health and Human Services Committees:

As the Chair of the Hawai'i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of HB 1326 HD1**, which initiates a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program.

With my environmental science background and expertise as a consultant experienced in the development of carbon mitigation and climate change adaptation plans, I see HB 1326, HD1 as a perfect opportunity make progress toward our climate positive and sustainability goals statewide. This legislation provides a clear route to address waste reduction through the lens of packaging materials. The expertise and oversight of DOH to conduct a statewide needs assessment, in determining the necessary resources to reduce packaging material going into landfills and incinerators, is critical in thereby outlining environmentally sound packaging mechanisms be utilized for the betterment of Hawai'i and beyond.

I encourage the passing of this bill as it will address the core issue of waste reduction, a focus that is critical for our environment going forward. Please feel free to contact me should you need to discuss my position and knowledge of this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Heather L. Kimball".

HEATHER L. KIMBALL

*Hawai'i County is an Equal Opportunity Provider and Employer.*



**Testimony of the**  
**Hawai'i State Association of Counties**  
**H.B. No. 1326 HD1**  
**Relating to the Environment**

Committee on Agriculture and Environment

Committee on Health and Human Services

Monday, March 20, 2023, 1:30 p.m.

The Hawai'i State Association of Counties (HSAC) supports H.B. No. 1326, H.D.1, which establishes a waste reduction and reuse program, known as extended producer responsibility (EPR), by utilizing an advisory committee of stakeholders to advise the Department of Health on how to structure a producer-funded packaging reduction and reuse program.

The implementation of a waste reduction and reuse program will help Hawai'i to address our landfill capacity problems and involve the producers that contribute to the problems caused by packaging waste, particularly single-use packaging to reduce the costs of waste management.

For these reasons, the Hawai'i State Association of Counties strongly supports H.B. 1326, HD1 and requests your favorable consideration of this measure.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 20, 2023      1:30 PM      Conference Room 224

### In **SUPPORT** of **HB1326 HD1**: Relating to the Environment

---

Aloha Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Committee members,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** HB1326 HD1, which would establish a long-due foundation for a transition towards a more sustainable, resilient, and stable economy and way of life for Hawai'i's residents.

Our islands' failures to account for our continuous production of solid waste, and the externalized costs of our consumption-based economy, have resulted in significant and ever-growing impacts to our environment, our public health, and overall quality of life. Leachates from our landfills threaten to contaminate our water resources and nearshore areas; toxic emissions and ash from O'ahu's waste-to-energy facility have raised the risks of lung and heart disease, neurological complications, reproductive issues, and cancer in nearby, largely Native Hawaiian communities; and our limited land areas and our sensitive environments and groundwater sources severely limit the space we have available to receive and store our waste byproducts.

By establishing a foundational framework to reduce and repurpose our solid waste streams, this measure will help us to head off the looming crises posed by the ongoing neglect of our waste stream impacts. The focus on and investments in waste reduction, reuse, and recycling will also have the added benefit of creating a more resilient and sustainable economy that is far less dependent on – and vulnerable to – an ever more volatile world beyond our shores. Notably, such approaches may also relieve some of our islands' energy challenges, as peer-reviewed life-cycle assessments of waste management have shown that three to five times more energy can be saved “through alternative strategies such as waste prevention, reuse, recycling, and composting than can be generated by burning.”

Accordingly, this measure represents a much-needed rethinking of our approach to waste production and management, one that will be critical to the long-term livability, stability, and resilience of our islands as a whole.

For the above reasons, the Sierra Club of Hawai'i respectfully urges the Committees to **PASS** HB1326 HD1. Mahalo nui for the opportunity to testify.

TO: Chair Joy A. San Buenaventura; Vice Chair Henry J.C. Aquino; and Committee

Chair Mike Gabbard; Vice Chair Herbert M. "Tim" Richards, III; and Committee

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

RE: HB 1326 HD1 Relating to the Environment

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 1326 HD1. My name is Adrian Hong and I am the president of Island Plastic Bags Inc. (IPB), a second-generation, family business in Halawa Valley that manufactures plastic trash liners and recycles plastic scraps. HB 1326 HD1 should not pass as it provides no details for how the packaging waste reduction program would work.

The bill provides no information on which companies would be affected, the fees that would be required of companies, the reporting requirements for producers that fall under the program, or even the materials that will be covered. HB 1326 HD1 does not provide how it arrived at the goal of a 70% reduction in packaging waste nor does it provide data to prove that such a reduction is obtainable. Given the lack of details, IPB cannot support this bill.

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. IPB recommends this bill be turned into a study of an EPR program that can flesh out the details noted above. Then citizens can decide for themselves if the program should become law.

Thank you for the opportunity to provide testimony in opposition to HB 1326 HD1. 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.

[www.islandplasticbags.com](http://www.islandplasticbags.com)

Email: [ahong@islandplasticbags.com](mailto:ahong@islandplasticbags.com) | Phone: 808-484-4046 | Fax: 808-488-8505



**Ryan Tanaka, Chairman** – Giovanni Pastrami **Ave Kwok, Incoming Chair**- Jade Dynasty

**Tambara Garrick, Secretary** – Hawaii Farm Project

**Kahili Soon, Treasurer** – Hukilau Marketplace

**Greg Maples, Past Chair** – Polynesian Cultural Center

**Sheryl Matsuoka, Executive Director** **Ginny Wright, Operations Assistant** **Holly Kessler, Director of Membership Relations**

**2022- 23**

**Board of Directors**

Lee Anderson  
Noa Aoki  
Robert Bach  
Javier Barberi  
Andy Huang  
Tim Januszewski  
Tom Jones  
Felix Koeppenkastrop  
Ashley Leal  
Victor Lim  
Conan Paik-Rosa  
Mike Palmer  
Tyler Roukema  
Michael Skedleski  
Alison "Bo" Tanaka  
Katy Tanaka  
Tina Wang  
Alan Wiltshire  
Anthony Wong  
Nicholas Wong  
Paul Yokota

**Allied Members**

Rockey Bustamante  
Louis Chun  
Hugh Duncan  
James Idemoto  
Christopher Lee  
Scott Meichtry  
Raymond Orozco  
Bryan Pearl  
Jason Wong

**Advisory Board**

Jerry Agrusa  
Biff Graper  
John Richards  
Richard Turbin

Date: March 17, 2023  
To: Sen. Joy A. San Buenaventura, Chair  
Sen. Henry J.C. Aquino, Vice Chair  
Committee on Health and Human Services  
  
Sen. Mike Gabbard, Chair  
Sen. Herbert M. "Tim" Richards, III, Vice Chair  
Committee on Agriculture and Environment  
  
From: Victor Lim, Legislative Lead  
  
Subj: HB1326, HD 1 Relating to the Environment

The Hawaii Restaurant Association representing 4,017 Eating and Drinking Place locations opposes HB1326, HD1 that 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.

The Restaurant Industry supports the need to be better stewards of our environment by partnering with our suppliers of food and packaging to work not only on the safety and integrity of the contents but also to reduce and reuse the packagings used to transport our goods to Hawaii.

We are concerned with the vagueness of the language and how the program will work as well as who the participants of this proposed Packaging Waste Advisory Council as well as clear guidelines of responsibility and authority. We need full participation of the business community to work on a comprehensive and fair and practical solution.

Thank you very much for giving us the opportunity to share our concerns.







**Written Testimony of  
David Thorp, American Beverage Association  
Before the Senate Committee on Agriculture and Environment  
and Senate Committee on Health and Human Services  
Opposition to H.B. 1326, HD1: Relating to the Environment  
March 20, 2023**

Good afternoon, Chair Gabbard, Vice Chair Richards, Chair San Buenaventura, Vice Chair Aquino, and members of the committees. Thank you for the opportunity to provide comments in opposition to H.B. 1326, HD1.

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.

**EPR is Top Priority for Beverage Industry**

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

- **H.B. 1326, HD1 is not EPR.** EPR is a policy approach in which producers take financial and/or operational responsibility for managing products at their end of life. These programs can take many forms depending on the nature of the products affected and the policy's emphasis, but all involve funding the management of material through engagement with producers and other stakeholders. This bill is too short on details about the processes and costs necessary to reduce packaging waste.

Because H.B. 1326, HD1 in no way aligns with our principles or with a common understanding of extended producer responsibility, we cannot support this legislation.

Sincerely,

*David Thorp*

David Thorp

Vice President, State Government Affairs West



March 17, 2023

Senator Joy A. San Buenaventura, Chair  
Senator Henry J.C. Aquino, Vice Chair  
Senate Committee on Health and Human Services

Senator Mike Gabbard, Chair  
Senator Herbert M. "Tim" Richards, III, Vice Chair  
Senate Committee on Agriculture and Environment

State Capitol Conference Room 224  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Support for HB 1326 HD1, An act relating to the environment.**

Dear Chairs Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Members of the Committees:

Thank you for the opportunity to submit testimony **in support** of HB 1326 HD1, which will lay the foundation for an Extended Producer Responsibility (EPR) program for packaging in Hawaii that prioritizes reduction and reuse.

Upstream is a national non-profit organization that sparks innovative solutions to plastic pollution by helping people, businesses, and communities shift from single-use to reuse. We seek to live in a world where people and the planet are treated as indisposable and communities thrive without all the waste. We believe this bill represents a unique opportunity to enact EPR legislation that centers waste prevention rather than waste management.

**HB 1326 HD1 will establish a strong framework for packaging EPR in Hawaii with ambitious targets for waste reduction and reuse.** For too long, local governments and communities have shouldered the burden of managing packaging waste. Municipalities and community leaders are powerful catalysts for reuse and critical players in the transition to a circular economy, but they can't get there alone. There is limited control at the local level over the products and packaging that corporations place onto the market – and limited resources for managing the associated waste. To achieve reduction and reuse at scale, producers must be driven to shift their

supply chains. This bill outlines a process for the Department of Health (DOH) to plan and implement a producer-funded packaging reduction and reuse program that will hold producers accountable for the packaging they use.

**Upstream supports the collaborative, multi-stakeholder approach outlined in this bill to develop a program plan that suits Hawaii's communities.** It is our understanding that local advocates feel this tailored approach to creating an EPR plan, with multiple avenues for public input, best addresses Hawaii's needs. The bill requires DOH to conduct a statewide needs assessment in collaboration with counties that will determine the resources necessary to reduce packaging waste by 70% by 2030, and establishes a multi-stakeholder advisory council to advise DOH on how to structure the producer-funded packaging reduction and reuse program. Once enacted, the bill will empower Hawaii communities, businesses, and municipalities to lead the transition to the new reuse economy by shaping the program to meet their needs for packaging reduction and reuse.

We also understand the Committee is considering **amendments to the bill that would clarify options for producers, including allowances for producers to form a non-profit producer responsibility organization (PRO).** Upstream supports such an amendment. PROs are standard practice in EPR systems around the world. They provide technical assistance and compliance services to obligated producers while also facilitating streamlined oversight and enforcement for the state. Upstream believes that, with strong state oversight and transparency requirements, as well as multiple avenues for public input, a PRO will strengthen Hawaii's packaging EPR system and help covered producers redesign their packaging and products to enable reuse.

Upstream's vision is for 30% of consumer goods to be sold in reusables by 2030. To realize this vision, we need consumer brands to have real skin in the game when it comes to designing, packaging, and selling their products. HB 1326 HD1 creates the framework needed to achieve this goal while benefiting Hawaii's environment, communities, and economy. **We therefore strongly encourage you to favorably report this bill.**

For any questions, please contact me at [sydney@upstreamolutions.org](mailto:sydney@upstreamolutions.org).

Mahalo for all you do,

Sydney Harris  
Policy Director

# TRIPLE F HOLDINGS, LLC

DBA: TRIPLE F DISTRIBUTING



TO: Chair Joy A. San Buenaventura; Vice Chair Henry J.C. Aquino; Committee  
Chair Mike Gabbard; and Vice Chair Herbert M. "Tim" Richards, III

FROM: Paul Ah Cook, President of Triple F Distributing

RE: HB 1326 HD1 Relating to the Environment

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 1326 HD1. My name is Paul Ah Cook and I am the president of Triple F Distributing, a local company operating 5 branches throughout the state and employing 135 Hawaii residents. A great proportion of our customers rely on the packaging materials we supply to their food service, hospitality and manufacturing businesses operating here in Hawaii. should not pass as it provides no details for how the packaging waste reduction program would work.

HB 1326 HD1 does not provide information on which companies would be affected, the fees that would be required of companies, the reporting requirements for producers that fall under the program, or even the materials that will be covered. HB 1326 HD1 does not provide how it arrived at the goal of a 70% reduction in packaging waste nor does it provide data to prove that such a reduction is obtainable. Given the lack of details, Triple F Distributing does not support this bill.

Triple F has supported and fully complied with all counties' initiatives in providing environmentally friendly packaging and materials, and we are not against the idea of extended producer responsibility. However, we suggest this bill be turned into a study to provide more clarity to all shareholders first. Only then can the public fully understand the benefits or consequences of pushing through this bill with such lofty goals.

Thank you for the opportunity to provide testimony in opposition to HB 1326 HD1. Should you have any questions or comments about my testimony you can contact me by email at [paul@fffhawaii.com](mailto:paul@fffhawaii.com) or by phone at (808) 842-9133.

Sincerely,

Paul Ah Cook, President

Triple F Distributing

**OAHU** - 98-735 Kuahao Pl.  
Pearl City, HI 96782  
(808) 842-9133  
Fax: (808) 842-1184

**MAUI** - 770 Alua St.  
Wailuku, HI 96793  
(808) 244-1550

**KONA** - 74-577 Honokohau St. #7  
Kailua-Kona, HI 96740  
(808) 326-9444

**HILO** - 16-193 Kalara St.  
Kea'au, HI 96749  
(808) 935-9796

**KAUAI** - 3097 Oihana St.  
Lihue, HI 96766  
(808) 246-4886



**Senate Committees on Agriculture & Environment / Health and Human Services**

**Hawai'i Alliance for Progressive Action (HAPA) Supports: HB1326 HD1**

Monday, March 20, 2023 1:30 p.m. Conference Room 224

Aloha Chair Gabbard/San Buenaventura, Vice Chair Richards/Aquino and Members of the Committee,

HAPA **supports HB1326 HD1** which establishes the Hawai'i 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.

This measure is critical to the future of our islands in the coming decades. Hawai'i is dealing with a major waste crisis. Outer islands, notably Kaua'i, are running out of landfill space and implementing meaningful real waste reduction solutions are long overdue.

We believe that reducing packaging waste is intrinsically important to creating a healthier, more livable Hawai'i in the future. Addressing this issue and our landfill problems will reduce costs to taxpayers, protect our environment and is part of the solution to addressing climate change.

It is important to clarify that HAPA strongly opposes the incineration of waste as an option. The hazardous gasses and pollutants released from waste incineration are harmful to people and our environment, create major medical problems including cancer, nervous system damage, lung damage and birth defects and is part of the problem creating climate change, rather than part of the solution, because it perpetuates the polluting of the atmosphere with greenhouse gasses and toxic compounds.

Please support measures such as HB1326 HD1 to help reduce packaging waste in Hawai'i.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick  
Executive Director

**HB-1326-HD-1**

Submitted on: 3/17/2023 3:11:51 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
dana bekeart	Testifying for zerowaste kauai	Support	Written Testimony Only

Comments:

I support HB 1326 HD1.

Main argument: Hawaii is an isolated island chain state. As such we will always have to contend with more incoming packaging than we can process for delivery back to non-Hawaii places. This bill, if effective, will reduce our overall excess packaging dilemma.

This bill will also help to lessen environmental damage to our state.

Thank you, Dana Bekeart, ZWK

**HB-1326-HD-1**

Submitted on: 3/17/2023 6:36:09 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Higa	Testifying for FCH Enterprises	Oppose	Written Testimony Only

Comments:

Aloha Members of the Senate Committees on Health and Human Services and on Agriculture and Environment,

FCH Enterprises, dba Zippy's Restaurants, respectfully submits written testimony to express our concerns and opposition to House Bill 1326 HD1.

FCH Enterprises is one of a number of food manufacturers in the State of Hawaii, which provide thousands of jobs in Hawaii. FCH Enterprises believes that HB 1326 HD1 will have a devastating impact to food manufacturing in the State of Hawaii.

FCH Enterprises would seriously considering moving its food manufacturing to the mainland as has been the case of other food manufacturers previously based in the State of Hawaii.

We have already witnessed the loss of many local companies and HB 1326 HD1 will expedite the further loss of local companies by escalating business operating costs. In addition, our Hawaii residents will ultimately bear the burden of HB 1326 HD1 via escalating costs of goods in Hawaii.

Thank you for the opportunity to testify.



To: The Senate Committee on Agriculture and Environment (AEN)  
and  
The Senate Committee on Health and Human Services (HHS)  
From: Sherry Pollack, 350Hawaii.org  
Date: Monday, March 20, 2023, 1:30pm

**In support of HB1326 HD1**

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Committee members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **supports HB1326 HD1** that establishes the Hawaii zero waste initiative to manage the State's transition to zero solid waste to the landfill and to incineration, and establish the packaging waste advisory council. In addition, this measure 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, and establishes a packaging waste reduction and reuse program.

Reducing, reusing and recycling reduces greenhouse gas emissions that contribute to global warming, and are important strategies in our fight against the climate crisis. There is a proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers responsible for managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated.

As the State strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, this measure offers an effective pathway forward towards a safe and sustainable climate and future. Please support and pass this important measure.

Mahalo for the opportunity to testify.

Sherry Pollack  
Co-Founder, 350Hawaii.org





Aloha Committee Members,

My name is Arwen Revere and I am a high school student from Kailua. Today, I am testifying on behalf of the student-run environmental organization Wild Kids in strong support of HB1326. As our state strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, this measure offers a practical pathway forward toward a safe and sustainable climate and future. Hawai'i needs a zero-waste initiative program to manage the state's transition from a linear economy that disposes of solid waste, often after only a single use, to a circular economy that prioritizes reducing and reusing much of the state's solid waste.

Please pass this vital legislation and help protect our planet for future generations.

Thank you for hearing our testimony,  
Arwen Revere on behalf of Wild Kids



P.O. Box 726, Falls Church, VA 22046  
tel (703) 592-9889 fax (703) 592-9864  
email [fpi@fpi.org](mailto:fpi@fpi.org) web [www.fpi.org](http://www.fpi.org)

Chair Gabbard  
Vice Chair Richards  
Members, Senate Committee on Agriculture and Environment

Chair San Buenaventura  
Vice Chair Aquino  
Members, Senate Committee on Health and Human Services

March 19, 2023

**House Bill 1326 HD1 – Environment and Packaging Reduction - OPPOSE**

Thank you for the opportunity to provide our written testimony regarding *House Bill 1326 – Environment and Packaging Reduction* (HB 1326-HD1), which we respectfully oppose.

Founded in 1933, the Foodservice Packaging Institute (FPI) is the leading authority on foodservice packaging in North America. FPI supports the responsible use of all foodservice packaging, while advocating for a fair and open marketplace for all materials. Our core members include raw material and machinery suppliers as well as packaging manufacturers, which represent approximately 90 percent of the industry. Additionally, a number of distributors and purchasers of foodservice packaging are part of FPI's affiliate membership.

The foodservice packaging industry is committed to reducing the impact of its products on the environment and is dedicated to increasing their recovery. FPI has several special interest groups that bring together the supply chain to develop and promote economically viable and sustainable recovery solutions for foodservice packaging. These special interest groups include the Paper Recovery Alliance, Plastic Recovery Group, Paper Cup Alliance and Foam Recycling Coalition. More information on these groups and their efforts can be found [here](#).

As part of our commitment to increasing the recovery of foodservice packaging, we are supportive of policy approaches that advance this effort through systems such as recycling and composting. With respect to extended producer responsibility (EPR) programs, it is our position that programs should be based on the principles of shared responsibility, fairness and system effectiveness and efficiency.

HB 1326-HD1, as drafted, would place the Hawaii State Department of Health (Department) in charge of functions normally fulfilled by a producer responsibility organization (PRO). We recommend that the bill reflect traditional EPR and allow for the creation of a nonprofit PRO, organized and run by the producers, to develop principles, objectives and financing mechanisms for the packaging producer responsibility program. The Department should have strong oversight of the packaging producer responsibility program; however, it should not take the lead role.

FPI supports the state's efforts to evaluate solid-waste systems and expand the management of packaging in the municipal waste stream with a needs assessment. However, it is our perspective that, as drafted, the needs assessment will not deliver what is needed to detail the resources needed to reduce packaging waste from each county's baseline amount by 70 percent by 2030. Additionally, we recommend that any targets should only be set following a robust needs assessment.

As recommended by a coalition of organizations (including FPI) to the House Committee on Energy & Environmental Protection, the needs assessment should be developed through a collaborative public process and should include the following elements.

- Current recycling, composting, collection, and hauling systems in the state and the expanded access and additional recycling or composting options needed for enhancements to these systems.
- The processing capacity and infrastructure in the state and regionally and what is needed to improve that capacity.
- Consumer education needs for recycling, composting, reuse, and waste reduction.
- Funding needs and actions necessary to achieve reduction goals.
- Actions and investments necessary to provide sufficient access to collection, recycling, composting, processing, and transportation to viable responsible end markets.
- Funding needs for the transport of materials from remote or rural areas to centralized sorting facilities, brokers, or viable end markets.

Thank you for your consideration of this written testimony and our opposition to HB 1326-HD1.

Sincerely,



Carol Patterson  
Vice President, Government Relations  
[cpatterson@fpi.org](mailto:cpatterson@fpi.org)



March 19, 2023

The Honorable Joy Buenaventura & The Honorable Mike Gabbard  
Committee on Health and Human Services  
Committee on Agriculture and Environment  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: House Bill HB 1326 (Lowen) – Packaging Waste Reduction Program Mandate

Dear Chairs Buenaventura and Gabbard and Members of the Committee on Health and Human Services and Committee on Agriculture and Environment.

Thank you for offering the Plastics Industry Association (PLASTICS) and stakeholders the opportunity to provide comments on HB 1326 (Lowen) – the Packaging Waste Reduction Program Mandate. As the only association that represents the entire plastics manufacturing chain, with one million jobs across the country, PLASTICS has a personal stake in this issue. PLASTICS and our members believe that implementing a successful and well-crafted producer responsibility program can be beneficial in ensuring continued modernization and expansion of Hawaii’s recycling infrastructure. Many of our member companies are working to achieve goals made to improve the design of packaging through reasonable source reduction, improved recyclability, and increased recycled content. Unfortunately, as currently drafted, PLASTICS is opposed to HB 1326.

We support the state’s efforts to evaluate their solid-waste system and improve the management of packaging materials in the municipal waste stream with a needs assessment. However, the bill falls short of the necessary requirements that would aid in producing the best data available and ensuring the process is open to stakeholders and interested parties for public comment.

Further, PLASTICS believes it is necessary for the creation of a producer responsibility organization (PRO), a nonprofit that is organized and run by the producers who can develop principles, objectives, and financing mechanisms for the packaging producer responsibility program. PROs play an important role in states that want to manage their packaging waste effectively by allowing producers to have an active role in funding changes but also on implementing a successful plan to reach the performance goals set out in the legislation. As currently drafted, HB 1326 would place the Department in charge of functions normally fulfilled by the PRO. While the Department should have strong oversight of the packaging



producer responsibility program, it should not take the lead role on behalf of producers in Hawaii.

PLASTICS fully supports the fact that manufacturers play a key role in being good stewards of the environment, which is why our industry implements sustainable materials management strategies and promotes concepts that consider the entire lifecycle of a product. We are committed to sustainability and work with our members to help them achieve their sustainability goals.

Thank you again for the opportunity to submit our comments on this legislation. PLASTICS advocates for the responsible recycling, reuse, and recovery of all plastics products, and we welcome any opportunity to continue working with Representative Lowen and stakeholders to help create and implement a successful EPR program in Hawaii. Please do not hesitate to reach out to me at [kquigley@plasticsindustry.org](mailto:kquigley@plasticsindustry.org) for further information or with any clarifying questions.

Regards,

Kris Quigley  
Regional Director, State Government Affairs  
Plastics Industry Association

CC: Members of the Committee on Health and Human Services  
Members of the Committee on Agriculture and the Environment



Written Testimony  
Of the Consumer Brands Association  
Before the Senate Committee on Agriculture and Environment and  
the Senate Committee on Health and Human Services  
Opposition to HB 1326: Relating to the Environment

March 20, 2023

Thank you for the opportunity to submit comments regarding H.B. 1326. The Consumer Brands Association is highly engaged in the recycling issue around the country and supportive of well-designed Extended Producer Responsibility (EPR) programs. However, we are currently **opposed to H.B. 1326** in its current form.

The Consumer Brands Association (Consumer Brands) represents the world's leading CPG companies. The industry plays a unique role as the largest U.S. manufacturing employment sector, delivering products which are vital to the wellbeing of people's lives every day. From household and personal care items to food and beverage products, the CPG industry plays a vital role in powering Hawaii's economy, contributing \$6.3 billion to the state's GDP, and supporting more than 80,000 jobs.

The industry is taking holistic steps to innovate and redesign packaging to reduce its environmental impact. We support investment in the development and enhancement of recycling systems — through extended producer responsibility (EPR) — to improve their capabilities and progress toward a circular economy. We believe our industry's commitment must be shared across the entire value chain and dedicated to clear principles of success.

The CPG industry is taking a wide range of actions to innovate and redesign packaging reducing the environmental impact of plastic packaging through greater recyclability and reuse. Consumer Brands believes that favorable EPR is consistent within the following set of industry-approved principles:

- Fix the recycling system -  
Improve the underlying recycling system to deliver strong environmental outcomes, not simply layer additional funds on to an existing, broken system.
- Establish solution-focused Producer Responsibility Organization -  
Allow for an industry-funded and run producer responsibility organization (PRO) to assess fees on packaging and determine where and how those funds are spent and manage the system, if applicable.
- Fund only recycling -  
Dedicate new funds raised for recycling improvements solely to recycling, not to government general funds or unnecessary administrative costs.
- Develop data-driven policy -



Development of an EPR program must be based on accurate data and science, including a needs assessment with clear financial and performance targets over a specified period.

- Account for materials -  
Apply to and account for a range of material types in the waste stream.
- Source variety of funding -  
Include more than one source of funding, which should be additive and target specific challenges in the recycling value chain. No single funding source should replace or supplant other funding sources.
- Promote uniformity -  
Standardize recycling programs across a state, region or nationally.
- Bring everyone to the table -  
Develop a system with measured input from a wide array of stakeholders, including state, local and federal government, packaging suppliers, the consumer goods industry and the waste and recycling industry.

**Needs assessment should be broadened and allow more stakeholder input.** We appreciate your recommendation of a needs assessment but believe the objectives need to be broadened and producers who would be paying into the system should be afforded a better opportunity to consult with the Department to inform the development of needs assessment. We believe future plan design and resource needs should be data driven to ensure that circularity goals are met and fully informed. In addition, so that the assessment is optimized, we recommend that it include a comprehensive assessment of infrastructure needs, cost estimates, potential capital investments, related technology options, and consumer/community education needs.

**The current language does not include a producer responsibility organization (PRO).** A traditional EPR program would include a PRO that serves to collect and manage producer fees and assists in executing the plan in coordination with the state. Final approval resides with the Department, but ideally the PRO consults with the state and partners to conduct a needs assessment, rate study and overall plan to achieve a circular economy.

**Costs have the potential to be exponential without any assurance of circularity goals being met.** The CPG industry is committed to funding well-constructed EPR programs that focus on recycling infrastructure. The current bill does not permit a PRO to assist in the management of fees or to consult on any rate study. In addition, the stated goal of a seventy percent reduction in packaging waste through elimination of unnecessary packaging and switching to reusable appears arbitrary and is not informed by any data. While industry is in favor of reuse/refill efforts, we are concerned with the unknown scale of potential costs given the overall lack of reuse/refill infrastructure at the retail level and the unknowns associated with consumer preference.



As part of shared responsibility in improving end-of-product life systems, Consumer Brands is dedicated to supporting a well-designed EPR program that is intended to improve post-consumer materials management mechanisms.

The CPG industry stands ready to partner with you to develop an effective overall waste reduction and recycling program. Thank you for your dedication and attention to these critical issues. Please let us know how we can best be a resource to you going forward.

Sincerely,

A handwritten signature in black ink that reads 'Brendan Flanagan'.

Brendan Flanagan  
Senior Director, State Affairs  
Consumer Brands Association





## Sign on Letter in Support of Producer Funded Packaging Reduction and Reuse

Aloha Chair Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

The organizations and businesses listed in this letter are in support of legislation to create a producer funded packaging reduction and reuse program. This legislation creates a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

The state is facing a crisis where every county is running out of capacity to landfill or otherwise dispose of its solid waste. The current practices of landfilling and incinerating packaging waste are neither cost-effective nor environmentally sustainable methods of handling solid waste. We must act now to reduce the volume of packaging waste through programs that eliminate unnecessary packaging and by **developing reusable packaging systems where packaging is reused/refilled through a service that recollects, sanitizes, and redistributes containers back to vendors and manufacturers.** To reduce the costs to taxpayers and reduce supply chain disruptions to local businesses, we must transition to reusable and refillable packaging alternatives where feasible.

Due to Hawaii's relatively small resident population, remote island location, and lack of existing recycling infrastructure, there is an urgent need to reform the existing packaging waste generation model with solutions that minimize the need for recycling. Reducing packaging waste will not only address Hawaii's landfill capacity problems but will also reduce costs to taxpayers and local businesses, protect the local environment, and mitigate the climate crisis. Although reduce and reuse strategies offer benefits beyond recycling programs, these strategies historically have not received the resources needed to develop and ensure success.

There is currently a national movement underway to hold producers financially responsible for the cost of managing packaging waste. To date, four states (California, Colorado, Maine, and Oregon) have enacted producer responsibility laws that vary in approach to fit their unique needs. Corporations that produce the greatest amount of consumer-packaged goods should also help solve the problems caused by the proliferation of packaging waste, whether by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and the management of packaging waste.

This bill establishes a process to reduce the volume of packaging waste currently being landfilled and incinerated by engaging producers to assist with the financial costs of packaging. It is urgent that we start to address our solid waste crisis and this bill will help address a large portion of our waste stream that can be reduced or diverted.

Organizations and businesses that support a producer funded packaging reduction and reuse program:

---

**Businesses**

---

- 1 Adaptations Inc
  - 2 Big Island Coffee Roasters
  - 3 Blackmountainbeauty
  - 4 Coconut Trader
  - 5 CupZero
  - 6 DeliverZero, Inc
  - 7 EarthEx, LLC
  - 8 FoodWare
  - 9 Hawaii Island Ocean Advocates
  - 10 Hilo Bottle Shop
  - 11 Kale'a Farms
  - 12 Koko kai Foods LLC
  - 13 Muuse
  - 14 NO POHŌ
  - 15 Ocean Kind HI
  - 16 Pop Culture Artisan Pops
  - 17 Protea Zero Waste Store
-

- 
- 18 SKY Kombucha
  - 19 SUPERFUN Studio
  - 20 The Conservationist Collective
  - 21 The Locavore Store
  - 22 Village Seeds Design LLC
  - 23 Volcano Precious Plastic, LLC
  - 24 Zero Waste Hale
  - 25 Sojourner
  - 26 Hana Hou Recycling
- 

**Organizations**

---

- 27 350Hawaii
  - 28 Blue Ocean Warriors
  - 29 Christienne de Tournay Zero Waste Consultancy
  - 30 Don't Waste Durham
  - 31 Faith Alliance for Climate Solutions
  - 32 Going Home Hawaii
  - 33 Hanai Kaiaulu
  - 34 Hawai'i Alliance for Progressive Action
  - 35 Hawai'i Wildlife Fund
  - 36 Ho'omalau Ke Kai
  - 37 Just Zero
  - 38 Kingdom Pathways
  - 39 Perpetual
  - 40 Plastic Pollution Coalition
  - 41 Re-use Hawai'i
  - 42 Sheffield Saves
  - 43 Surfrider Foundation
  - 44 The Last Plastic Straw
  - 45 Upstream
  - 46 Zero Waste Hawai'i Island
  - 47 Zero Waste Maui Coalition
  - 48 HULI PAC
  - 49 Plastic Free Mail
-



**Sally Jefferson**  
Director, Western States

THE SENATE  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2023

COMMITTEE ON HEALTH AND HUMAN SERVICES  
COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 20, 2023

**Testimony in Opposition to HB 1326 HD1**

Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards and Members of the Joint Committees:

Thank you for the opportunity to provide testimony in opposition to HB 1326 HD1 RELATING TO THE ENVIRONMENT. Wine Institute is a public policy association representing more than 1,000 California wineries and associate members. Our members are committed to sustainability with 80% of California's wine production certified under a statewide sustainability program that encourages waste reduction, reusability, the use of products with recycled content, takeback of recyclable packaging, and the use of non-toxic materials.

We also are committed to participating in discussions regarding the development of efficient, cost-effective means for handling wine packaging. While we support the objective of recovering more wine packaging, we have significant concerns with HB 1326 HD1.

It would require the development and implementation of a Department of Health packaging waste reduction and reuse program to achieve an arbitrary 70% reduction in packaging by 2030, a goal that is not informed by any data. It is broad and ambiguous in scope, cost and requirements and cedes the authority for making such determinations to the Department and a new Advisory Council.

The bill raises many significant concerns and questions in terms of its costs and compliance obligations. How would achievable reusability goals and timelines for consumer packaging be determined? For wine containers, for example, by virtue of their winery license, the only legal way our members could refill a container is on their bonded winery premises in California. There is no

infrastructure to handle the reusability of glass wine packaging, which must be heavier and sturdier than those intended for single use in order to withstand repeated cleanings. To refill a container, it would need to be shipped back and forth from the retailer, distributor, and manufacturer via the three-tier system for refilling and returning to the market – thus adding more carbon emissions into the environment. Additionally, how would this bill effect existing programs such as the ADF which distributors, importers and manufacturers have long been paying fees to fund? What happens if product packaging is unable to meet the program’s reduction and/or reusability targets and timelines?

It also would require the producers of packaged goods to fund the cost of this new program without having substantial involvement and responsibility in establishing and managing a workable data- and results-based plan and program for their post-consumer packaging through a Producer Responsibility Organization (PRO) which is traditionally required under Extended Producer Responsibility (EPR) programs globally.

We also have significant concerns that the legislation’s needs assessment is too narrowly focused. A statewide needs assessment is imperative for informing the establishment and implementation of a program that successfully manages the reduction, reuse & recycle of consumer packaging waste. It should include an analysis of existing waste management data collection and infrastructure and evaluate the capacity, costs, gaps and needs for recycling, reuse, reduction and recovery. It also should consider cost factors and other economic variables like ongoing supply chain shortages and inflationary pressures in determining the program’s costs and the impact on the price and availability of consumer goods and services. It is critical given the importance of a credible needs assessment that it be a comprehensive detailed analysis that allows for substantial producer input to fully inform the development of a packaging waste management program.

In addition to a comprehensive needs assessment, we strongly urge that extensive engagement and dialogue with the producers, material suppliers and other stakeholders must be undertaken to help craft a feasible, efficient and effective packaging waste management program that meets Hawaii’s unique needs. Given our serious concerns, we respectfully urge you to hold this legislation. Thank you for the opportunity to comment on HB 1326 HD1.

March 20, 2023

Committee on Health and Human Services  
Committee on Agriculture and Environment  
Conference Room 224  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**Re: CTA Opposed – HB1326 HD1 – Extended Producer Responsibility for Packaging**

Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Members of the Joint Committees:

The Consumer Technology Association™ (CTA®) respectfully submits written testimony to express our concerns and opposition to House Bill No. 1326 H.D. 1 (HB1326 HD1) which establishes an extended producer responsibility (EPR) program for packaging in Hawaii.

For more than a decade, CTA's members have supported electronics recycling under Hawaii's Electronic Device Recycling and Recovery Law. We understand what it means for producers to be involved in the end-of-life management of products and bring that lens and experience to the dialogue on EPR for packaging. EPR is a complex policy and there is no "one size fits all" solution. Our member companies have been committed to achieving more sustainable packaging design by reducing their packaging, switching to more sustainable materials, and increasing recycled content rates. We support Hawaii's goal to improve their recycle infrastructure and offer the following comments.

**Needs Assessment:** CTA appreciates the inclusion of a needs assessment in HB1326. A needs assessment is crucial for the packaging EPR to be successful. However, CTA believes that in its current form, the needs assessment is too narrow in scope and that additional language is needed to give the needs assessment more credibility and gather additional information for the program to achieve success. CTA supports the recommendations from the coalition of organizations (which include CTA) to the House Committee on Energy and Environment Protection that the needs assessment be developed through a collaborative stakeholder engagement process and include the following provisions:

- Current recycling, composting, collection, and hauling systems in the state and the expanded access and additional recycling or composting options needed for enhancements to these systems.
- The processing capacity and infrastructure in the state and regionally and what is needed to improve that capacity.
- Consumer education needs for recycling, composting, reuse, and waste reduction.

- Funding needs and actions necessary to achieve reduction goals.
- Actions and investments necessary to provide sufficient access to collection, recycling, composting, processing, and transportation to viable responsible end markets.
- Funding needs for the transport of materials from remote or rural areas to centralized sorting facilities, brokers, or viable end markets.

**Lack of Shared Responsibility.** All entities – including consumers, governments, material recovery facilities (MRF), recyclers and producers – have a role and responsibility in improving upon and addressing the challenges of the current recycling system. Unfortunately, HB1326 HD1 not only places all responsibility on producers, but it also provides extremely limited control for producers – the entities ultimately held responsible for program goals – to drive efficiencies and push for improvements to the system in Hawaii. CTA believes there is a need for a producer responsibility organization (PRO), if EPR for packaging is going to succeed. Many other states who have passed EPR packaging laws have included a PRO to aid in upgrading their recycling infrastructure. PROs play an important role by allowing producers to have an active role in not only the funding mechanisms but also in giving feedback on achieving the performance goals outlined in the legislation. The Department and producers should share in the responsibility to have oversight in the packaging producer responsibility program.

**Impractical goals.** Goals for producers – the entities ultimately held responsible under an EPR structure – should also be connected to the needs assessment. CTA cannot support legislatively mandated recycling and reuse rates. Instead, goals should be focused on actions that move the needle toward those higher rates – increasing consumer access, reducing contamination, and addressing infrastructure needs and inadequacies. As currently written, HB1326 HD1 would establish a 70% reduction in all packaging waste for the State of Hawaii. CTA believes that this number would be incredibly difficult for the durable goods industry to achieve without creating additional waste from the breakage of the products inside the packaging. If a waste reduction rate must be established, it should not be a percent established by law but rather a requirement for a rate to be established by the producer responsibility organization (PRO) as informed by the needs assessment and in consultation with the Advisory Council, and Hawaii Department of Health.

Additionally, we request that any legislative or regulatory approach on packaging not hinder the rapid innovation of the consumer technology industry. Some mandates of EPR approaches can stifle packaging flexibility; impact the safe delivery of products in a cost-effective manner; and ultimately raise costs for consumers. CTA also notes that a patchwork of varying laws across multiple jurisdictions creates confusion for consumers, loses any hope for economies of scale and increases regulatory burdens on industry.

**Conclusion:** CTA appreciates the opportunity to provide written testimony on HB1326 HD1 and we welcome further discussion with the Committee. We strongly encourage a comprehensive stakeholder engagement process on the development of these policies in order for a successful program to be implemented. For this reason, we respectfully oppose this legislation. Please do not hesitate to contact me with any questions or requests for additional information.

CTA Comments on House Bill 1326 H.D. 1  
March 20, 2023

Sincerely,

A handwritten signature in black ink that reads "Ally Peck". The signature is written in a cursive style with a large, looped initial "A" and a long, sweeping underline.

Ally Peck  
Senior Manager, Environmental and Sustainability Policy  
[apec@cta.tech](mailto:apec@cta.tech)  
C: (703) 395-4177





HAWAIIAN  
HOST  
GROUP

TO: Senator Mike Gabbard Chair  
Senator Joy San Buenaventura  
Joint Committee on AEN&HHG

FROM: Ed Schultz, President & CEO, Hawaiian Host Group

RE: **HB1326 HD1 Relating to the Environment – In Opposition**

Aloha Chair Gabbard, Chair San Buenaventura, Vice Chairs and members of the Committee:

Hawaiian Host Group supports the intent of HB 1326 HD1 to protect the environment in the State, but must oppose HB 1326 HD1 as currently written due to concerns around significant increased costs to the consumer, loss of manufacturing jobs in Hawaii, and inconsistencies with End Producer Responsibility (EPR) bills passed in other states making it onerous for Hawaii based food manufacturers to comply with inconsistent requirements.

As a local business in Hawaii, we employ over 250 full time staff at our sites in Honolulu and Kea'au. I am very concerned with the proposed bill being considered by your committee. I agree with the state's efforts to reduce waste in Hawaii. We all want to see packaging stay out of our environment and oceans and instead be appropriately collected, recycled and reused.

Unfortunately, the approach outlined in HB1326- HD1 is not likely to deliver these results.

Packaging is an essential part of protecting goods and extending shelf life. Without first studying the current landscape of packaging volume, waste management infrastructure and impacts to businesses, moving forward on such a policy would be premature and may have significant negative impact on business, incur losses for local companies having to guarantee shelf life at grocery/retail and cost increases for local consumers as manufacturers would have to pass on the increased cost. Not what Hawaii needs right now, especially given the inflation pressures that do not seem to be receding.

Rather than prematurely setting up a packaging product stewardship program, it makes sense to first complete a robust needs assessment and to take into consideration the needs of the business community. Local businesses need to be a part of this conversation in order for any program to work and to avoid unintended consequences.

In traditional EPR systems, there is a Producer Responsibility Organization (PRO) that allows producers to have a role in management and in establishing a plan to meet the goals of the state. This bill instead grants the Department of Health full autonomy over the program and allows them

to make all the decisions for producers and Hawaiian based businesses, without the needed understanding of what is manageable and feasible. This is inconsistent with other states like California which have passed ERP measures.

While this legislation has important goals, including the need to ensure a sustainable path forward for packaging materials, it does not represent the best approach to ensuring a circular economy in Hawaii. Instead, HB 1326-HD1 is likely to raise costs to consumers, add additional strain to the supply chain, and drive-up costs for businesses.

Please support a thoughtful approach to achieving zero waste in Hawaii rather than the approach proposed in HB 1326-HD1. Start by completing a robust evaluation and needs assessment specific to Hawaii. Ensure that any packaging stewardship program incorporates feedback from the business community to make sure the policies developed are practical and feasible. We address each of these issues in detail below.

Aloha

Ed Schultz



Date: March 20, 2023

---

**To:** The Honorable Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services

**From:** Zero Waste Hawaii 'i Island

**Re:** Hearing HBI326 HD1

**Position:** Strong Support

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino and members of the committees,

Zero Waste Hawaii 'i Island's mission is to connect diverse Hawaii 'i Island Communities to support equitable systems redesign and policy change to achieve zero waste. In our early year's working within the community, we conducted outreach with a focus on personal behavior change and emphasized recycling of packaging waste. We quickly realized the problems with our current recycling system: much packaging was not recyclable because it was not designed to be recycled, and due to Hawaii's remote location and lack of recycling infrastructure, the costs (both in dollars and carbon emissions) to ship recyclables to end markets outside the state was high. We also learned that our "recyclables" were being shipped to pacific island nations with less infrastructure than our own to properly dispose of plastic packaging that is not economically recyclable, much of which escapes into the natural environment, polluting our oceans and impacting marine wildlife. Recycling of packaging waste is not a system that was designed to work, it instead has been an idea that has been marketed to us for decades by industry to make us feel better about the massive amounts of waste we create to get the products that we need, often only used for minutes before being discarded.

Part of the reason we have gotten into this huge mess with the proliferation of packaging waste is producers are not required to pay the costs of disposing of packaging, and there is little incentive for them to do anything other than what is best for their bottom line. There is now a movement underway in the United States to hold producers responsible for the costs of managing packaging waste and producers are willing to participate in these programs. Four state's have now passed bill's, and many others are introducing producer responsibility legislation.

In Hawaii, this is the third year that producer responsibility legislation has been introduced and as the topic is gaining traction, a diversity of opinions on what is the best model for Hawaii are emerging. **Producer responsibility legislation is detailed and nuanced, and dangerous if too much power is given to producers.** We must be careful how we craft a

program, and we must design something that makes sense for Hawaii and brings all relevant stakeholders into the conversation to work out the details.

HB1326 HD1 formalizes the process of developing a producer funded program for packaging and differs from most states **by prioritizing reducing and reusing packaging when feasible and then recycling and composting the rest**. The intention of this legislation is to engage relevant stakeholders, including producers, in developing the details of a program through a process where the Department of Health works with an advisory council to structure the program.

**While producer trade groups and some advocates have expressed concerns with this legislation as written**, we urge passage of the attached SD1 PROPOSED. The proposed bill amendments include:

1. Requiring that DOH work with Advisory Council and submit a proposed bill to the Legislature by 12/31/2026 a bill implementing packaging reduction, reuse and recycling program, rather than DOH implementing by rule;
2. Removing interim goals of the Zero Waste Initiative;
3. Revising the Advisory Council tasks using language from Plastic Source Reduction Working Group Report;
4. Provides more detail in what the needs assessment will evaluate; and
5. Revising roles and responsibilities of DOH and a Producer Responsibility Organization in administering program.

The bill as amended now:

- Changes the title of the program to be more inclusive of recycling,
- Establishes a **Zero Waste Initiative** with a goal of sending zero solid waste to landfills and incinerators,
- Establishes a Packaging Waste **Advisory Council** and special fund to assist DOH in preparing a **statewide needs assessment for each county to achieve a 70% reduction** in waste, recognizing their differing challenges, and
- Initiates a **collaborative process to implement a packaging reduction, reuse, and recycling program through legislation to be proposed for 2027.**

We could quickly transition to a circular system for packaging in Hawaii if the government and industry work together to develop innovative solutions. With landfill capacity issues on nearly every island, we need to quickly reduce all types of solid waste entering our landfills. This legislation will allow us to address a significant portion of our waste stream that can be prevented through elimination and reuse of packaging where feasible, and then recycling what remains. **We urge the committees to please pass this legislation!**

Mahalo nui loa,

Jennifer Navarra  
Program Director  
Zero Waste Hawai'i Island

**Zero Waste Hawai'i Island** • Hilo, HI 96720  
[zerowastebigisland@gmail.com](mailto:zerowastebigisland@gmail.com)

HOUSE OF  
REPRESENTATIVES  
THIRTY-SECOND  
LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO.

1326

H.D. 1

S.D. 1  
PROPOSED

---

---

## A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

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

hundred tons of toxic ash from H-Power are buried in the landfill every day.

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

A zero-waste initiative in Hawaii would elevate these circular economy principles and put them at the center of the State's waste management strategies. It would redirect [~~7~~ ~~broadly redirecting~~] state agencies tasked with overseeing solid waste management to prioritize source reduction, reuse, refill, organic waste diversion, and [~~composting and to~~] the improvement [~~the availability~~] of recycling services for waste that cannot be avoided, or reused [~~7~~ ~~or composted~~].

The adoption of a zero-waste initiative would lead the shift away from the linear waste system and toward a circular economy that is more sustainable, will create green jobs, and will reduce costs for waste management that are currently borne

by taxpayers. It would also address environmental and public health concerns posed by Hawaii's overflowing landfills.

~~[As a remote island state reliant on tourism, e]~~Extended producer responsibility is an essential component of a circular economy, as it places shared responsibility for a product's lifecycle, including end-of-life management, onto the producers of the product. This encourages more sustainable product design that leads to less waste and more reusable and fully recyclable products.

Extended producer responsibility programs can exist for almost any product type. There are existing programs in other jurisdictions that cover a range of products including carpets, large appliances, e-waste, packaging waste, prescription drugs, batteries, paint, pesticides, tires, photovoltaic panels, used motor oil, and mattresses. Under these programs, producers are responsible for ensuring that services are available to reclaim and recycle products when they reach the end of their useful life. Countless tons of waste and virgin resources are avoided when these programs are implemented. Additionally, extended producer responsibility programs for packaging waste exist in Europe, ~~[and ]~~Canada, China, India, Japan, South Korea, and many countries in Africa and South America, and in recent years have been adopted in California, Colorado, Maine, and Oregon, and proposed in many other state legislatures.

The goal of this Act is to lay the foundation for the creation of a sustainable future for Hawaii and its residents by reducing waste, minimizing resource inputs, and promoting a



closed-loop system through reuse and recycling that will benefit the environment and the economy.

The purpose of this Act is to protect the environment and reduce costs to taxpayers by establishing a Hawaii zero waste initiative and a process for developing a packaging waste reduction, [ and ]reuse, and recycling program, with participation and funding from large producers of consumer packaged goods. The program shall be developed through a multi-step process, which:

(1) Devises a [An implementation] plan that:

(A) Requires the department of health, with the assistance from each county and input from packaging producers, to develop a statewide ~~[an]~~ needs assessment [of statewide needs] to determine resources required to reduce packaging waste by seventy per cent from the baseline amount, with the following priorities:

~~[-(B) waste]~~ (i) Waste prevention through eliminating unnecessary packaging and switching to reusable packaging systems where feasible; and

(ii) Recycling.

Producers are free to create a non-profit organization to present unified positions and determine funding and management for their joint effort. This has been referred to in other jurisdictions as a producer responsibility organization;

(B) Establishes an advisory council composed of relevant stakeholders [~~that~~] who will advise the department of health on how to structure a producer-funded packaging reduction, [~~and~~] reuse, and recycling program; and

(C) Requires the department of health to develop the packaging [~~waste~~] reduction, [~~and~~] reuse, and recycling

program; and

(2) Propose legislation to implement [A packing waste reduction and reuse plan and program that:

~~Develops]~~ a packaging [~~waste~~] reduction, [~~and~~] reuse, and recycling program that:

(A) Includes a packaging reduction, reuse and recycling program implementation plan by December 31, 2026, including decisions on producer funding after public process that may receive input from a non-profit producer responsibility organization; ~~and~~

(B) [~~Beginning July 1, 2027, implements a packaging waste reduction and reuse plan and program that~~

(C) ~~(A) funded in whole or in part by producers].~~

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

"PART . HAWAII ZERO WASTE INITIATIVE [AND PACKAGING REDUCTION AND REUSE PROGRAM]

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

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

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

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

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

"Covered producer" means a packaging producer selling a large amount of consumer packaged goods in the State, as determined by the department upon considering the recommendations of the advisory council. "Covered producer" does ~~[, but shall ]~~ not include:

(1) P[ro]ducers of low or medium amounts as defined by rule by the department; or

(2) Any other producer as determined by the department pursuant to section 342G-G.

"Packaging" means any separable and distinct material component used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods. "Packaging" includes but is not limited to the following:

- (1) Sales packaging or primary packaging intended to provide the user or consumer the individual serving or unit of the product and most closely containing the product, food, or beverage;
- (2) Grouped packaging or secondary packaging intended to bundle, sell in bulk, brand, or display the product;
- (3) Transport packaging or tertiary packaging intended to protect the product during transport to consumer markets or directly to consumers; and
- (4) Packaging components and ancillary elements integrated into packaging, including ancillary elements directly hung onto or attached to a product and that perform a packaging function.

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

"Packaging waste" means the part of solid waste that consists of packaging and packaging material, including plastic

food containers; liquid containers made of plastic, glass, aluminum, or steel; flexible plastic containers; plastic film; cardboard; paperboard; and paper.

~~[A person, except for the State or any of its political subdivisions]~~ "Person" means any individual, partnership, firm, association, public or private corporation, limited liability company, not-for-profit organization, public benefit corporation, public authority, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity.

"Producer", with respect to packaging material, means ~~a~~:  
Any] person, except for the State or any of its political subdivisions, that:

- (1) Has legal ownership of the brand of a product sold, offered for sale, or distributed for sale in or into the State contained, protected, delivered, presented or distributed in or using packaging material;  
~~or~~ ~~manufactures or uses in a commercial enterprise, sells, offers for sale, or distributes the packaging material in the State under the brand of the manufacturer~~

- (2) Is the sole entity that imports into the State for sale, offer for sale, or distribution for sale in or into the State a product contained, protected, delivered, presented, or distributed in or using packaging material

that is branded by a person that meets the requirements of paragraph (1) and has no physical presence in the United States. [An entity that is not the manufacturer of the packaging material but is the owner or licensee of a trademark under which the covered product is used in commercial enterprise, sold, offered for sale, or distributed in the State, whether or not the trademark is registered]; or

~~— (3) An entity that imports the packaging material into the United States or the State for use in a commercial enterprise, sale, offer for sale, or distribution in the State.]~~

"Producer" includes a low-volume producer and a franchisor of a franchise located in the State.

"Producer" does not include the franchisee operating a franchise located in the State or a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

"Producer responsibility organization" means a non-profit

501(c)(3) entity:

- (1) That producers may form to help assist individual producers with complying with the requirements of this part; and

- (2) Whose role may be determined through the process described in this part.

"Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise ultimately be disposed of onto land or into water or the atmosphere, and returning the materials to, or maintaining the materials within, the economic mainstream in the form of recovered material for new, reused, or reconstituted products, including compost, that meet the quality standards necessary to be used in the marketplace. To be considered recycled, covered material shall be sent to a responsible end market. "Recycle" or "recycling" does not include:

- (1) Energy recovery or energy generation by any means, including but not limited to fuel production, except for anaerobic digestion of source separated organic materials; advanced recycling; chemical recycling; combustion; gasification; incineration; pyrolysis; solvolysis; thermal desorption; waste-to-energy; waste-to-fuel; or any other chemical or molecular conversion process; or
- (2) Landfill disposal of discarded material or discarded product component materials, including the use of materials as landfill cover.

"Returnable" means a type of packaging that [a product  
]can be conveniently returned by consumers after use as part  
of a system that provides for the collection and refill of the  
package by a business. [~~to a reuse or return system~~].

"Reusable" means a type of packaging that is returnable and  
is sufficiently durable for multiple rotations of its original  
or similar purpose or function in a system of reuse.

"Reusable packaging" means [~~a product or~~] packaging that  
is:

(1) [~~Reusable, refillable, or returnable;~~

(3) ]Non-toxic, meaning that it does not contain harmful  
chemical, physical, biological, or radiological substances  
that will pose a threat to human health or the environment;

(~~3~~2) Safe for washing and sanitizing according to  
applicable state food safety laws; and

(~~4~~3) Part of a system that achieves multiple cycles of  
use, equitable access, and reduced waste.

"Reuse and refill" means the return into the marketplace of  
a covered material that:

(1) Has already been used in the same manner as originally  
intended without a change in the covered material's  
purpose; and

(2) Was intended to be used for its original purpose at  
least five times. [~~packaging back into the economic~~  
~~stream for use in the same kind of application~~



~~intended for the original packaging, without changing the original composition or purpose of the product or the components thereof.]~~

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

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

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

(~~e~~b) Under the Hawaii zero waste initiative, the department shall:

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

(2) Establish policies and programs that reduce waste and consumption and maximize reuse, refill, composting, and recycling;

(3) Seek to reduce the amount of toxic and hazardous waste that is imported into the State and poses a risk to air quality,

water quality, and groundwater resources and otherwise creates dangerous pollution when used or disposed of;

(4) Where feasible, seek market-based solutions that internalize the external costs to producers that have been borne by taxpayers in the past, beginning with considering programs for products that have successful extended producer responsibility programs in other jurisdictions, including but not limited to carpets, large appliances, electronic waste, packaging waste, prescription drugs, batteries, paint, pesticides, tires, photovoltaic panels, used motor oil, and mattresses;

(5) Seek to learn from policies implemented in other jurisdictions, while also considering the State's unique needs and the needs of each county;

(6) Work with other state agencies, counties, and the private sector to implement the Hawaii zero waste initiative;

(7) Conduct public outreach and education statewide about the Hawaii zero waste initiative; and

(8) Provide an annual report to the legislature on the progress and implementation of the Hawaii zero waste initiative.

**§342G-C Packaging waste advisory council; duties; established.** (a) On or before January 1, 2025, the department shall establish a packaging waste advisory council, which shall advise the department on the needs assessment pursuant to

section 342G-~~DE~~ and packaging waste reduction and reuse plan pursuant to section 342G-~~FG~~.

(b) The advisory council shall:

(1) Incorporate lessons learned and discussions from other states and the federal government that are pursuing or have passed parallel efforts to implement producer responsibility legislation in advising the department in how to structure the State's program by analyzing the following scenarios: (a) producer responsibility in Hawaii independent of other state and federal packaging initiatives; and (b) producer responsibility for packaging in Hawaii in conjunction or synchronicity with other state and federal initiatives; as called for by the Plastics Source Reduction Working Group Report;

(2) Consult with a non-profit producer responsibility organization, if one exists;

(3) Provide recommendations to the department on how to provide incentives to producers to prevent wastes at the source, promote product redesign for environmental protection, and support public recycling and materials management goals; as called for by the Plastics Source Reduction Working Group Report.

(4) Provide recommendations to the department on how best to achieve a seventy per cent reduction by 2035 in packaging waste sent to landfills or incinerated, as the ALOHA+ Challenge called for by 2030;

(5) Advise the department in the development of a producer-funded packaging reduction, reuse, and recycling program that addresses the following:

- a. The size of producers to be included as covered producers engaged in the packaging reduction, reuse, and recycling program;
- b. The methodology utilized to determine the amount of fees collected from producers;
- c. The metrics to be used to determine the ~~baseline~~ amount of packaging generated by each producer and for subsequent reporting; provided that weight alone shall not be considered a sufficient metric since transitioning to single-use plastic to meet the requirements of reduction is not considered acceptable;
- d. The covered products to include in the packaging reduction, reuse, and recycling program;
- e. The packaging material requirements that producers shall follow and the timeline for meeting such requirements; and

f. ~~The administrator of the~~ roles and responsibilities of the department and non-profit producer responsibility organization, if one exists, in the administration of the packaging reduction, reuse, and recycling program; and

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

The advisory council's recommendations shall include how to fund and support each county to develop and integrate new programming, or expand existing programming, to achieve the goals of the packaging reduction, reuse, and recycling program to be developed and implemented pursuant to section 342G-G.

~~[Provide recommendations to the department on how best to achieve a seventy per cent reduction in packaging waste sent to landfills or incinerated;~~

~~— (2) Advise the department in the development of a producer-funded packaging waste reduction and reuse program that addresses the following:~~

~~————— (A) The types of materials being used for packaging by product, products eligible for reuse and refill, and products targeted for waste reduction and diversion;~~

- ~~————— (B) The costs to transition to systems that reduce waste or encourage reusable packaging and the portion of those costs that will be covered by producers;~~
- ~~————— (C) The programs and infrastructure that are needed in Hawaii to divert packaging waste from landfilling and incineration and the costs of developing and running those waste diversion programs;~~
- ~~————— (D) The needs and costs to improve Hawaii's packaging materials collection systems and sorting and processing facilities, including the portion of the costs that will be covered by producers;~~
- ~~————— (E) The size of producers to be included as covered producers engaged in the packaging waste reduction and reuse program;~~
- ~~————— (F) The metrics that should be utilized to determine the amount of fees collected from producers;~~
- ~~————— (G) The metrics that should be used to determine the baseline amount of packaging generated by each producer and for subsequent reporting, noting that weight alone shall not be considered a sufficient metric since transitioning to single-use plastic to meet the requirements of reduction is not considered acceptable;~~
- ~~————— (H) The covered products to include in the packaging waste reduction and reuse program;~~

~~————— (I) The packaging material requirements that producers shall follow and the timeline for meeting such requirements;~~

~~————— (J) The state and county staffing needs to support the packaging waste reduction and reuse program;~~

~~————— (K) The administrator of the packaging waste reduction and reuse program; and~~

~~————— (L) Viable alternative packaging solutions for locally made and imported products;~~

~~— (3) For non ex officio members only, be subject to section 26 34; and~~

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

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

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

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

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

(3) A representative from the city and county of Honolulu department of environmental services with experience in sustainable waste management;

(4) A representative from the county of Maui department of environmental management with experience in sustainable waste management;

(5) A representative from the county of Kauai department of public works with experience in sustainable waste management;

(6) A representative from the county of Hawaii department of environmental management with experience in sustainable waste management;

(7) One representative of a community organization in each of the four counties that has focused on packaging waste reduction, ~~nominated~~ selected by the chair;

(8) One expert in governmental activities regarding programs to achieve packaging waste reduction nationally and internationally, selected by the chair;

(9) [~~Three~~] Two representatives of large producers of packaging waste from consumer packaging goods sold or distributed in the State [~~Hawaii~~], ~~nominated~~ selected by the chair;

(10) One representative of a packaging manufacturer from consumer packaging goods sold or distributed in the State selected by the chair;

(11) One representative from a Hawaii small business that manufactures products in the State, ~~nominated~~ selected by the chair;

(~~11~~2) Two national experts in reusable packaging who are not affiliated with any packaging producers in Hawaii, ~~nominated~~ selected by the chair; and

(~~12~~3) Two representatives from recycling and waste hauling businesses working in Hawaii, ~~nominated~~ selected by the chair.

If a non-profit producer responsibility organization is formed, the chair shall select a person to be a representative of the producer responsibility organization, who shall serve as a nonvoting member.



(d) The members of the advisory council shall serve for two-year terms and may be reappointed by the chair. The members shall serve without compensation but shall be reimbursed by the department for expenses, including travel expenses, necessary for the performance of their duties.

(e) The chair shall determine how often the advisory council shall meet. The council meetings shall be open to the public and shall be [~~are~~] subject to chapter 92. The department shall provide administrative support to the advisory council. The department may hire a facilitator to administer the advisory council.

**§342G-D Non-profit producer responsibility organization.**

(a) Producers may collaborate to form a producer responsibility organization to express the producers' viewpoints to the advisory council and department and determine funding and management for their joint efforts. If a non-profit producer responsibility organization is formed, it may provide recommendations to the department of how it would propose to prioritize reducing and reusing packaging where feasible, which packaging will be designated for recycling, and the infrastructure that will be needed in the State to enable its member producers to achieve packaging reduction and reuse. (b) If created, the non-profit producer responsibility organization shall, among other tasks

and functions, assist the department with reporting requirements and managing the program by:

- (1) Registering all participating producers;
- (2) Collecting and compiling data from participating producers to assist the department with the administration of the requirements of this part; and
- (3) Offer technical support to participating producers to assist participating producers with compliance with the requirements of this part.

**§342G-DE Needs assessment.** (a) The department, with assistance from each county and advice and input from the advisory council and a non-profit producer responsibility organization if it exists, shall conduct [~~develop~~] a statewide needs assessment, which shall detail the processing capabilities, collection systems, infrastructure, and other resources needed to reduce packaging waste from each respective county's baseline amount by seventy per cent by 2030~~5~~, recognizing that each county faces different challenges; provided that for a county with a population greater than five hundred thousand:

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

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

(b) The needs assessment shall address the following:

- (1) The types of materials being used for packaging by product type;
- (2) Viable reusable and alternative packaging solutions for locally made and imported products;
- (3) Opportunities for the creation of packaging reuse and refill programs in the State and the cost to develop those programs;
- (4) Opportunities for the improvement of packaging recycling, including the development of local end markets for recycled packaging materials and the costs of developing those programs;
- (5) Current barriers affecting the creation and implementation of packaging reuse, refill, and recycling programs;
- (6) The current recycling rate for each type of packaging material;
- (7) The programs and infrastructure, including the development of local processing and separation facilities, that are needed in the State to recycle packaging waste and the costs of developing and running those programs;

- (8) The needs within each county to improve packaging materials collection and sorting systems for reuse and recycling;
- (9) The State and county staffing needs to support the packaging reduction, reuse, and recycling program;
- (10) The net cost of end-of-life management of discarded packaging in the State, including the cost associated with the collection, transportation, sortation, recycling, landfilling, or incineration of discarded packaging;
- (11) Current barriers to the marketability of recyclable materials generated in the State;
- (12) Current barriers affecting recycling access and availability in the State;
- (13) The processing capacity, market conditions, and opportunities in the State and regionally for recyclable materials; and
- (14) Consumer education needs in the State with respect to packaging waste reduction, recycling, reducing contamination in recycling, and reuse and refill systems for packaging.

(c) The department shall [~~compile the needs assessments and consolidate them along with any recommendations made by the counties and work with the advisory council to develop an implementation plan as described in section 342G-F;~~] prepare

the needs assessment after considering any recommendations made by the counties, and a non-profit producer responsibility organization, if it exists, and work with the advisory council to develop proposed legislation to implementation a program as described in section 342G-G; provided that priority shall be given to packaging reuse and refill programs.

(d) The department may contract for assistance in preparing the needs assessment. The department may charge covered producers or a producer responsibility organization, if it exists, for reimbursement of the department's costs for the needs assessment.

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

- (1) All fees, payments, and penalties collected by the department pursuant to this part;
- (2) Any appropriation by the legislature into the special fund;
- (3) Any grant or donation made to the special fund; and
- (4) Any interest earned on the balance of the special fund.

(b) The packaging waste special fund shall be administered by the department.

**§342G-FG Packaging [waste] reduction, [ and] reuse, and recycling plan and program; implementation.** (a) The department shall, after considering any comments from the advisory council and a non-profit producer responsibility organization, if one exists, develop a producer-funded [waste] reduction, [and] reuse, and recycling plan proposal to implement a packaging waste reduction and reuse program to achieve the goal of a seventy per cent reduction of the amount of packaging waste deposited in landfills or incinerated in the State by 2030~~5~~. A non-profit producer responsibility organization, if one exists, shall provide similar updated recommendations every five years thereafter. The ~~[department shall specify by rule: A producer-funded plan to implement a packaging reduction, reuse, and recycling program]~~ department's plan proposal shall specify:

- (1) ~~[Identify]~~ How to determine covered producers and covered products; provided that the department shall consider typical exemptions from other extended producer responsibility programs, such as producers that:
  - (A) Make less than \$5,000,000 in annual gross revenue; or
  - (B) Use less than a certain amount of covered packaging material to sell, distribute, and market their products annually;
- (2) How fees shall be set and deposited into the packaging waste special fund;

(3) How reduction shall be measured; and

(4) Reporting requirements for covered producers;

~~[(2) How fees shall be set;~~

~~—(3) How reduction shall be measured; and~~

~~—(4) Reporting requirements for the producers;]~~

provided that reduction shall not be solely measured by reducing the weight of packaging as it is against the goals of the State to increase the use of single-use plastics. The plan shall be informed by the results of the needs assessment and shall take into account all input provided by the advisory council, the public, and a non-profit producer responsibility organization, if it exists.

(b) By July 1, 2026, the department shall issue a draft implementation plan designed to achieve a seventy per cent reduction of packaging waste deposited in landfills or incinerated in the State by 2030~~5~~ for review and comment by the advisory council. Within sixty calendar days after receiving the draft plan proposal, the advisory council shall provide recommendations based on majority vote.

Any advisory council member who does not endorse the recommendations of the council may submit a separate written recommendation to the department reflecting a minority opinion. The department shall consider the recommendations of the advisory council and a non-profit producer responsibility organization, if it exists, in developing the final draft

legislation.~~[for public review.]~~ By December 31, 2026, the department shall propose legislation to implement a packaging waste reduction plan. ~~[publish a final draft implementation plan for public review and comment pursuant to chapter 91. The public shall have ninety calendar days to provide written and oral comment. The department shall consider public input in developing a final plan.]~~

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

**§342G-GH Hiring process initiation.** The department and counties shall prepare to implement ~~[the]~~ a packaging waste reduction and reuse program beginning July 1, 2027.

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

**§342G-IJ Annual report.** The department shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session, beginning one year after the establishment of the packaging ~~[waste]~~ reduction, ~~[and]~~ reuse, and recycling program. The report shall contain a summary of the following:



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

(2) The needs assessments;

(3) Moneys deposited into the packaging waste special fund;

(4) The use of any moneys from the packaging waste special fund; and

(5) Any other findings and recommendations, including any proposed legislation.

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

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

SECTION 4. There is appropriated out of the packaging waste special fund established pursuant to section 342G-E,

Hawaii Revised Statutes, the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the department of health to fund contractors or two full-time equivalent (2.0 FTE) permanent packaging reduction coordinator positions; provided that one coordinator position shall administer the packaging reduction, reuse, and recycling program and assist the counties and one coordinator position shall develop rules, oversee and manage goals and objectives related to packaging waste reduction, and develop reports.

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

SECTION 5. There is appropriated out of the packaging waste special fund established pursuant to section 342G-~~EF~~, Hawaii Revised Statutes, the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to fund and manage the packaging waste advisory council established pursuant to section 342G-C, Hawaii Revised Statutes, including any facilitator.

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

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

**Report Title:**

Packaging Reduction, Reuse, and Recycling 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 and packaging waste special fund. 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, and propose legislation to ~~E~~establish[es] a packaging ~~[waste]~~ reduction, ~~[and]~~ reuse, and recycling program. Appropriates funds. Effective 6/30/3000. (PROPOSED SD1)

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

]



Inspiring Generations of Play

1375 Broadway • Suite 1001 • New York, NY 10018  
t. 212.675.1141 • e. info@toyassociation.org

March 19, 2023

The Honorable Joy A. San Buenaventura  
The Honorable Mike Gabbard  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: House Bill 1326 (Lowen) - Packaging Waste Reduction Program Mandate—OPPOSE

Dear Chair San Buenaventura, Chair Gabbard, Vice Chair Aquino, Vice Chair Richards, and Members of the Senate Committee on Health and Human Services and the Senate Committee on Agriculture and Environment:

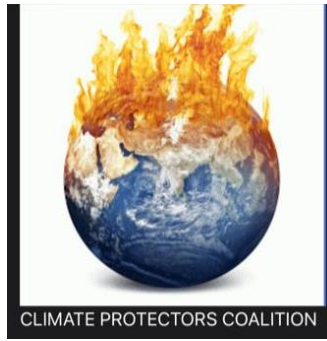
I write today on behalf of the Toy Association (TTA), a not-for-profit trade association representing approximately eight hundred (800) toymakers, marketers, distributors, and retailers, large and small, located throughout North America. Toy Association members have been working diligently toward environmental goals by improving the recyclability of their toys, reducing packaging, and utilizing more sustainable materials in their products and packaging. While studies indicate that toy packaging accounts for less than 1% of the typical household's annual waste stream, all industries have an obligation to do what they can to reduce their environmental impact.

The Toy Association supports investment in improved recycling infrastructure through extended producer responsibility (EPR) in the form of a uniform national program which provides responsible entities with clear standards and criteria, and reasonable implementation timeframes. However, as states begin to act on their own, we encourage collaboration across jurisdictions to create viable end markets and streamline the compliance process for industry. Although no other state has fully implemented their packaging EPR program, they all include strong Producer Responsibility Organizations at their core. This bill doesn't establish such a framework. Other concerns include definitions of producer and covered producer, lack of defined scope of the needs assessment, and use of funds from the Packaging Waste Special Fund. Additionally, with the implementation plan completion date of July 2027, it only leaves 2 ½ years to reach the goal of 70% reduction in the amount of packaging deposited in landfills or incinerated, this is simply not enough time.

We applaud the state's efforts to evaluate their solid-waste system and improve the management of packaging materials in the municipal waste stream; however, this bill sets overambitious goals without providing the appropriate foundation or structure to achieve them. For these reasons, the Toy Association must respectfully oppose HB 1326. Thank you for considering our concerns.

Sincerely,

Erin Raden  
Director, State Government Affairs  
The Toy Association



To: The Honorable Chairs Mike Gabbard and Joy San Buenaventura, the Honorable Vice Chairs Tim Richards, III, and Henry Aquino and Members of the Committees on Agriculture and Environment and Health and Human Services

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

Re Hearing: **HB1326 HD1 RELATING TO THE ENVIRONMENT**

Hearing: Monday March 20, 2023, 1:30 p.m., room 224

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Tim Richards, III, and Henry Aquino and Members of the Committees on Agriculture and Environment and Health and Human Services:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about packaging waste, especially plastic waste, which never really goes away, it breaks down into smaller pieces of microplastics that kill marine species and birds that ingest it and moves up the food chain to humans eating seafood.

The Climate Protectors Hawai'i seeks to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate. Most plastic is made from petroleum and is therefore a major contributor to greenhouse gas emissions. Creating less plastic packaging will help mitigate the climate crisis.

**The Hawai'i Reef and Ocean Coalition and the Climate Protectors Hawai'i  
STRONGLY SUPPORT HB1326 HD1 but propose amendments in a SD1 Proposed!**

The State of Hawai'i faces a crisis in its handling of municipal solid waste. Every county in Hawai'i is running out of useable landfill capacity for solid waste and facing difficulties in siting more landfills.

Trash incineration reduces the volume of waste but is not a good solution. Incinerating trash is generally more expensive than landfilling. The World Bank reported in 2018 that both capital and operating expenditures for incinerators are higher than costs for other options such as composting, anaerobic digesting and landfills. Trash incineration is even worse for public health and the environment than coal and oil. It:

- releases into the air hazardous pollutants such as lead, mercury and dioxins that can be carcinogenic and harmful to the central nervous system;
- has been associated with birth defects;
- releases fine particle pollution that can exacerbate respiratory ailments such as chronic bronchitis, asthma, COPD, and emphysema;
- is twice as bad for the climate as landfilling, emitting greenhouse gases including carbon dioxide, nitrous oxide, NOx, ammonia, and total carbon; and
- produces toxic ash that, when placed in landfills, can pollute drinking water and surface waters, which can harm human health.

Neither incineration nor landfilling of solid waste are sustainable solutions.

Recycling alone is not the answer for Hawai'i, given our isolation, the costs of shipping, the lack of local commercial recycling facilities, poor sorting practices, and the fact that some types of plastic are not recyclable and others can only be recycled a few times.

**Hawai'i needs to reduce packaging waste to help address our landfill capacity problems, reduce costs to taxpayers, protect our environment, and mitigate the climate crisis.** We must create less packaging waste and recapture resources in our waste through reuse. A major goal of the State should be to move toward zero waste.

Currently, the county taxpayers in the State pay most of the costs of handling packaging waste. **The producers of packaging waste should shoulder more of the costs of handling the packaging waste they produce; the taxpayers should pay less.** It is fair that those who create packaging waste pollution should bear at least some of the costs. The packaging producers also are in the best position to redesign their packaging so it is less wasteful and can be reused or refilled. Developing packaging that circulates locally will reduce packaging costs, waste handling costs, and supply chain disruptions that harm local businesses.

This bill would begin to move Hawai'i toward these zero waste and packaging reduction goals. It would protect the environment, produce local green jobs in waste handling, and reduce costs to taxpayers by establishing a zero waste initiative and a packaging reduction and reuse program, with participation and funding from large producers of consumer packaged goods. Smaller producers would not be affected. The existing HI 5 deposit bottles would be exempt. A packaging waste special fund would be established to provide funding.

The bill calls for the Department of Health (DOH), with the assistance from each county and others to first develop an assessment of statewide needs for resources to reduce packaging waste from the baseline amount, with priority on waste prevention, by eliminating unnecessary packaging and switching to reusable packaging systems.

To work through the complex issues of this transition, an advisory group of relevant stakeholders, including producers, county representatives and others, would be established to advise the DOH on how to structure a producer-funded packaging reduction program. Funding for additional staffing at DOH should be provided to regulate the packaging waste reduction program. With input from the advisory group, the DOH will implement a packaging reduction program funded at least in part by large producers, with a target date of July 1, 2027.

The bill also would establish a Zero Waste Initiative in DOH to manage the State's transition from a throw-away linear economy, where we produce, use and discard solid waste, to a more circular economy where, as much as feasible, we

**REDUCE, REUSE and REFILL!** The bill establishes a process for reasonable packaging waste reform that will help us deal with landfill capacity limitations, reduce packaging waste, lower costs to taxpayers, and move toward zero waste.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill!

In order to address some of the concerns expressed by producers at previous hearings, however, we urge passage of the attached SD1 PROPOSED. The proposed bill amendments include:

1. requiring that DOH work with Advisory Council and submit a proposed bill to the Legislature by 12/31/2026 a bill implementing packaging reduction, reuse and recycling program, rather than DOH implementing by rule;
2. removing interim goals of the Zero Waste Initiative;
3. revising the Advisory Council tasks using language from Plastic Source Reduction Working Group Report; and
4. revising roles and responsibilities of DOH and a Producer Responsibility Organization in administering program.

The bill as amended now:

- establishes a **Zero Waste Initiative** with a goal of sending zero solid waste to landfills and incinerators,
- establishes a Packaging Waste **Advisory Council** and special fund to assist DOH in preparing a **statewide needs assessment for each county to achieve a 70% reduction** in waste, recognizing their differing challenges, and
- initiates a **collaborative process to implement a packaging reduction, reuse, and recycling program through legislation to be proposed for 2027.**

Please pass this bill with proposed amendments to help Hawai'i deal with its landfill capacity crises and reduce costs paid by taxpayers! Mahalo!

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



HOUSE OF  
REPRESENTATIVES  
THIRTY-SECOND  
LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO. 1326  
H.D. 1  
S.D. 1  
PROPOSED

---

## A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

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

hundred tons of toxic ash from H-Power are buried in the landfill every day.

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

A zero-waste initiative in Hawaii would elevate these circular economy principles and put them at the center of the State's waste management strategies. It would redirect [ ~~broadly redirecting~~] state agencies tasked with overseeing solid waste management to prioritize source reduction, reuse, refill, organic waste diversion, and [~~composting and to~~] the improvement [~~the availability~~] of recycling services for waste that cannot be avoided, or reused [~~or composted~~].

The adoption of a zero-waste initiative would lead the shift away from the linear waste system and toward a circular economy that is more sustainable, will create green jobs, and will reduce costs for waste management that are currently borne

by taxpayers. It would also address environmental and public health concerns posed by Hawaii's overflowing landfills.

~~[As a remote island state reliant on tourism, e]~~Extended producer responsibility is an essential component of a circular economy, as it places shared responsibility for a product's lifecycle, including end-of-life management, onto the producers of the product. This encourages more sustainable product design that leads to less waste and more reusable and fully recyclable products.

Extended producer responsibility programs can exist for almost any product type. There are existing programs in other jurisdictions that cover a range of products including carpets, large appliances, e-waste, packaging waste, prescription drugs, batteries, paint, pesticides, tires, photovoltaic panels, used motor oil, and mattresses. Under these programs, producers are responsible for ensuring that services are available to reclaim and recycle products when they reach the end of their useful life. Countless tons of waste and virgin resources are avoided when these programs are implemented. Additionally, extended producer responsibility programs for packaging waste exist in Europe, ~~[and ]~~Canada, China, India, Japan, South Korea, and many countries in Africa and South America, and in recent years have been adopted in California, Colorado, Maine, and Oregon, and proposed in many other state legislatures.

The goal of this Act is to lay the foundation for the creation of a sustainable future for Hawaii and its residents by reducing waste, minimizing resource inputs, and promoting a

closed-loop system through reuse and recycling that will benefit the environment and the economy.

The purpose of this Act is to protect the environment and reduce costs to taxpayers by establishing a Hawaii zero waste initiative and a process for developing a packaging waste reduction, [ and ]reuse, and recycling program, with participation and funding from large producers of consumer packaged goods. The program shall be developed through a multi-step process, which:

(1) Devises a [~~An implementation~~] plan that:

(A) Requires the department of health, with the assistance from each county and input from packaging producers, to develop a statewide [~~an~~] needs assessment [~~of statewide needs~~] to determine resources required to reduce packaging waste by seventy per cent from the baseline amount, with the following priorities:

~~[(B) waste]~~ (i) Waste prevention through eliminating unnecessary packaging and switching to reusable packaging systems where feasible; and

(ii) Recycling.

Producers are free to create a non-profit organization to present unified positions and determine funding and management for their joint effort. This has been referred to in other jurisdictions as a producer responsibility organization;

- (B) Establishes an advisory council composed of relevant stakeholders ~~[that]~~ who will advise the department of health on how to structure a producer-funded packaging reduction, ~~[ and]~~ reuse, and recycling program; and
- (C) Requires the department of health to develop the packaging ~~[waste]~~ reduction, ~~[ and]~~ reuse, and recycling

program; and

(2) Propose legislation to implement [A packaging waste reduction and reuse plan and program that:

~~Develops]~~ a packaging ~~[waste]~~ reduction, ~~[ and]~~ reuse, and recycling program that:

(A) Includes a packaging reduction, reuse and recycling program implementation plan by December 31, 2026, including decisions on producer funding after public process that may receive input from a non-profit producer responsibility organization; ~~and~~

(B) ~~[Beginning July 1, 2027, implements a packaging waste reduction and reuse plan and program that~~

(C) ~~(A) funded in whole or in part by producers].~~

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

"PART . HAWAII ZERO WASTE INITIATIVE [AND PACKAGING REDUCTION AND REUSE PROGRAM]

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

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

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

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

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

"Covered producer" means a packaging producer selling a large amount of consumer packaged goods in the State, as determined by the department upon considering the recommendations of the advisory council. "Covered producer" does ~~not~~, but shall not include:

(1) P[p]roducers of low or medium amounts as defined by rule by the department; or

(2) Any other producer as determined by the department pursuant to section 342G-G.

"Packaging" means any separable and distinct material component used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods. "Packaging" includes but is not limited to the following:

- (1) Sales packaging or primary packaging intended to provide the user or consumer the individual serving or unit of the product and most closely containing the product, food, or beverage;
- (2) Grouped packaging or secondary packaging intended to bundle, sell in bulk, brand, or display the product;
- (3) Transport packaging or tertiary packaging intended to protect the product during transport to consumer markets or directly to consumers; and
- (4) Packaging components and ancillary elements integrated into packaging, including ancillary elements directly hung onto or attached to a product and that perform a packaging function.

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

"Packaging waste" means the part of solid waste that consists of packaging and packaging material, including plastic

food containers; liquid containers made of plastic, glass, aluminum, or steel; flexible plastic containers; plastic film; cardboard; paperboard; and paper.

~~[A person, except for the State or any of its political subdivisions]~~ "Person" means any individual, partnership, firm, association, public or private corporation, limited liability company, not-for-profit organization, public benefit corporation, public authority, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity.

"Producer", with respect to packaging material, means ~~any~~ any person, except for the State or any of its political subdivisions, that:

- (1) Has legal ownership of the brand of a product sold, offered for sale, or distributed for sale in or into the State contained, protected, delivered, presented or distributed in or using packaging material;  
~~or [manufactures or uses in a commercial enterprise, sells, offers for sale, or distributes the packaging material in the State under the brand of the manufacturer~~

- (2) Is the sole entity that imports into the State for sale, offer for sale, or distribution for sale in or into the State a product contained, protected, delivered, presented, or distributed in or using packaging material



that is branded by a person that meets the requirements of paragraph (1) and has no physical presence in the United States. [An entity that is not the manufacturer of the packaging material but is the owner or licensee of a trademark under which the covered product is used in commercial enterprise, sold, offered for sale, or distributed in the State, whether or not the trademark is registered]; or

~~— (3) An entity that imports the packaging material into the United States or the State for use in a commercial enterprise, sale, offer for sale, or distribution in the State.]~~

"Producer" includes a low-volume producer and a franchisor of a franchise located in the State.

"Producer" does not include the franchisee operating a franchise located in the State or a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

"Producer responsibility organization" means a non-profit 501(c)(3) entity:

- (1) That producers may form to help assist individual producers with complying with the requirements of this part; and

- (2) Whose role may be determined through the process described in this part.

"Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise ultimately be disposed of onto land or into water or the atmosphere, and returning the materials to, or maintaining the materials within, the economic mainstream in the form of recovered material for new, reused, or reconstituted products, including compost, that meet the quality standards necessary to be used in the marketplace. To be considered recycled, covered material shall be sent to a responsible end market. "Recycle" or "recycling" does not include:

- (1) Energy recovery or energy generation by any means, including but not limited to fuel production, except for anaerobic digestion of source separated organic materials; advanced recycling; chemical recycling; combustion; gasification; incineration; pyrolysis; solvolysis; thermal desorption; waste-to-energy; waste-to-fuel; or any other chemical or molecular conversion process; or
- (2) Landfill disposal of discarded material or discarded product component materials, including the use of materials as landfill cover.

"Returnable" means a type of packaging that [~~a product~~  
]can be conveniently returned by consumers after use as part  
of a system that provides for the collection and refill of the  
package by a business. [~~to a reuse or return system~~].

"Reusable" means a type of packaging that is returnable and  
is sufficiently durable for multiple rotations of its original  
or similar purpose or function in a system of reuse.

"Reusable packaging" means [~~a product or~~]packaging that  
is:

(1) [~~Reusable, refillable, or returnable,~~

(3) ]Non-toxic, meaning that it does not contain harmful  
chemical, physical, biological, or radiological substances  
that will pose a threat to human health or the environment;

(~~3~~2) Safe for washing and sanitizing according to  
applicable state food safety laws; and

(43) Part of a system that achieves multiple cycles of  
use, equitable access, and reducedwaste.

"Reuse and refill" means the return into the marketplace of  
a covered material that:

(1) Has already been used in the same manner as originally  
intended without a change in the covered material's  
purpose; and

(2) Was intended to be used for its original purpose at  
least five times. [~~packaging back into the economic  
stream for use in the same kind of application~~

~~intended for the original packaging, without changing the original composition or purpose of the product or the components thereof.]~~

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

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

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

~~(e)~~ Under the Hawaii zero waste initiative, the department shall:

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

(2) Establish policies and programs that reduce waste and consumption and maximize reuse, refill, composting, and recycling;

(3) Seek to reduce the amount of toxic and hazardous waste that is imported into the State and poses a risk to air quality,

water quality, and groundwater resources and otherwise creates dangerous pollution when used or disposed of;

(4) Where feasible, seek market-based solutions that internalize the external costs to producers that have been borne by taxpayers in the past, beginning with considering programs for products that have successful extended producer responsibility programs in other jurisdictions, including but not limited to carpets, large appliances, electronic waste, packaging waste, prescription drugs, batteries, paint, pesticides, tires, photovoltaic panels, used motor oil, and mattresses;

(5) Seek to learn from policies implemented in other jurisdictions, while also considering the State's unique needs and the needs of each county;

(6) Work with other state agencies, counties, and the private sector to implement the Hawaii zero waste initiative;

(7) Conduct public outreach and education statewide about the Hawaii zero waste initiative; and

(8) Provide an annual report to the legislature on the progress and implementation of the Hawaii zero waste initiative.

**§342G-C Packaging waste advisory council; duties; established.** (a) On or before January 1, 2025, the department shall establish a packaging waste advisory council, which shall advise the department on the needs assessment pursuant to

section 342G-~~DE~~ and packaging waste reduction and reuse plan pursuant to section 342G-~~FG~~.

(b) The advisory council shall:

(1) Incorporate lessons learned and discussions from other states and the federal government that are pursuing or have passed parallel efforts to implement producer responsibility legislation in advising the department in how to structure the State's program by analyzing the following scenarios: (a) producer responsibility in Hawaii independent of other state and federal packaging initiatives; and (b) producer responsibility for packaging in Hawaii in conjunction or synchronicity with other state and federal initiatives; as called for by the Plastics Source Reduction Working Group Report;

(2) Consult with a non-profit producer responsibility organization, if one exists;

(3) Provide recommendations to the department on how to provide incentives to producers to prevent wastes at the source, promote product redesign for environmental protection, and support public recycling and materials management goals; as called for by the Plastics Source Reduction Working Group Report.

**Formatted:** List Paragraph, Indent: Left: 0.63", First line: 0", Right: 0", Space After: 0 pt, Line spacing: Double, Tab stops: Not at 0.25"

**Formatted:** Font: (Default) Courier New, 12 pt, Underline, Font color: Text 1, Pattern: Clear

**Formatted:** Font: (Default) Courier New, 12 pt, Underline

**Formatted:** Font: (Default) Courier New, 12 pt, Underline

(4) Provide recommendations to the department on how best to achieve a seventy per cent reduction by 2035 in packaging waste sent to landfills or incinerated, as the ALOHA+ Challenge called for by 2030;

(5) Advise the department in the development of a producer-funded packaging reduction, reuse, and recycling program that addresses the following:

a. The size of producers to be included as covered producers engaged in the packaging reduction, reuse, and recycling program;

~~a.b.~~ The methodology utilized to determine the amount of fees collected from producers;

~~b.c.~~ The metrics to be used to determine the ~~baseline~~ amount of packaging generated by each producer and for subsequent reporting; provided that weight alone shall not be considered a sufficient metric since transitioning to single-use plastic to meet the requirements of reduction is not considered acceptable;

~~e.d.~~ The covered products to include in the packaging reduction, reuse, and recycling program;

~~d.e.~~ The packaging material requirements that producers shall follow and the timeline for meeting such requirements; and

Formatted: Indent: Left: 1.25", Space After: 2.55 pt, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: (Default) Courier New, 12 pt, Strikethrough

~~e.f.~~ The ~~administrator of the~~ roles and responsibilities of the department and non-profit producer responsibility organization, if one exists, in the administration of the packaging reduction, reuse, and recycling program; and

Formatted: Font: (Default) Courier New, 12 pt, Strikethrough

Formatted: Font: (Default) Courier New, 12 pt, Underline

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

The advisory council's recommendations shall include how to fund and support each county to develop and integrate new programming, or expand existing programming, to achieve the goals of the packaging reduction, reuse, and recycling program to be developed and implemented pursuant to section 342G-G.

~~[Provide recommendations to the department on how best to achieve a seventy per cent reduction in packaging waste sent to landfills or incinerated;~~

~~—(2) Advise the department in the development of a producer-funded packaging waste reduction and reuse program that addresses the following:~~

~~—(A) The types of materials being used for packaging by product, products eligible for reuse and refill, and products targeted for waste reduction and diversion;~~



- ~~(B) The costs to transition to systems that reduce waste or encourage reusable packaging and the portion of those costs that will be covered by producers;~~
- ~~(C) The programs and infrastructure that are needed in Hawaii to divert packaging waste from landfilling and incineration and the costs of developing and running those waste diversion programs;~~
- ~~(D) The needs and costs to improve Hawaii's packaging materials collection systems and sorting and processing facilities, including the portion of the costs that will be covered by producers;~~
- ~~(E) The size of producers to be included as covered producers engaged in the packaging waste reduction and reuse program;~~
- ~~(F) The metrics that should be utilized to determine the amount of fees collected from producers;~~
- ~~(G) The metrics that should be used to determine the baseline amount of packaging generated by each producer and for subsequent reporting, noting that weight alone shall not be considered a sufficient metric since transitioning to single-use plastic to meet the requirements of reduction is not considered acceptable;~~
- ~~(H) The covered products to include in the packaging waste reduction and reuse program;~~

- ~~———— (I) The packaging material requirements that producers shall follow and the timeline for meeting such requirements;~~
  - ~~———— (J) The state and county staffing needs to support the packaging waste reduction and reuse program;~~
  - ~~———— (K) The administrator of the packaging waste reduction and reuse program; and~~
  - ~~———— (L) Viable alternative packaging solutions for locally made and imported products;~~
- ~~— (3) For non ex officio members only, be subject to section 26-34; and~~
- (4) Perform any relevant analysis and make appropriate recommendations for the legislature, department, counties, and other stakeholders in developing criteria for reuse and refill programs.**

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

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

- (1) The director of health or the director's designee, who shall serve as the chair of the advisory council;
- (2) The chairs of the standing committees in the senate and the house of representatives with primary subject matter jurisdiction over the environment or the chairs' designees;
- (3) A representative from the city and county of Honolulu department of environmental services with experience in sustainable waste management;

(4) A representative from the county of Maui department of environmental management with experience in sustainable waste management;

(5) A representative from the county of Kauai department of public works with experience in sustainable waste management;

(6) A representative from the county of Hawaii department of environmental management with experience in sustainable waste management;

(7) One representative of a community organization in each of the four counties that has focused on packaging waste reduction, ~~nominated~~ selected by the chair;

(8) One expert in governmental activities regarding programs to achieve packaging waste reduction nationally and internationally, selected by the chair;

(9) [~~Three~~] Two representatives of large producers of packaging waste from consumer packaging goods sold or distributed in the State [Hawaii], ~~nominated~~ selected by the chair;

(10) One representative of a packaging manufacturer from consumer packaging goods sold or distributed in the State selected by the chair;

(11) One representative from a Hawaii small business that manufactures products in the State, ~~nominated~~ selected by the chair;

(~~12~~) Two national experts in reusable packaging who are not affiliated with any packaging producers in Hawaii, ~~nominated~~ selected by the chair; and

(~~13~~) Two representatives from recycling and waste hauling businesses working in Hawaii, ~~nominated~~ selected by the chair.

If a non-profit producer responsibility organization is formed, the chair shall select a person to be a representative of the producer responsibility organization, who shall serve as a nonvoting member.

(d) The members of the advisory council shall serve for two-year terms and may be reappointed by the chair. The members shall serve without compensation but shall be reimbursed by the department for expenses, including travel expenses, necessary for the performance of their duties.

(e) The chair shall determine how often the advisory council shall meet. The council meetings shall be open to the public and shall be ~~[are]~~ subject to chapter 92. The department shall provide administrative support to the advisory council. The department may hire a facilitator to administer the advisory council.

**§342G-D Non-profit producer responsibility organization.**

(a) Producers may collaborate to form a producer responsibility organization to express the producers' viewpoints to the advisory council and department and determine funding and management for their joint efforts. If a non-profit producer responsibility organization is formed, it may provide recommendations to the department of how it would propose to prioritize reducing and reusing packaging where feasible, which packaging will be designated for recycling, and the infrastructure that will be needed in the State to enable its member producers to achieve packaging reduction and reuse. (b) If created, the non-profit producer responsibility organization shall, among other tasks

and functions, assist the department with reporting requirements and managing the program by:

- (1) Registering all participating producers;
- (2) Collecting and compiling data from participating producers to assist the department with the administration of the requirements of this part; and
- (3) Offer technical support to participating producers to assist participating producers with compliance with the requirements of this part.

**§342G-DE Needs assessment.** (a) The department, with assistance from each county and advice and input from the advisory council and a non-profit producer responsibility organization if it exists, shall conduct [~~develop~~] a statewide needs assessment, which shall detail the processing capabilities, collection systems, infrastructure, and other resources needed to reduce packaging waste from each respective county's baseline amount by seventy per cent by 2030~~5~~, recognizing that each county faces different challenges; provided that for a county with a population greater than five hundred thousand:

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

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

(b) The needs assessment shall address the following:

- (1) The types of materials being used for packaging by product type;
- (2) Viabale reusable and alternative packaging solutions for locally made and imported products;
- (3) Opportunities for the creation of packaging reuse and refill programs in the State and the cost to develop those programs;
- (4) Opportunities for the improvement of packaging recycling, including the development of local end markets for recycled packaging materials and the costs of developing those programs;
- (5) Current barriers affecting the creation and implementation of packaging reuse, refill, and recycling programs;
- (6) The current recycling rate for each type of packaging material;
- (7) The programs and infrastructure, including the development of local processing and separation facilities, that are needed in the State to recycle packaging waste and the costs of developing and running those programs;

**Formatted:** Font: (Default) Courier New, 12 pt, Underline

- (8) The needs within each county to improve packaging materials collection and sorting systems for reuse and recycling;
- (9) The State and county staffing needs to support the packaging reduction, reuse, and recycling program;
- (10) The net cost of end-of-life management of discarded packaging in the State, including the cost associated with the collection, transportation, sortation, recycling, landfilling, or incineration of discarded packaging;
- (11) Current barriers to the marketability of recyclable materials generated in the State;
- (12) Current barriers affecting recycling access and availability in the State;
- (13) The processing capacity, market conditions, and opportunities in the State and regionally for recyclable materials; and
- (14) Consumer education needs in the State with respect to packaging waste reduction, recycling, reducing contamination in recycling, and reuse and refill systems for packaging.

(c) The department shall [~~compile the needs assessments and consolidate them along with any recommendations made by the counties and work with the advisory council to develop an implementation plan as described in section 342G-F;~~] prepare

the needs assessment after considering any recommendations made by the counties, and a non-profit producer responsibility organization, if it exists, and work with the advisory council to develop proposed legislation to implementation a program as described in section 342G-G; provided that priority shall be given to packaging reuse and refill programs.

(d) The department may contract for assistance in preparing the needs assessment. The department may charge covered producers or a producer responsibility organization, if it exists, for reimbursement of the department's costs for the needs assessment.

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

- (1) All fees, payments, and penalties collected by the department pursuant to this part;
- (2) Any appropriation by the legislature into the special fund;
- (3) Any grant or donation made to the special fund; and
- (4) Any interest earned on the balance of the special fund.

(b) The packaging waste special fund shall be administered by the department.

Formatted: Font: (Default) Courier New, 12 pt, Strikethrough



**§342G-FG Packaging [waste] reduction, [ and] reuse, and recycling plan and program; implementation.** (a) The department shall, after considering any comments from the advisory council and a non-profit producer responsibility organization, if one exists, develop a producer-funded [waste] reduction, [and] reuse, and recycling plan proposal to implement a packaging waste reduction and reuse program to achieve the goal of a seventy per cent reduction of the amount of packaging waste deposited in landfills or incinerated in the State by 2030~~5~~. A non-profit producer responsibility organization, if one exists, shall provide similar updated recommendations every five years thereafter. The [department shall specify by rule: A producer-funded plan to implement a packaging reduction, reuse, and recycling program] department's plan proposal shall specify:

- (1) [Identify] How to determine covered producers and covered products; provided that the department shall consider typical exemptions from other extended producer responsibility programs, such as producers that:
  - (A) Make less than \$5,000,000 in annual gross revenue; or
  - (B) Use less than a certain amount of covered packaging material to sell, distribute, and market their products annually;
- (2) How fees shall be set and deposited into the packaging waste special fund;

- (3) How reduction shall be measured; and
- (4) Reporting requirements for covered producers;

~~[(2) How fees shall be set;~~

~~(3) How reduction shall be measured; and~~

~~(4) Reporting requirements for the producers;]~~

provided that reduction shall not be solely measured by reducing the weight of packaging as it is against the goals of the State to increase the use of single-use plastics. The plan shall be informed by the results of the needs assessment and shall take into account all input provided by the advisory council, the public, and a non-profit producer responsibility organization, if it exists.

(b) By July 1, 2026, the department shall issue a draft implementation plan designed to achieve a seventy per cent reduction of packaging waste deposited in landfills or incinerated in the State by 2030~~5~~ for review and comment by the advisory council. Within sixty calendar days after receiving the draft plan proposal, the advisory council shall provide recommendations based on majority vote.

Any advisory council member who does not endorse the recommendations of the council may submit a separate written recommendation to the department reflecting a minority opinion. The department shall consider the recommendations of the advisory council and a non-profit producer responsibility organization, if it exists, in developing the final draft

legislation. ~~[for public review.]~~ By December 31, 2026, the department shall propose legislation to implement a packaging waste reduction plan. ~~[publish a final draft implementation plan for public review and comment pursuant to chapter 91. The public shall have ninety calendar days to provide written and oral comment. The department shall consider public input in developing a final plan.]~~

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

**~~§342G-GH~~ Hiring process initiation.** The department and counties shall prepare to implement ~~[the]~~ a packaging waste reduction and reuse program beginning July 1, 2027.

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

**~~§342G-IJ~~ Annual report.** The department shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session, beginning one year after the establishment of the packaging ~~[waste]~~ reduction, ~~[and]~~ reuse, and recycling program. The report shall contain a summary of the following:

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

(2) The needs assessments;

(3) Moneys deposited into the packaging waste special fund;

(4) The use of any moneys from the packaging waste special fund; and

(5) Any other findings and recommendations, including any proposed legislation.

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

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

SECTION 4. There is appropriated out of the packaging waste special fund established pursuant to section 342G-E,

Hawaii Revised Statutes, the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the department of health to fund contractors or two full-time equivalent (2.0 FTE) permanent packing reduction coordinator positions; provided that one coordinator position shall administer the packaging reduction, reuse, and recycling program and assist the counties and one coordinator position shall develop rules, oversee and manage goals and objectives related to packaging waste reduction, and develop reports.

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

SECTION 5. There is appropriated out of the packaging waste special fund established pursuant to section 342G-~~EF~~, Hawaii Revised Statutes, the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to fund and manage the packaging waste advisory council established pursuant to section 342G-C, Hawaii Revised Statutes, including any facilitator.

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

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

**Report Title:**

Packaging Reduction, Reuse, and Recycling 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 and packaging waste special fund. 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- and propose legislation to ~~Establish[es]~~ a packaging ~~[waste]~~ reduction, ~~[and]~~ reuse, and recycling program. Appropriates funds. Effective 6/30/3000. (PROPOSED SD1)

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

]

**Testimony in OPPOSITION  
to  
House Bill 1326  
in  
Hawaii Senate Committee on Agriculture & Environment and Committee on Health &  
Human Services  
on  
March 20, 2023**

The Flexible Packaging Association (FPA) is submitting testimony in **opposition to HB 1326, “Zero Waste Initiative and Packaging Reduction and Reuse Program.”** which would establish and extended producer responsibility for packaging and paper.

I am Sam Schlaich, Counsel, Government Affairs of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents over \$39 billion in annual sales; is the second-largest and fastest-growing segment of the packaging industry; and employs approximately 79,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

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

and household waste. Carry-out and take out food containers and e-commerce delivery are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue, increasing the recycling of solid waste from packaging, and creating a working, circular economy. We are appreciative of all of the hard work that has already been done on this legislation and I would also like to point out that FPA is fully supportive of sound, effective EPR programs but we believe HB 1326 needs further work before it is ready for consideration. Specifically, FPA would like to highlight three issues of concern:

**1. Definition of Producer:** The definition of producer is unclear and opens the door to confusion in the future. Under the current definition, packaging converters could potentially be brought within the scope of covered producers. Packaging producers (converters) have no way to determine where the packaging is sold and even in some cases to what brand – packaging producers sell packaging to CPGs, which may then use it for multiple brands within their portfolio and sell throughout the country. We would strongly urge you to adopt a clearer definition of producer that would bring Hawaii in line with the four other states that have passed EPR laws.

**2. Needs Assessment:** The needs assessment is a critical part of the development of an effective EPR program and is in many ways the foundation on which the program is built. The needs assessment in HB 1326 is underdeveloped and should specify certain requirements. A successful needs assessment should conduct an accurate in depth analysis of the current systems and infrastructure, processing capacities, funding needs, identify issues unique to certain counties or populations, provide for education on end-of-life solutions, and should include opportunities for community and stakeholder input.

**3. No Producer Responsibility Organization:** We strongly believe that another element which is critical to the success of an EPR program is the inclusion of a Producer Responsibility Organization (PRO). House Bill 1326 currently places responsibility on the Department to create and administer the plan. PROs are nonprofit organizations created by and made up of the producers covered under the program under the oversight of the Department. This provides industry with a voice and brings stakeholders into program,



allowing them to play an important, active role and offer their expertise in ensuring the program is effective in meeting its performance goals.

We look forward to continued engagement and remain optimistic that with some modification to the House Bill 1326, together we can provide the necessary elements for the enhancement of current collection, investment in new infrastructure, and development of advanced recycling systems, that will allow for collection and recycling to a broader array of today's packaging materials, including flexible packaging; and quality sorting and markets for currently difficult-to-recycle materials. For the above outlined reasons, FPA must remain opposed to HB 1326 in its current form and respectfully request an unfavorable report.

In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at 410-694-0800 or [SSchlaich@Flexpack.org](mailto:SSchlaich@Flexpack.org).

Respectfully,

*Sam Schlaich*

Sam H. Schlaich, J.D.

Government Affairs Counsel, FPA

**HB-1326-HD-1**

Submitted on: 3/19/2023 11:04:18 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Okuma	Testifying for NO POHO	Support	Written Testimony Only

Comments:

Testimony in Support of HB1326 HD1

Committee on Agriculture and the Environment and Health and Human Services

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Ellen Okuma. As the Project Director of NO POHŌ, I strongly support HB1326 HD1. This bill will enable the State Department of Health (DOH) to receive the support needed to create a process, and develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

The DOH, the State, our County of Hawai'i and businesses desperately need assistance provided by this specific legislation. Through NO POHŌ, a service for locally-owned, small, natural food businesses in Hilo, single-use beverage bottles are being replaced by refillable/reusable glass bottles. NO POHŌ collects, delabels, rinses & processes refillable bottles for reuse. This is an important grass-roots effort to divert potential reusables (glass containers) from being landfilled. Additionally, NO POHŌ ("no waste" in Hawaiian pidgin), assists local businesses reduce their waste as well as their reliance on shipping supplies that have been delayed. But, it is a slow, labor-intensive system, working to build the process, one business at a time. WE NEED SUPPORT NOW to scale up such efforts as NO POHŌ!!

Collectively, we must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

Please help DOH, our State's and counties' natural resources, and our local businesses collectively solve the climate change, pollution, land-fill and supply-chain crises by passing HB1326 HD 1.

Mahalo for the opportunity to testify,

Ellen Okuma, Project Director  
NO POHŌ



March 19, 2023

Hawai'i State Capitol  
415 South Beretania St.  
Honolulu, HI 96813

Dear Chair Buenaventura, Chair Gabbard, Vice Chair Aquino, and Vice Chair Richards:

Thank you for considering important recycling and waste management policy in Hawai'i. We write to you today as the Sustainable Food Policy Alliance (SFPA), which is comprised of member companies Danone North America, Mars Incorporated, Nestlé USA and Unilever United States. Each member company has made extensive investments and commitments to make consumer product packaging more sustainable and expedite the transition to a circular economy. In July 2020, we released a set of [Packaging and Recycling Policy Priorities](#) that outline several policy solutions essential to transforming our nation's current waste management and recycling systems, and we followed up with a set of [Extended Producer Responsibility \(EPR\) Policy Priorities](#) in January 2022.

These priorities aim to shift away from the status quo and move toward a waste and recycling future where companies like ours can set and meet ambitious goals to integrate post-consumer recycled (PCR) content into our packaging, consumers are educated to better navigate their local recycling systems, and we can all be better stewards of the environment. Within our own companies, we are investing in improving recycling systems around the world, innovating our packaging design, and collaborating with suppliers, local communities, and retail customers to advance forward-looking solutions that help our consumers make a difference and impact the planet. We know it is essential for stakeholders to come together to make end-to-end system changes that will truly transform our waste management system into a circular economy.

All four companies participate in EPR programs globally and we have worked to set up and support EPR programs and policies in the United States. We have significant concerns about Hawai'i HB 1326, however. This bill omits important best practices identified in our principles or by industry experts more generally, including key areas such as:

- A shared governance model led by a producer responsibility organization (PRO) – including producer representation – with oversight by state regulatory authority;
- Fees set by the PRO based on eco-modulation criteria for all materials;
- Fees collected by the PRO to be used specifically for improving recycling infrastructure;
- Waste reduction and recycling goals based on a needs assessment performed by the PRO; and
- Support for a variety of recycling technologies – including mechanical and advanced solutions.

We are committed to working with you and other stakeholders to refine this bill. We appreciate your leadership in Hawai'i on this topic as well as the opportunity give feedback on this important legislation.

Sincerely,

Sustainable Food Policy Alliance



The power of packaging in balance.™

**AMERIPEN**  
**American Institute for Packaging and the Environment**

**Opposition to**  
**Hawaii House Bill 1326-HD1 (Lowen)**  
**Senate Agriculture and Environment Committee**  
**Senate Health and Human Services Committee**

**March 20, 2023**

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino and Members of the Committees,

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide written testimony on House Bill 1326-HD1 (Lowen) that seeks to establish a packaging reduction and reuse program by 2026. While AMERIPEN has developed principles to aid packaging recovery and recycling systems and we support the goals of diverting packaging waste from landfills, we are opposed to HB 1326-HD1 in its current form and wish to offer suggestions to move it towards a more traditional packaging producer responsibility program and system.

AMERIPEN is a coalition of stakeholders dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging and efficient recycling policies. The packaging industry supports more than 2,500 jobs and accounts for more than \$728 million in total economic output in Hawaii.

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

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

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

AMERIPEN recognizes the health of packaging recovery and recycling and waste management systems are critical and there is a shared responsibility that producers can play in improving these systems.

Unfortunately, HB 1326-HD1 does not create shared responsibility where producers and local governments together would both contribute and work together to create better systems in Hawaii. There is no producer responsibility organization (PRO) within the bill so that producers can manage the funds and create a program plan to meet any performance goals established in the bill. Like in our previous testimonies where we detailed out our key concerns and recommendations on the policy issues at hand, below are our continued concerns.

- 1. Problematic “Covered Producer” Definition:** HB 1326-HD1 currently defines covered producer as *“a packaging producer selling a large amount of consumer-packaged goods in the State, as determined by the department upon considering the recommendations of the advisory council, but shall not include producers of low or medium amounts as defined by rule by the department.”*

The definition of producer is key to determining how any packaging producer responsibility structure will work in Hawaii and the statutory definition in HB 1326-HD1 therefore needs to be far more specific. Otherwise, determining who is the brand owner (producer) vs packaging manufacturer vs packaging supplier will be ambiguous and extremely problematic for both physical and e-commerce sales and imports in the state. We recommend a producer definition that has been used in other state packaging producer responsibility proposals and laws and would be happy to provide specific language.

- 2. Packaging Waste Special Fund:** The packaging waste special fund established in HB 1326-HD1 is intended to include all fees, payments, and penalties collected by the Hawaii Department of Health, and any appropriation by the Legislature into the special fund. As currently drafted, the Department would administer the fund.

Packaging producer responsibility funds are traditionally managed by a PRO made up of the producers paying fees to the PRO to meet the goals established in the statute or PRO program plan. We recommend that HB 1326-HD1 be amended to create a PRO representing and managed by producers and that receives, manages and disburses the producer funds. This would be consistent with those other states that have already enacted true packaging producer responsibility legislation.

- 3. Unknown Administration and Producer Fees:** The producer registration and administration fees required to be paid to the Department under HB 1326-HD1 are unknown. Administration fees that go to the Department should be more clearly defined and capped annually. The producer material fees should be determined and collected from producers by a registered PRO, rather than by the Department as is the case right now in HB 1326-HD1. This is standard practice for existing packaging producer responsibility laws in the U.S. and elsewhere.
- 4. Needs Assessment:** We agree that a needs assessment is always a critical part of creating packaging producer responsibility program and appreciate that this is included in HB 1326-HD1. However, the needs assessment in HB 1326-HD1 only determines how much funding each county will get to meet the reduction of materials going to landfill or being incinerated, rather than determining what the needs are for the state to meet the performance goals stated in the bill. We recommend a much more robust needs assessment be established in HB 1326-HD1 and would be happy to provide specific language.
- 5. Packaging Waste Reduction and Reuse Plan and Program:** As currently drafted in HB 1326-HD1, this plan would be created and administered by the Department. We recommend instead that HB 1326-HD1 establish a producer responsibility organization (PRO) made up of the producers who will help fund packaging recovery and recycling in the state. The packaging waste reduction and reuse plan and program can then be created by the PRO with requirements outlined in statute, recommendations from

the Advisory Council established in Section 342G-C of the bill, and final approval by the Department. This is a key design element of existing packaging producer responsibility programs and should not be underestimated or undervalued.

- 6. Government and Consumer Cost Concerns:** We continue to have concerns with language in HB 1326-HD1 that places the Hawaii Department of Health in charge of functions that normally would be fulfilled by a PRO or defined in statute by the enabling legislation. These concerns grow when we think of the potential costs to the state and to producers, including Hawaii based businesses that will be impacted if the proposed legislation is enacted. The Oregon Department of Environmental Quality has estimated the implementation and administration and enforcement of their packaging producer responsibility program will cost \$4 million dollars a year for the first three years and move to \$3 million dollars a year after that.<sup>1</sup> This number only shows a portion of the total cost of a system like the one proposed in HB 1326-HD1. It does not include packaging change, infrastructure, business and transportation costs which will have a direct impact on consumer prices in Hawaii. With packaging producer responsibility programs there is always a cost increase that producers are willing to pay, but the system in place must be one that is effective and cost efficient. In addition to this cost increase, a significant but currently unknown amount of funding from producers is slated to go to the Department. We have serious concerns that without proper guardrails in place in HB 1326-HD1, these producer funds could be used for other programs that will have nothing to do with packaging being appropriately collected, recycled and reused in order to help reduce all waste in Hawaii.

**In conclusion,** AMERIPEN recognizes and supports the need to increase packaging recovery and reduce packaging waste in Hawaii through a shared responsibility program. Unfortunately, HB 1326-HD1 as currently drafted is not the solution to Hawaii's concern on packaging waste. As previously stated, we would very much welcome the opportunity to partner with Representative Lowen and others to discuss and develop results-based approaches to reducing packaging waste in Hawaii to create a more circular economy.

---

<sup>1</sup> <https://www.oregon.gov/deq/rulemaking/Documents/Recycling2023m23AAF.pdf>





March 20, 2023

**TO:** Mike Gabbard, Chair  
Members, Senate Committee on Agriculture and Environment  
Joy A. San Buenaventura, Chair  
Members, Senate Committee on Health and Human Services

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

**RE:** **HB1326 HD1 Relating to the Environment. – OPPOSE**

---

The American Chemistry Council (ACC) must respectfully oppose **HB1326 HD1**, legislation that requires the Department of Health in conjunction with each county to conduct a needs assessment to determine what resources would be necessary to reduce packaging waste by seventy percent from the baseline amount by 2030; establishes an advisory council to advise the department on how to structure a producer-funded extended producer responsibility (EPR) program; and requires the department to ultimately develop and implement an EPR program. Though we support the objective of this legislation, we have concerns with the bill as drafted.

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. Since 2017, there have been more than 90 projects worth more than \$8 billion in announced investments to modernize recycling technologies in the U.S. These projects have the potential to divert more than 19 billion pounds of waste annually from landfills and are aimed at revolutionizing the use and reuse of plastic resources.

As drafted, HB1326 HD1 would require the Department of Health in conjunction with each county to conduct a needs assessment to determine what resources would be necessary to reduce packaging waste by seventy percent from the baseline amount by 2030. We would encourage the committee to further bolster the needs assessment language in the bill by including the following considerations:

- Current recycling, composting, collection, and hauling systems in the state and the expanded access and additional recycling or composting options needed to achieve associated reduction goals.
- Consumer education needs for recycling, composting, reuse, and waste reduction.
- Funding needs necessary to achieve associated reduction goals.
- Investments needed to provide sufficient access to collection, recycling, composting, processing, and transportation to viable responsible end markets.
- The initial needs assessment, and any subsequent updates, should be developed through a public process that affords the public the opportunity for comment.

Following completion of the needs assessment, HB1326 HD1 requires the Department to develop and implement a state-run EPR program. Instead, we would encourage the committee to consider establishing a producer-led PRO that would oversee the completion of the needs assessment as well as the development and financing mechanisms for the packaging producer responsibility program. We support the Department having a strong oversight role in the program,



but the producers should have the lead role in developing the program and ultimately ensuring the performance goals associated with the program are achieved.

Should HB1326 HD1 move forward, ACC encourages the committees 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).





Environmental Caucus of  
The Democratic Party of Hawai'i

## Energy & Climate Action Committee Agriculture & Food Security Committee

Monday, March 20, 2023, 1:30 pm

Senate Committees on Agriculture and Environment and on Health and Human Services

HOUSE BILL 1326 – RELATING TO THE ENVIRONMENT

Position: Strong Support

Me ke Aloha, Chairs Gabbard and San Buenaventura, Vice-Chairs Richards and Aquino, and members of the Senate Committees on Agriculture and Environment and on Health and Human Services:

HB1326 establishes the Hawai'i zero waste initiative to manage a transition toward eliminating contributions to landfills and the need for incineration. It requires the Department of Health to develop an assessment of statewide needs to explore the resources required to reduce packaging waste by seventy percent from a baseline. The initiative establishes a packaging waste reduction and reuse program, and appropriates funds.

The Energy & Climate Action and Agriculture & Food Security Committees join in enthusiastic support of this superb bill, which has anticipated much of our testimony in its preamble!

Unable to control waste, we allow the littering and pollution of landscapes and nearshore waters. The prevailing approach costs more, increases toxic emissions and contributions to aging landfills.

Waste production is estimated as high as 30% of all of our expanding extraction, production, and consumption economy. HB1326 addresses the consumer front end of this problem by encouraging producers to reduce packaging, by reusing packaging materials directly, or through composting. We need to support county waste management in assessing the needs before climate change brings its many other costly challenges. The currently revenue surplus also helps fulfill repeated requests for better staffing.

A circular economy will need a modest and thoughtful relationship with resources and a liveable human and natural environment. Incineration, the subject of hopeful and optimistic technologies, is the most expensive and contaminating way to dispose of waste. Landfills are aging past their built-in safeguards against environmental pollution. So much of waste materials can be reused; contaminants threaten our fisheries and our recreationists. The transformation will provide more jobs while saving taxpayers the expenses of incineration and landfilling.

The preferred alternatives include a revisioning of packaging as compostables to replenish our chemically depleted soils, segregating all organic wastes and construction wastes for processing and reuse, producing repairable products, recycling metals and rare materials from electronics and other high-tech production. This creates local green jobs and reduces costs to taxpayers.

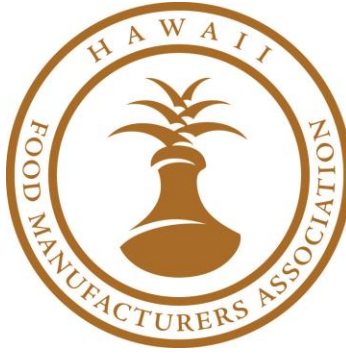
Our Committees support amendments that clarify the structure and process of the zero waste initiative, require input from packaging producers, and provide that recycling efforts be non-profit, as recommended by Hawaii zero waste advocates who have been coordinating problem-solving at the national level.

Mahalo for the opportunity to address this matter.

/s/ Charley Ice & Ted Bohlen, Co-Chairs, Energy and Climate Action Committee

Charley Ice, Acting Chair, Agriculture and Food Security Committee

Environmental Caucus of the Democratic Party



**Testimony to the Senate Committee on Health and Human Services &  
Agriculture and Environment  
Monday, March 20<sup>th</sup>, 2023, at 1:30 P.M.  
Conference Room 224 & Via Videoconference**

**RE: HB 1326 HD1 Relating to the Environment**

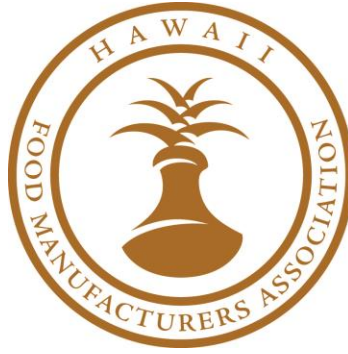
Chair, Vice Chair, and Members of the Committee:

The Hawaii Food Manufacturers Association **does not support** HB 1326, which establishes the Hawaii zero waste initiative program to, among other things, manage the State's transition to reduce and reuse solid waste. 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.

The Hawaii Food Manufacturers Association (HFMA) is a non-profit organization of approximately 120 members that has been promoting Hawaiian grown or manufactured products since 1977. The HFMA works to increase the understanding and appreciation of the unique flavors, quality, and care that go into the production of Hawaii's fine foods and beverages represented by our valued members and enjoyed by our valued community.

The food manufacturing industry in Hawaii generates \$900 million in annual revenue and is the largest manufacturing sector in the state using local inputs according to the Hawaii State Department of Business, Economic Development and Tourism. The industry provides over 6,100 jobs in the state and an annual payroll of more than \$160 million.

HFMA believes that having this mandate on food manufacturers would be devastating to the industry and potentially shut down many small businesses here in Hawaii. We believe the way the bill is written there is a need for a creation of a producer responsibility organization (PRO), a nonprofit that is organized and run by the producers who can develop principles, objectives, and financing mechanisms for the packaging producer responsibility program. PROs play an important role in states that want to manage their packaging waste effectively by allowing producers to have an active role in funding changes but also on implementing a successful plan to reach the performance goals set out in the legislation.



As currently drafted, HB 1326 would place the Department in charge of functions normally fulfilled by the PRO. While the Department should have strong oversight of the packaging producer responsibility program, it should not take the lead role on behalf of producers in Hawaii.

We believe that the advisory council should have local food manufacturers and small businesses on there to provide industry knowledge and feedback on how these policies might affect our business.

The Hawaii Food Manufacturers Association urges the committee to put more local representation and producer representation on the advisory board. We are happy to work with the sponsor of this bill and the committee representatives to come up with a policy that protects the environment but does not devastate our industry.

Thank you for the opportunity to testify.

**HB-1326-HD-1**

Submitted on: 3/16/2023 2:28:44 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Claire Muskopf	Individual	Support	Written Testimony Only

Comments:

Aloha Commitee Members,

I am writing in support of this bill because I care deeply about the long term well-being of our community.

The proliferation of packaging waste in Hawaii and around the world is deeply concerning. We need to move beyond expecting consumers to handle this problem on their own. Producers need to be finacially responsible for the full life-cycle of their packaging including when it transistions into waste. Finding ways to motivate them to reduce the volume and pollution potential of their products is key to decreasing the negative environmental impacts of single-use packaging, irresponsible package design and having resources to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

We need the following things (at the minimum) to begin to address this issue:

- process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027
- a statewide needs assessment to determine resources necessary to reduce packaging waste
- an advisory council to advise DOH on how to structure a producer funded program
- appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Thank you for your consideration and please vote to move this legislature forward with the proper support.

Through small steps we can ensure that the future looks brighter and cleaner vs islands covered with trash and pollution.

~Claire Muskopf

**HB-1326-HD-1**

Submitted on: 3/16/2023 2:41:22 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jotis Russell-Christian	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Jotis Russell-Christian and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff. I would love to see this bill be passed!

Mahalo for the opportunity to testify,

Jotis Russell-Christian

**HB-1326-HD-1**

Submitted on: 3/16/2023 7:50:04 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Roney deYoung	Individual	Support	Written Testimony Only

Comments:

My name is Elizabeth Roney deyoung, resident of Hawaii county and I support this bill to begin to eliminate single use packaging in Hawaii. At a minimum, we must start shifting the cost and responsibility to the producers if they continue to import.

There is no reason that producers of items such as dishwasher tabs and laundry soap should be able to ship the plastic containers into Hawaii to go briefly to our residents and then permanently into our landfill with only the expense of shipping it in, but none of the responsibility for its disposal.

These packages are not necessary, I use laundry sheets, but not everyone does. The producers have no incentive to address revising packaging to eliminate landfill waste or the cost of incinerating this waste unless they have a financial stake.

It is URGENT that we take action. Why should producers be allowed to continue to ship in plastic? With no responsibility? On Hawaii Island our landfill is expected to be full by 2033. This bill does not even take effect until 2027.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027.

While I stand in support of passage, I urge the legislators and the department of health to resist the inevitable lobbying against this bill and future recommendations by the department of health and remain resolute in the obvious need as an Island state with limited options to minimize the sources of the landfill.

The bill funds a study with a goal. We need to take a hard stand on the incoming plastic and make the financial responsibility a large enough incentive to eliminate the waste from coming in, incentivizing new packaging, and avoid recycling which is not viable, economical or environmentally sound.

Mahalo for your kokua,



Elizabeth Roney deYoung

**HB-1326-HD-1**

Submitted on: 3/16/2023 7:55:29 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

This legislation would help **reduce the proliferation of packaging waste** in the state by holding producers financially responsible. It would create a **process to implement a Producer-funded Packaging Waste Reduction and Reuse Program by July 2026**. Experts on EPR (extended producer responsibility) say this is not a real EPR bill. I say it is a good start by focusing on what makes up a large part of our landfill waste. Please support HB1326 which contains all the steps needed, by starting with assessments of need for each county, including all the stakeholders, and ending with implementation.

**HB-1326-HD-1**

Submitted on: 3/16/2023 9:19:12 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Sounds more like Money Laundering!!!

**HB-1326-HD-1**

Submitted on: 3/17/2023 5:20:11 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Romaine	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support HB1326. We need to hold producers accountable for their wasteful and non-sustainable packaging.

Mahalo,

Nancy Romaine

**HB-1326-HD-1**

Submitted on: 3/17/2023 7:20:57 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Chairs and Committee Members,

My name is Diane Ware from the Moku oK'u and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Lets do something positive about our plastic waste threatening life on this planet-vote to pass this bill.

**HB-1326-HD-1**

Submitted on: 3/17/2023 8:03:43 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ola Jenkins	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee,

My name is Ola Jenkins and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2026. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriate funds for conducting the needs assessment and to contract or hire DOH staff.

Our Hawai'i deserves this.

Mahalo for the opportunity to testify,

Ola Jenkins

**HB-1326-HD-1**

Submitted on: 3/17/2023 8:23:53 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In strong support of HD1.

Thank you.

**HB-1326-HD-1**

Submitted on: 3/17/2023 10:29:18 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Morin	Individual	Support	Written Testimony Only

Comments:

Dear Chairs San Buenaventura and Gabbard, Vice Chairs Aquino and Richards, and Committee Members,

I STRONGLY SUPPORT HB1326 HD1.

Sincerely,  
Noel Morin  
Climate, Sustainability, and Resilience Advocate  
Hilo



**HB-1326-HD-1**

Submitted on: 3/17/2023 10:44:13 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Morin	Individual	Support	Written Testimony Only

Comments:

Dear Chair Gabbard, Vice Chair Richards, and Committee Members,

I STRONGLY SUPPORT **HB197 HD1**.

Sincerely,  
Noel Morin  
Climate, Sustainability, and Resilience Advocate  
Hilo

**HB-1326-HD-1**

Submitted on: 3/17/2023 10:44:50 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melissa Barker	Individual	Support	Written Testimony Only

Comments:

Honorable Members,

I respectfully ask that you support HB1326 HD1 creating a producer funded packaging reduction and reuse program by establishing the Hawaii zero waste initiative program to manage the State's transition to reduce and reuse waste.

Thank you for your attention and consideration.

Melissa Barker

Kapaa, HI

**HB-1326-HD-1**

Submitted on: 3/17/2023 3:10:12 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laurie Rich	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Laurie Rich. I am a resident of Hilo and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

We need to take action to save our precious planet - including our oceans and marin life - immediately!

Mahalo for the opportunity to testify,

Laurie Rich

**HB-1326-HD-1**

Submitted on: 3/17/2023 4:17:08 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
laurie boyle	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support HB 1326 HD1 for the important reason that we need to develop a plan quickly to reach our 70% waste reduction goal while incentivizing plastic waste producers and consumers to meet the goals so we can preserve the environment of Hawai'i, ensuring cleaner air, ground water and ocean environment for our keiki and theirs to enjoy.

Mahalo for your time.

**HB-1326-HD-1**

Submitted on: 3/17/2023 4:22:28 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christian Squire	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support HB1326.

Mahalo for this opportunity to testify,

Christian Squire

**HB-1326-HD-1**

Submitted on: 3/17/2023 8:28:40 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paul Montague	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 1326 to reduce packaging as much as possible. We need to reduce waste and we need to get away from single use plastics in favor of recyclable or compostable products.

Thank you,

Paul Montague

Ocean View

**HB-1326-HD-1**

Submitted on: 3/18/2023 6:15:05 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Tincher	Individual	Support	Written Testimony Only

Comments:

Members of the Agriculture and Environment and Health and Human Services Committees,

I am in strong support of HB1326 HD1 to establish the Hawaii zero waste initiative to, among other things, manage the State's transition to zero solid waste to the landfill and to incineration.

Importantly it 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.

This is the most important long term solution to packaging waste - we must reduce it with an all hands on deck approach - producers, customers and the people who have to manage the waste.

As a customer I will do my part to ensure the success of the zero waste initiative.

I urge you to pass and allocate funding to HB1326 HD1

Virginia Tincher

Oahu

**HB-1326-HD-1**

Submitted on: 3/18/2023 10:31:32 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kris Bordessa	Individual	Support	Written Testimony Only

Comments:

I am testifying in strong support of HB1326, to create a process for the Department of Health to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2026.

I've long been a proponent of greener living, and this bill is a step in the right direction for eliminating wasteful packaging. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

Eco-conscious consumers - including myself - try valiantly to reduce or eliminate packaging from the waste stream. When producers insist on using materials that have **no place to go except the landfill**, we are forced to choose between creating that waste or avoiding some of our favorite products. Take out food is rarely an option for me, as the waste generated is more than I can be part of; this means I'm not supporting local eateries or pop-ups at farmers markets, so local businesses are actually losing money from consumers like myself.

Let's do right by the *'āina*.

Thank you.



**HB-1326-HD-1**

Submitted on: 3/18/2023 2:52:17 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
TOM DIGRAZIA	Individual	Support	Written Testimony Only

Comments:

Strong support.

**HB-1326-HD-1**

Submitted on: 3/18/2023 3:44:40 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Severine Busquet	Individual	Support	Written Testimony Only

Comments:

Dear chairs and committee members,

HB1326 HD1 establishes the Hawaii zero waste initiative program to, among other things, manage the State's transition to reduce and reuse solid waste.

There is a proliferation of packaging waste in Hawaii and around the world. HB1326 HD1 would establish a process for the Department of Health (DOH), with assistance from an advisory council, to develop and implement a plan for a producer funded packaging reduction and reuse program to address this critical pollution issue. Reducing, reusing and recycling reduces greenhouse gas emissions that contribute to global warming, and are important strategies in our fight against the climate crisis.

We cannot wait anymore out of respect for the next generations. We need to tackle pollution and unsustainable resource consumption.

For these reasons, please support HB1326 HD1.

Thank you for your attention.

Severine Busquet

Honolulu, 96825

**HB-1326-HD-1**

Submitted on: 3/18/2023 5:15:30 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tora Smart	Individual	Support	Written Testimony Only

Comments:

As a small business owner as well as a Kauai resident, I do all that I can to reduce the amount of waste from entering the landfills. I grew up in Kapaa back in the valley behind Kapaa "rubbish dump" and so I was always aware that by throwing rubbish "away" it doesn't go away...it stays here. In spite of all the efforts we make to separate trash and recycle what can be recycled, it makes me sick every time I take out the trash knowing where it goes! As much as I appreciate the convenience of shopping at stores like Costco, Walmart, Target and Ross, I think they should be contributing to the solution to the "end of life" of the products that they freely import to the islands. If they fill shipping containers full of plastic products that have no ability to be recycled here in Hawaii, at least they could help be responsible for the shipping out of those plastics to states that can recycle them.

**HB-1326-HD-1**

Submitted on: 3/18/2023 6:04:24 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

As the state strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, this measure offers an effective pathway forward towards a safe and sustainable climate and future. Hawai'i needs a zero waste initiative program to manage the state's transition from a linear economy that disposes of solid waste, often after only a single use, to a circular economy that prioritizes reducing and reusing much of the state's solid waste. Please support HB1326 HD1.

**HB-1326-HD-1**

Submitted on: 3/18/2023 10:58:30 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Larry Saltzman	Individual	Support	Written Testimony Only

Comments:

I highly support bill HB1326. One time use packaging is a highly wasteful and polluting to are Island.

**HB-1326-HD-1**

Submitted on: 3/19/2023 7:58:42 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Helen Cox	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

Please support HB1326. It is imperative that if we are protect our lands and waters we have knowledge about our solid waste and a plan for reducing it. In addition to negating the need for extensive new landfills, it will also reduce our carbon footprint assuming that we recognize that burning waste for energy is a non-starter. Please consider the lives of our keiki and future generations as well as our beloved Hawaii and pass this bill.

Mahalo,

Helen Cox

Kalaheo, Kauai

**Testimony in Support of HB1326 HD1**  
**Committee on Agriculture and the Environment and Health and Human Services**

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Gaiya Wilms-Paul, a Junior at Konawaena High on the Big Island and President and Co-founder of the Konawaena Kokua Lima Club dedicated to aiding the community, the flora, and the vital fauna of our land. I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer-funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer-funded program, and appropriate funds for conducting the needs assessment and to contract or hire DOH staff.

Throughout my high school years, I've been involved in various clubs and non-profit organizations—such as Leo's Club, Kokua Lima, and the Pacific Asian Affairs Council—dedicated to aiding the community and environment as well as educating youth to be conscious of the issues in the world. Underlying my proclivity for learning has been a love for the world around me. Every blade of grass, fresh and green; every towering redwood tree creaking esoteric songs; every human hand, worn or soft and infantile; every fauna creeping through the undergrowth brimming with life. However, my love for all living entities is countered by my grief at how these natural beauties have been demolished and destroyed by inaction.

As Konawaena Kokua Lima, we partnered with the Hawaii Wildlife Fund to organize a beach cleanup of Kamilo beach, nicknamed 'trash beach,' for being one of the most polluted beaches in the world. Our group of teens heavily documented the experience to bring attention to the growing issue of plastic affecting our ecosystem and marine life. Because of recent tide pattern shifts from storms in the past months, the beaches were considered 'clean' by experts. However, within the first few minutes of the hours we spent cleaning that coastline, we could not guess how anyone ever came to that conclusion. Plastic pieces outnumbered sand and went just as deep into the earth. When sifting through the water, microplastics floated on the surface, buoyantly clinging like a film on the waves. Hours of cleaning in a single day could collect eight bags of plastic from old wrappers, food containers, transport packaging, and more. However, eight bags cleaned only two square feet of that beach.

There are so many alternatives to plastic packaging that can be utilized if given proper consideration. This issue of packaging waste is especially critical on an island that doesn't recycle plastic and has no sustainable method of waste disposal. If there is a way to mend the damage done by the incredible plastic and other non-reusable waste in Hawaii, we need to take action now.

Mahalo for the opportunity to testify,

Gaiya Wilms-Paul



**HB-1326-HD-1**

Submitted on: 3/19/2023 9:22:14 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michele Mitsumori	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

In Hawai`i, we are struggling with how to deal with our waste. We are now hearing about "forever chemicals" in our water, and microplastics are already in our bodies. Clearly, the most effective response is to REDUCE.

I support HB1326 HD1 because it creates a process for the DOH, working on behalf of the people of Hawai`i, develop and implement a plan for a producer-funded packaging reduction and reuse program beginning July 1, 2027. As a resident of Hawaii County, I have seen firsthand how recycling programs can be destabilized by insufficient or inconsistent funding.

Further, this plan starts with a statewide assessment, so that the plan would reflect our state's unique needs and strengths, including the diverse contexts and infrastructures of each county.

Mahalo for the opportunity to testify in support of HB1326 HD1,

Michele Mitsumori  
Hilo, Hawaii County

**Testimony in Support of HB1326 HD1**  
**Committee on Agriculture and the Environment and Health and Human Services**

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Marli Mason and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriate funds for conducting the needs assessment and to contract or hire DOH staff.

As someone who has seen the degradation of the earth increase in my lifetime, I believe that introducing solutions to mitigate future pollution should be at the forefront of many legislative agendas. We can not stand by idly as this continues to happen. With an initiative such as the one proposed with this bill, the state can significantly reduce its contribution to carbon emissions. HB1326 is an important step in the right direction to protect the environment and community. It encourages responsible practices and can urge us to adopt a different approach to packaging. Hawai'i is one of the most beautiful places on earth and is deserving of the same love and care it has shown us.

Mahalo for the opportunity to testify,

Marli Mason

**HB-1326-HD-1**

Submitted on: 3/19/2023 10:43:54 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Best	Individual	Support	Written Testimony Only

Comments:

transitioning to zero waste is important as we near the tipping point in climate change disaster

**Testimony in Support of HB1326 HD1**  
**Committee on Agriculture and the Environment and Health and Human Services**

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Vivienne Hill and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriate funds for conducting the needs assessment and to contract or hire DOH staff.

I have lived in Hawai'i since I was a child. Through school and other organizations, my family and I always would participate in beach cleanups around the island, but mainly at Waimanālo. No matter how much we sifted and picked, there were always more microplastics embedded in the sand. We as a state should stop the issue before it becomes one. As a young person, I want to make sure that we have a future to look forward to and a legacy to be proud of. Reducing the amount of packaging waste we create is a step towards that.

Mahalo for the opportunity to testify,

Vivienne Hill  
Honolulu, Hawaii 96822

**HB-1326-HD-1**

Submitted on: 3/19/2023 12:41:28 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mariah Iris Ramo	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Mariah Iris Ramo and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Mahalo for the opportunity to testify,

Mariah Iris Ramo

**Testimony in Support of HB1326 HD1**  
**Committee on Agriculture and the Environment and Health and Human Services**

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Cayden Foreman and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer-funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer-funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Using single-use packaging contributes to the global crisis around the world. Without bills similar to HB1326 HD1, humanity cannot hope to achieve a sustainable and long-lasting existence. I'm not only testifying for myself, but for the health of the future generations of my children, my family, and all of my ohana on the islands. HB1326 HD1 is one of many practices that must be implemented to finish the long road of environmental conservation ahead of us.

We must take action to hold producers financially responsible for the cost of managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated by eliminating single-use packaging, improving packaging design, or paying the costs to establish the infrastructure needed to support systems for reusable packaging and to manage packaging waste.

Mahalo for the opportunity to testify,  
Cayden Foreman

**HB-1326-HD-1**

Submitted on: 3/19/2023 1:22:23 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lehua Norris	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice Chair Richards and Aquino, and Members of the Committees on Agriculture and the Environment, and Health and Human Services,

My name is Lehua Norris and I am a junior at Konawaena High School on the Big Island. I am the Vice-President and Co-Founder of the Kokua Lima Konawaena Club— a group of students who are willing to lend a helping hand to our dying environment. Recently, we had the opportunity to engage in a beach cleanup at one of the most polluted beaches in the world, Kamilo Beach, at the southernmost tip of the United States. A majority of the trash occupying the beach were microplastics that were small enough for nearby wildlife to ingest, seeming almost never-ending as we continued to sift through the sand.

I am testifying in strong support of HB1326 HD1, which would create a process for the Department of Health (DOH) to develop and implement a plan for a producer-funded packaging reduction and reuse program beginning July 1, 2027. The bill requires DOH to conduct a statewide needs assessment to determine resources necessary to reduce packaging waste, establish an advisory council to advise DOH on how to structure a producer-funded program, and appropriates funds for conducting the needs assessment and to contract or hire DOH staff. To ensure that future generations continue to play with seashells and not chunks of plastic, we must begin reducing plastic packaging waste in landfills.

Mahalo for the opportunity to testify,

Lehua Norris

**HB-1326-HD-1**

Submitted on: 3/20/2023 8:20:29 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
P Noel Bobilin	Individual	Support	Written Testimony Only

Comments:

It is imposible to go to the grocery store and not come home with pakaging that will just be trown into the dump. Individuals cannot rectify this - we have to buy food and essentials. HB1326 HD1 would create a process for the Department of Health (DOH) to develop and implement a plan for a producer funded packaging reduction and reuse program. We must take action to hold producers responsible for managing packaging waste and encourage them to reduce the volume of packaging waste being landfilled and incinerated.

This measure offers an effective pathway forward towards a safe and sustainable climate and future. Thank you.



**HB-1326-HD-1**

Submitted on: 3/20/2023 8:24:22 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maki Morinoue	Individual	Support	Written Testimony Only

Comments:

Aloha members of this committee,

I am in support of HB1326 HD1 which establishes the Hawaii zero waste initiative program to, among many things, manage the State's transition to reduce and reuse solid waste.

There is an absurd amount of packaging waste in Hawaii and around the world. This bill would establish a process for DOH (with assistance from an advisory council) to develop and implement a plan for a producer-funded packaging reduction and reuse program to address this critical pollution issue. Reducing, reusing and recycling reduce greenhouse gas emissions that contribute to global warming and are important strategies in our fight against the climate crisis.

This would move us towards a regenerative Hawai'i and close in the alignment of our State Motto.

Thank you for this opportunity.

Mahalo  
Maki Morinoue  
Holualoa  
96725

**HB-1326-HD-1**

Submitted on: 3/20/2023 8:51:23 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support