

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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In reply, please refer to:
File:

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

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/7/2023 Room Number: 325

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 The Department estimates the need for a minimum 1.0 FTE Planner or Recycling
5 Coordinator plus expenses to implement the Hawaii Zero Waste Initiative Program plan and
6 additional positions and funding may be required for full program implementation as identified
7 by the plan. Personnel and resources necessary to implement the Packaging Reduction and Reuse
8 Program will be met by this proposed bill.

9 **Department Testimony:** The Department supports HB1326 to address packaging waste by
10 convening an advisory council, developing an assessment and implementation plan with the
11 advisory council, and implementing program recommendations to establish a Packaging
12 Reduction and Reuse Program to address packaging waste in the State. Packaging waste is a
13 significant pollutant and addressing packaging waste will benefit the State and protect the
14 environment, economy, and public health. The cost to manage packaging waste is currently
15 borne by taxpayers in the State and counties through landfill fees and property taxes, and
16 HB1326 proposes a solution that requires producers of excessive packaging waste be
17 accountable for their packaging decisions, otherwise known as extended producer responsibility
18 (EPR).

19 There are currently four states that have implemented significant EPR legislation:
20 California, Colorado, Maine, and Oregon. Each state has implemented its own variation of EPR

1 tailored to their respective markets and unique needs. In Hawai‘i, the Department currently
2 implements the Electronic Device Recycling and Recovery Act, which is comparable to an EPR
3 model as it shifts the burden of recycling used electronics from the individual taxpayer and onto
4 the manufacturer of the eligible electronic device.

5 The Department has concerns about its capacity to manage its much-needed planning
6 activities while also implementing HB1326, and respectfully requests the Legislature’s
7 understanding that the deadlines proposed in HB1326 might be challenging for the Department
8 to accomplish on time. In late-October 2022, the Department executed a contract to update the
9 State Integrated Solid Waste Management (ISWM) plan. The Department estimates that its
10 ISWM plan update will be completed in 2024. The Department is also applying for federal grant
11 funds from the United States (US) Environmental Protection Agency (EPA) through the US
12 EPA’s Solid Waste Infrastructure for Recycling (SWIFR) Grant Program. SWIFR grant funds
13 can be used by the Department to develop comprehensive data collection efforts, and the
14 Department has submitted a proposal to the US EPA to conduct a statewide waste
15 characterization study. The Department anticipates learning of its funding allocation this summer
16 and receiving its award in the fall. After award, the Department will procure the services of a
17 contractor to conduct the study, with an anticipated start date in mid-2024 and completion in
18 2025.

19 The Department requests an extension of at least one year for each deadline date.
20 Postponing the establishment of the packaging waste advisory council until after the statewide
21 waste characterization study is completed will greatly benefit the council’s decision-making
22 process and the development of a packaging waste reduction and reuse plan. Similarly, the
23 Department recommends removing the implementation date for the Packaging Waste and Reuse
24 Program until after the implementation plan has been developed. Specifically, the advisory
25 council and implementation plan may determine that legislative authority regarding program
26 funding or fee structures will need to be enacted prior to implementation, and the Department
27 will need time to partner with the State Legislature to develop supporting legislation.

28 Finally, the Department respectfully requests that the Legislature postpone the
29 establishment and implementation of the Hawaii Zero Waste Initiative Program until a later date.
30 The Department recognizes the need to transition the State from a linear economy characterized
31 by solid waste disposal to a circular economy that prioritizes recycling and reuse. However, the

1 Department currently lacks the capacity to implement both a Zero Waste Initiative Program and
2 a Packaging Reduction and Reuse Program.

3 Thank you for the opportunity to testify.

4 **Offered Amendments:** None.



**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, Hawai'i DP
Director, Kaua'i DP
The Adjutant General
Manager, CZM

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

**Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, February 7, 2023
8:45 AM
State Capitol, Conference Room 325 & Videoconference**

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

House Bill 1326 establishes the Hawai'i zero waste initiative program, 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.ⁱ 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.

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

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

TO: Chair Nicole Lowen; Vice Elle Cochran; and Committee

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

RE: HB 1326 Relating to the Environment

POSITION: OPPOSE

Thank you for the opportunity to submit testimony in opposition to HB 1326. 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 should not pass as it provides not details for how the extended producer responsibility (EPR) 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 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. Should you have any questions or comments about my testimony you can contact me by email at ahong@islandplasticbags.com or by phone at 808-484-4046.

Sincerely,

Adrian K. Hong, CPA

President

Island Plastic Bags, Inc.

www.islandplasticbags.com

Email: ahong@islandplasticbags.com | Phone: 808-484-4046 | Fax: 808-488-8505



**Testimony in Support of HB1326
Committee on Energy and Environmental Protection**

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

My name is Mendy Dant 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.

We purchase products with this in mind and we ask our distributors to be mindful and remove unnecessary plastic when sending to our company. Our particular island state is more vulnerable than many other places in the world, but this is a critical worldwide issue.

I am testifying in strong **support of HB1326**, which would 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. 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.

This is of immediate importance, we ask you to pass HB1326 and support our planet's health. Mahalo for the opportunity to testify on this vital solution to combat the over production of plastic.

Sincerely,

Mendy Dant
Exec. Vice President



Environmental Caucus of
The Democratic Party of Hawai'i

Energy & Climate Action Committee

Tuesday, February 7, 2023, 8:45 am

House Committee on Energy and Environmental Protection

HOUSE BILL 1326 – RELATING TO THE ENVIRONMENT

Position: Strong Support

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

HB1326 establishes a zero waste initiative to begin the process of reducing waste materials requiring incineration or landfilling.

The Energy & Climate Action Committee enthusiastically supports this initiative, as each county is facing the end of landfilling life-cycles and the expense and pollution from incineration. Not that long ago, incineration was considered a reasonable means of disposal, providing electricity generation in the process. However, we have learned that combustion technology leaves behind serious contaminants that remain after incineration and contribute to methane emissions. Unfortunately, landfilling technology also cannot prevent leachates from leaking to nearshore waters, poisoning us through our seafood.

Accumulating scientific reports have noted an accelerating increase in waste production, from a variety of factors, to a startling one-third of all production. Alarming, it is also found that much of this waste is a productive source of materials for other production, holding the potential of saving materials from planetary depletion and preserving landscape, people, and resource options for the future. Industry, however, is only beginning to understand that investments need to shift from expensive and extremely wasteful extraction processes to reuse, recycling, and reprocessing. We can expect to see a growing movement in this direction as the obvious becomes cheaper.

Mahalo for the opportunity to address this matter.

/s/ Charley Ice & Ted Bohlen, Co-Chairs, Energy and Climate Action Committee
Environmental Caucus of the Democratic Party

HB-1326

Submitted on: 2/5/2023 2:20:20 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Kauai Women's Caucus	Support	Written Testimony Only

Comments:

We need a plan if we are going to strategic reduce our waste and involve those who are the producers. It's a burden on our landfills and we should not be burning. It's about climate action and environmental protection and producer and consumer responsibility.



**Testimony to the House Committee on Energy & Environmental Protection
Tuesday, February 7, 2023 at 8:45am
Conference Room 325 & Videoconference**

RE: HB 1326 Relating to the Environment

Chair Lowen, Vice Chair Cochran, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **offers comments on** 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.

We appreciate and understand the intent of this bill to reduce waste in our environment and managing the state's transition to reduce solid waste. 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.

The Chamber is supportive of the addition of an advisory council in the bill. The advisory council plays an important role in offering feedback and expertise on packaging producer responsibility and waste reduction and has become a common feature in best practice legislation in other states. In this advisory council, we would like to see local manufacturers represented so we have industry represented in the process.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.



To: The House Committee on Energy and Environmental Protection
From: Sherry Pollack, 350Hawaii.org
Date: Tuesday, February 7, 2023, 8:45am

In support of HB1326

Aloha Chair Lowen, Vice Chair Cochran, and Energy and Environmental Protection 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** that establishes 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 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



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

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

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, 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.

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 the Hawaii's relatively small resident population, remote island location, and lack of existing recycling infrastructure, it has 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 the Hawaii's landfill capacity problems, but 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.

These organizations and businesses support a producer funded packaging reduction and reuse program:

	Business	Organizations
1	Adaptations Inc	350Hawaii
2	Big Island Coffee Roasters	Aranya Solutions
3	Coconut Trader/NO POHŌ	Blue Ocean Warriors
4	DeliverZero, Inc	Christienne de Tournay Zero Waste Consultancy
5	EarthEx, LLC	Don't Waste Durham
6	FoodWare	Faith Alliance for Climate Solutions
7	Kale'a Farms	Going Home Hawaii
8	Koko kai Foods LLC	Hanai Kaiaulu
9	Pop Culture Artisan Pops	HawaiHawai'i Wildlife Fundi Wildlife Fund
10	Protea Zero Waste Store	Ho'omalū Ke Kai
11	SKY Kombucha	Kingdom Pathways
12	SUPERFUN Studio	Plastic Pollution Coalition
13	Village Seeds Design LLC	Surfrider Foundation
14	Volcano Precious Plastic, LLC	Zero Waste Hawai'i Island
15	Zero Waste Hale	

Mahalo for your consideration,

Hawaii Environmental Change Agents Solid Waste Task Force
<https://www.hawaiichangeagents.org/>



Environmental Caucus of The Democratic Party of Hawai'i

Feb.5th 20023

TO: COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair

CONCERNING: HB1326 (Environment), **HB179** (Deposit Beverage Container materials)
HB949 (Renewable Energy), **HB1252** (Energy), **HB347** (Electric Vehicle
Charging Systems), **HB419** (Residential photovoltaic Energy Generating
Systems), **HB1200** (Conservation and Resources Enforcement)

POSITION: Strong Support

The Environmental Caucus enthusiastically supports the bills listed above. Our state has suffered for decades under increasing waste production and paid out a fortune to find places to ship it to or dumping miscellaneous and questionable refuse into landfills without proper concerns for any residual and permanent contamination of the ground or what lies beneath. Recent implementation of rules concerning plastic products, recyclable packaging and collections, together with the public's increasing awareness of their roles in limiting waste have improved the situation, but not enough. We need more action now and the businesses who create waste products should take the lead in remedying the situation. Any bills which help that to happen are overdue and should be passed.

We are also late in providing electric vehicle infrastructure support for which there is no excuse. We have had the technology for many years. Hawaii is a state uniquely suited for electric vehicle use and any bills which promote the purchase and infrastructure development for them will go further to reduce our dependence on gasoline and the air pollution it causes than any other measures currently being discussed.

Finally bills may be passed and laws put on the books but violations and abuses by ignorant or greedy individuals, or corporate entities are prevalent and the responsible enforcement agencies are overwhelmed and short staffed. We are fortunate to have comparatively inexpensive technology available now to help those agencies do their job. Laws protecting fragile resources are useless if we cannot enforce them.

Please pass the bills through this year, because as time passes the results of not passing them now will be more difficult to deal with,

Martha E Randolph
DPH Environmental Caucus SCC Representative
Member of DPH Legislative Priorities Committee
Precinct 2 Rep, District 27 Council



2/6/2023

Committee on Energy and Environmental Protection
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Lowen, Vice Chair Cochran, and Members of the Committee,

Position: Support HB1326 - Packaging Waste Reduction and Reuse Plan and Program

The Surfrider Foundation, Hawaii region, is 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.

Our Surfrider Foundation chapters throughout Hawaii have worked hard over the last decade to reduce the amount of single-use plastics in our community. While our County-based efforts have been successful on different levels, there is a significant need to address the problem of plastic pollution and waste reduction from a more holistic standpoint. 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.

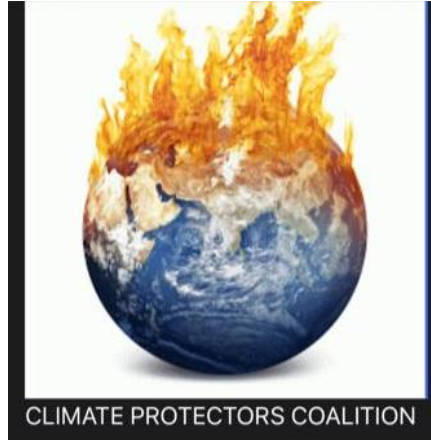
There is a proliferation of packaging waste in Hawaii and around the world. This bill would establish a process for DOH (with assistance from an advisory council) to develop and implement a plan for a producer funded packaging reduction and reuse program to address this critical pollution issue. Reducing, reusing and recycling reduces greenhouse gas emissions that contribute to global warming, and are important strategies in our fight against the climate crisis.

Thank you for your consideration of this testimony in support of HB1326, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawaii and our 437 local community members.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Sincerely,

Lauren Blickely
Hawaii Regional Manager
Surfrider Foundation



To: The Honorable Chair Nicole Lowen , the Honorable Vice Chair Elle Cochran,
and Members of the Committee on Energy and Environmental Protection

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

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

Hearing: Tuesday February 7, 2023, 8:45 a.m., room 325

Aloha Chair Lowen, Vice Chair Cochran, and Members of the Committee on
Energy and Environmental Protection:

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; plastic waste never really goes away, it breaks down into smaller pieces of microplastics that kill marine species and birds that ingest it.

The Climate Protectors Hawai'i seek 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.

**Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY
SUPPORT HB1326.**

The State of Hawaii 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. Incineration, as is used on Oahu, is very bad for public health, the environment generally, and the climate specifically. Trash incineration releases 65% more pollution per unit of energy than burning coal, including toxic air pollutants, and twice as much carbon as landfilling. 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.

Hawaii 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, to first develop an assessment of statewide needs for resources to reduce

packaging waste by 70% 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, 2026.

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 zero waste initiative program shall design, implement, and administer activities that include:

- (1) Strategic partnerships for the research, development, testing, certification, and deployment of reusable packaging technologies;
- (2) Evaluations of Hawaii's potential for near-term zero waste opportunities;
- (3) A statewide zero waste public education and outreach plan to be developed in coordination with the University of Hawai'i;
- (4) Promotion of Hawaii's reusable packaging resources to potential partners and investors; and
- (5) A plan, to be implemented from 2026 to 2029, to assist the State and each county in transitioning toward zero waste.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT** this bill as 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. Please pass this bill! Mahalo!

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

February 6, 2023

Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

RE: House Bill 1326 (Lowen) - Extended Producer Responsibility

Chair Lowen, Vice Chair Cochran, and Members of the House Committee on Energy & Environmental Protection:

On behalf of the Household & Commercial Products Association (HCPA)¹, I respectfully write to express concerns with HB 1326, which seeks to establish an Extended Producer Responsibility (EPR) program.

HCPA has worked with legislatures across the country in response to product stewardship proposals. Our member companies are working to achieve goals made to improve the design of packaging through source reduction, improved reuse/refill and recyclability, and increased recycled content. Accordingly, HCPA supports materials management policies that improve fractured recycling systems, and programs that embrace a shared responsibility across the packaging value chain to reach a circular system harmonized across state lines. As such, HCPA is committed to working with Hawaii policymakers to achieve a comprehensive solution that bolsters existing infrastructure through standardization for efficient scalable systems, incentivizes materials market development, and provides transparency and accountability in data collection.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$180 billion annually in the U.S. of familiar and trusted consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

Producer Responsibility Organization Model

Similar to what other states have adopted, the bill should establish a Producer Responsibility Organization (PRO). A PRO should not be selected or controlled by the department, but rather organized and run by the producers who have the fiduciary responsibility to support the organization and packaging goals. EPR is not just the responsibility to fund a program, but also to play an active role in achieving a circular packaging lifecycle.

PROs should be required to build an incentive structure to help meet program environmental goals and efficient recycling, including eco-modulated fees. Modulated fees will reward innovation and sustainable packaging. The state's primary role should be oversight and accountability such as ensuring market equality among producers by requiring registration with a PRO, track PRO compliance, and review or facilitate review of PRO plans before final submission.

Packaging Reduction

Packaging reduction goals should be evidence-based and not codified in law as currently proposed in HB 1326 (currently seventy percent reduction). Instead, they should be proposed following a third-party study and with stakeholder input. It is imperative that producers aim toward achievable goals informed by strong data and collaboration across the value chain.

Scope of Products and Exclusions

EPR programs must clearly define the scope of packaging and materials covered. The language in HB 1326 covering products sold reads "quickly and at a relatively low cost." Unfortunately, this verbiage is ambiguous and could lead to a lack of harmonization across jurisdictions.

Furthermore, EPR programs in other states have recognized the unique challenges with certain federally regulated products such as those registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or special packaging intended to protect the health and safety of consumers (such as Child Resistant Packaging). Notably, FIFRA products have detailed guidance on packaging standards which can generate conflict between the goals of EPR programs and federal packaging requirements. Layering an EPR program on top of that introduces a great deal of complexity.

Focused Expenditures

In order to ensure success, revenues raised through producers should be dedicated to improving and not supplanting existing programs and packaging recovery systems. Clear language and guardrails are needed to preclude funds from being syphoned into redundant or unrelated state expenditures. Similarly, any new requirements established in legislation or through regulation should have a direct nexus to the goals of the program and packaging recovery.

Advisory Council

HCPA applauds the inclusion of an advisory council in the bill. However, HCPA is concerned that producers who are responsible for funding the program are excluded from the Advisory Council with only three producers representing a diverse market. Manufacturers and formulators of

products are important subject matter experts and must be better represented on the advisory board. The advisory council would have significant influence over key decisions, such as how best to achieve a reduction in packaging waste and the scope of covered products.

We believe there are other technical issues to be addressed, including what it means to “reuse” a product. HCPA respectfully requests consideration of these concerns and welcomes any opportunity to further discuss how Hawaii can move toward a circular economy. Thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Finarelli', with a large, stylized initial 'C'.

Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region

HB-1326

Submitted on: 2/6/2023 7:30:34 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Emmons	Waiakea Bottling/Malama One Recycling	Comments	Written Testimony Only

Comments:

The Honorable Nicole E. Lowen, Chair

House Committee on Energy & Environmental Protection

Hawaii State Capitol

415 South Beretania Street

Honolulu, Hawaii 96813

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

Dear Chair Lowen, Vice Chair Cochran and Members of the House Committee on Energy and Environmental Protection,

The organizations which I represent, Waiākea Bottling Inc and Mālama One Recycling LLC, appreciate the opportunity to provide written testimony on House Bill 1326 that seeks to establish a 70% packaging waste reduction program in the State of Hawai'i by 2026. We believe strongly in EPR as you will see below, but have concerns that we believe should be taken into consideration in order to have an effective program. While we concur with much of the guidance we have seen from Ameripen in their testimony, I would note that both of the above companies I represent are exempted from the bill due to our first focus on Hi-5 deposit beverages. That being said, we would like to use this opportunity to inform the committee of significant recycling infrastructure investments that are being made as we speak that will significantly reduce certain packaging going to the landfill.

Waiākea Bottling is a beverage manufacturer (water, coffee, teas) with its headquarters in Hilo, Hawai'i. It is one of the largest employers in Hilo with about 60 local full time employees and a top 2 exporter in Hawai'i county by container volume. Waiakea's purpose is create a transformation within the beverage and greater consumer packaged goods industry, moving away from singular profit and towards a triple-bottom-line model that emphasizes people, planet and the aloha spirit. Waiākea proudly launched in 2012 as the first beverage brand in Hawai'i and the entire mainland United States to use 100% post-consumer recycled content for all of its

packaging in the hopes of pushing things forward towards a more circular future. Waiākea has been the enviro-tech leader of beverage ever since.

In addition, we have continued to bring our community with us, whether in the treatment of our employees (significant benefits, living wage, stock, and more) or our Kokua Initiative . The Kokua Initiative is Waiākea's landmark 3 piko approach to investing its time and resources into local community projects and non-profits, focusing primarily on education, addiction, and environmental stewardship in Hawai'i. Led by Geoli Ng, long-time director of Inpeace, our programs have impacted over 150,000 people in the last 3 years alone on Hawai'i island.

Mālama One Recycling LLC was recently formed by circularity thought leaders in Hawai'i after 3 years of feasibility in order to close the loop on post-consumer grade plastics in Hawai'i and show the world what is possible for an island economy. Mālama recycling has secured \$20MM in funding for Hawai'i's first bottle to bottle recycling facility, turning post-consumer PET, PE, and PP waste into new products and allowing material independence and competitive differentiation for Hawai'i CPG businesses with the lowest environmental footprint of all packaging types. We believe we can achieve a 95+% collection and recycling rate statewide for PET (RPET once recycled) beverage bottles within the first several years.

Set to open in August 2024 with a capacity of 26,000 tons/year, the facility will be able to collect and process the entire deposit center volume of the state and yet have significant opportunities and upside for MRF and Landfill diversion with the excess capacity. In its first stage it is anticipated to create 30 jobs on Hawai'i and many more indirectly. As it progresses to glass and aluminum, it is anticipated that number would exceed well over 100. In addition, by not having to barge deposit center volume off-island and by cutting foreign imports of virgin material, the GHG mitigation for PET alone is estimated to be the equivalent of 2000 cars off the road each year of its operation.

I give this detail because we are unsure if the committee is aware of this project or several others that are in development that have a significant impact on landfill diversion (Hanahou Recycling is also building out a new 20MM MRF on Hawai'i island). We should all strive to reduce packaging and design a more efficient and less wasteful future, but the ability to harness much of the existing waste with the right diversion, collection, and recycling and create our own new products here in Hawai'i needs to be a key consideration on how to achieve the most effective and beneficial EPR program moving forward.

I will also add that we very much appreciate the committee suggesting an advisory council is assembled. However, we would ask that the advisory council adequately represents product manufacturers here in Hawai'i with at least several seats as we should be prioritizing manufacturing here at home with the hope of transitioning from a tourism dependent economy. My only other suggestion is that the committee put together a needs assessment as laid out by Ameripen or other EPR experts with a proven track record, as EPR rollout can have varying results as I'm sure you have seen.

Mahalo for the opportunity to comment on house bill 1326 and I look forward to assisting the Chair and committee in any way I can moving forward. Reduce, Reuse, Recycle!

Best Regards,

Ryan Emmons

CEO, Waiakea Bottling

CEO, Mālama One Recycling

CEO, Mālama Micro Hydro

Testimony in OPPOSITION
to
House Bill 1326
in
Hawaii House Committee on Energy & Environmental Protection
On
February 6, 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 non-profit 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.

Respectfully,

Sam Schlaich

Sam H. Schlaich, J.D.

Government Affairs Counsel, FP

HB-1326

Submitted on: 2/6/2023 8:04:56 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
R A Culbertson	Big island Reef Keepers hui	Support	Written Testimony Only

Comments:

Aloha Representatives!

I am 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. 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. 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.

Let Hawaii, the 'ocean state', become a national leader along this pathway to sustainability!

Mahalo nui loa!



The Honorable Nicole E. Lowen, Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

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

Dear Chair Lowen, Vice Chair Cochran and Members of the House Committee on Energy and Environmental Protection,

The organizations listed above are commenting with concerns on House Bill 1326 that seeks to establish a 70% packaging waste reduction program in the State of Hawaii. The above listed associations have worked successfully with legislatures across the country in response to different bills regarding packaging producer responsibility and waste reduction. 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. 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.

Currently, in HB 1326 there is a needs assessment that would have to be completed by the Hawaii State Department of Health in collaboration with each county that would detail the resources needed to reduce packaging waste from each county's baseline amount by 70% by 2030.

We recommend needs assessment language include:

- 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.
- The initial needs assessment, and any updates, should be developed through a public process including at least one public meeting at which the department provides the producer responsibility organization (PRO), the advisory board, and any interested members of the public the opportunity for input.

We also believe that within HB 1326 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.

Our final comment is focused on the advisory council and appreciate that Chair Lowen for added this element to HB 1326. The advisory council plays an important role in offering feedback and expertise on packaging producer responsibility and waste reduction and has become a common feature in related legislation that has been enacted in the United States. The role of the advisory council should be to advise, review and provide recommendations to the Department and to the PRO on program plans and goals. With this important role there needs to be more than three producer seats that can really capture diverse representation of packaging, like adding manufacturers of different types of packaging materials and the brand owners who use the packaging. To this end, the definition of producer needs to make it clear that it is the brand using the packaging, and not the packaging producer. Packaging producers would not be able to trace the use of their packaging for the myriad of products sold, nor whether or not they were sold in Hawaii.

We appreciate the opportunity to comment on HB 1326 and we believe that when we take goals, match them to stakeholder strengths and add in complementary policies, then we can drive systemic changes needed by identifying and building collaborative processes that plan for the future. We would welcome the opportunity to work with the Chair, the entire Committee, and stakeholders in Hawaii to address packaging producer responsibility in a way that will work for all stakeholders and reduce packaging waste going to landfill.

Thank you,

Tim Shestek:	American Chemistry Council
Brennan Georgianni:	American Cleaning Institute
Dan Felton:	American Institute for Packaging and the Environment (AMERIPEN)
Ally Peck:	Consumer Technology Association
Carol Patterson:	Foodservice Packaging Institute
Alison Keane:	Flexible Packaging Association
Christopher Finarelli:	Household and Commercial Products Association
Brian McKeon:	National Confectioners Association
Savonne Caughey:	Pet Food Institute
Kris Quigley:	Plastics Industry Association
Erin Raden:	The Toy Association
Sally Jefferson:	The Wine Institute



**Written Testimony of
David Thorp, American Beverage Association
Before the House Committee Energy & Environmental Protection
Comments on H.B. 1326: Relating to the Environment
February 7, 2023**

Good morning Chair Lowen, Vice Chair Cochran and members of the committee. Thank you for the opportunity to comment on H.B. 1326 – relating to the environment.

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.

Extended Producer Responsibility Systems

Based on our global learnings and experience with holistic EPR systems, the beverage industry understands that we therefore have a unique responsibility to lead on this issue. To expand on our past advocacy efforts, we have developed the following global principles and parameters for EPR programs. EPR has the potential to efficiently increase recovery of packaging but only under certain conditions articulated below. The overarching goals for these principles are:

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

Key Principles of EPR Systems

Clear scope of products affected, and programs funded.

- Products include all types of consumer goods packaging and printed paper with products labeled to indicate recyclability to consumers.
- The program funds 100 percent of the net cost (net of scrap value) for residential recycling of packaging and printed paper including both single- and multi-family dwellings and including education and outreach programs.

Centralized program management

- A single, non-profit Producer Responsibility Organization (PRO) manages the funding system for the entire jurisdiction, with professional staff answerable to a producer-led board of directors.

Transparent cost principles

- The PRO sets producer fees by material type (*e.g.*, PET, aluminum, corrugated cardboard) based on the cost to recycle the material minus its value in the scrap market. Because costs and commodity values change over time, fees are reset typically once per year.

Defined role for government

- Enabling legislation sets the scope of the program and its goals to assure a level playing field among producers of consumer goods packaging and printed paper. The legislation also specifies the role for government and how those activities are funded.
- The designated government agency evaluates and approves the PRO's plan for achieving program goals, monitors program progress, and provides enforcement.

All these EPR principles reflect experience in other developed economies around the world, but any program needs to be customized to the local and regional conditions including the existing infrastructure, demographics, available markets, and key stakeholders.

Sincerely,

David Thorp

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



February 7, 2023

House Committee on Energy & Environmental Protection
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Testimony in Support of H.B. 1326

Dear Chair Lowen, and Members of the House Committee on Energy & Environmental Protection,

Thank you for the opportunity to provide testimony regarding H.B. 1326. **Just Zero strongly supports this bill. Unlike other forms of producer responsibility for packaging laws, it prioritizes reduction of waste not simply new collection and management systems.**

Just Zero is a national non-profit environmental advocacy organization that works alongside communities, policy makers, scientists, educators, organizers, and others to implement just and equitable solutions to climate-damaging and toxic production, consumption, and waste disposal practices. We believe that all people deserve Zero Waste solutions with zero climate-damaging emissions and zero toxic exposures.

The way we think about and manage waste in this country is flawed, inherently unsustainable, and deeply unjust. This unfortunately isn't surprising giving that the companies that design, package, and market fast moving consumer goods are completely detached from the end-of-life management of these materials. Instead, residents, towns, and counties are stuck paying to collect and manage a waste stream they have little-to-no control over. Even worse, because these companies have no responsibility for the waste associated with their products and packaging, they are increasingly overpackaging products and using unrecyclable materials like plastic.

H.B. 1326 would address this by requiring producers of fast-moving consumer goods to fund programs and the infrastructure needed to reduce the amount of packaging waste disposed of in landfills and incinerators by 70% percent. Unlike other forms of producer responsibility for packaging laws, HB 1326 correctly identifies that the means of achieving this goal isn't through increased recycling



alone. But instead, through the elimination of single-use packaging and the development of producer funded reuse and refill systems.

I. Modern and Effective Producer Responsibility for Packaging Laws Cannot Exclusively Focus on Recycling.

All existing producer responsibility for packaging programs, including the four laws in the United States, exclusively focus on establishing producer funded curbside recycling services and increasing data collection regarding packaging waste. or having producers pay to fund existing recycling services. While strong curbside recycling programs are a central part of any Zero Waste system, they should not be prioritized above reduction and diversion through reuse and refill systems.

The primary goal of any producer responsibility law must be on reducing waste. Central to this is redesigning products and packaging to be reused, and developing the means to ensure these reusable products are collected, cleaned, and recirculated back into the economy. This is especially necessary to combat the plastic production and pollution crisis that is wreaking havoc on our health and our environment.

Despite being widely unrecyclable, most companies choose to package their products in plastic. Approximately, 40% of all plastic produced each year is used for packaging.¹ Virtually none of this material is recycled. In 2021, only 5% of all plastic waste generated by U.S. households was recycled.² This is unlikely to change, even with producer funded recycling systems, because most of this plastic isn't technically or economically capable of being recycled. In fact, a recent report from Greenpeace which surveyed 370 material recovery facilities in the United States found that only PET #1 and HDPE #2 currently meet federal guidelines for recyclability.³ Therefore, all other forms of plastic do not even meet our weak federal requirements for recyclability, which primarily just focus on access to services.⁴

Plastic recycling is, and will continue to be, extremely limited. Unlike glass and aluminum, plastic can only be recycled a certain number of times before it

¹ Laura Parker, [Fast Facts About Plastic Pollution](#), National Geographic. (Dec. 20, 2018).

² Greenpeace, [Circular Claims Fall Flat Again](#), p. 3. (Oct. 24, 2022).

³ *Id.*

⁴ *See*, 16 C.F.R. §260.12 The Federal Trade Commission's Guides for the Use of Environmental Marketing Claim, commonly known as the "Green Guides" states that a company can only make unqualified claims about the recyclability of a product or packaging if recycling facilities that can manage the product or packaging are available to at least 60% of consumers. Importantly, the federal requirements do not look into whether the materials sent to these recycling facilities are actually used to make new consumer products.



becomes to degraded to be turned into new products. At some point, even the small amount of plastic that is actually recyclable will need to be burned or buried.

As a result of exclusively prioritizing producer funded recycling programs, existing producer responsibility for packaging laws have not achieved significant reductions in the amount of packaging waste generated. This is because the money continues to flow toward downstream resources such as the collection, sortation, and disposal or recycling. Even the programs that attempt to incentivize upstream changes in packaging use and design through eco-modulated fees have not resulted in significant waste reduction. While some of these eco-modulated fees have helped eliminate low-hanging fruit such as excess packaging, they have not deterred companies from increasingly packaging their products using unrecyclable plastic.

II. H.B. 1326 Correctly Prioritizes Waste Reduction Through Elimination and Producer Funded Reuse and Refill Programs

An effective and modern producer responsibility for packaging program needs to set strong waste reduction requirements that are achieved primarily through elimination of single-use packaging and producer funded reuse and refill programs. **This is exactly what H.B. 1326 does.** The bill will require producers to fund programs that will not only reduce waste but will benefit Hawaii's environment and economy.

Implementing Zero Waste strategies to meet current and future waste management needs not only reduces pollution and greenhouse gas emissions, it also provides significantly more jobs than disposal based systems.⁵ Reuse and refill systems create as many as 30 times more jobs than landfills.⁶ Importantly, unlike disposal facilities which are centralized and require significant economic resources to build and upkeep, reuse and refill systems can be decentralized and rely on local community and businesses which helps spread the economic benefits.

For instance, a Chilean company called Algramo has developed vending machines where consumers can refill reusable bottles with common household products such as soap, cleaning products, detergent, shampoo, conditioner, salad dressing,

⁵ Global Alliance for Incinerator Alternatives, [Zero Waste and Economic Recovery – The Job Creation Potential of Zero Waste Solutions](#), p. 4. (2021).

⁶ Tellus Institute and Source Resource Management, [More Jobs, Less Pollution: Growing the Recycling Economy in the U.S.](#) (Nov. 2011)



and lotion. These vending machines can be installed in grocery and convenience stores and provide alternatives to single-use items. This type of system would work well in Hawaii and H.B. 1326 would provide not only the funding to get this system of the ground, but an incentive for producers to participate.

III. The Producer Funding for Reuse and Refill Programs Should Be Continuous.

While we strongly support H.B. 1326, Just Zero strongly recommends that the producer funding for reuse and refill programs never sunset. As currently drafted, it is unclear whether the producer funded packaging reduction and reuse program would expire in 2030. If that is the case, Just Zero strongly recommends that the bill be amended to ensure the program continues well-beyond 2030. The packaging waste reduction and reuse program will create new waste diversion systems that includes collection and cleaning facilities for reusable packaging and products.

A significant portion of the funded needed to develop, implement, and maintain this new infrastructure and these new programs will come from producers. Should the program expire in 2030, the producer financing will lapse. Pulling the producer funding mechanism away after the development of these new programs will result in costs shifting back to residents, towns, cities, and counties. Given the need for these programs to continue to develop and grow, it is important that the producers continue to fund them. This will ensure that once Hawaii achieves the waste reduction requirements established in H.B. 1326, that the programs which made that possible, remain in place.

IV. Conclusion

The pollution and public health impacts associated with unfettered packaging generation and disposal are widespread and significant. Addressing this requires bold policy that is commensurate with the problem we are all facing. H.B. 1326 is a critical policy that will ensure Hawaii transitions away from the current toxic and unsustainable throw-away packaging system to one where disposal is limited, and resources are reused and recirculated into the economy. Just Zero urges you to support H.B. 1326. Thank you for your time and consideration of this testimony.

Respectfully submitted,

Peter Blair, Esq.
Policy Director
Just Zero



The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Concerns
on
Hawaii House Bill 1326
Packaging Reduction and Reuse Program

House Energy & Environmental Protection Committee
February 7, 2023

Chair Lowen, Vice Chair Cochran and Members of the House Energy and Environmental Protection Committee.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide written testimony on House Bill 1326 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 have concerns with HB 1326 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 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) where producers can manage the funds as well as create a plan that meets the goals proposed in the bill. Below are our key concerns and recommendations that must be addressed to create a truly workable packaging producer responsibility program in Hawaii.

1. **Problematic “Covered Producer” Definition:** HB 136 currently defines this 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 the packaging producer responsibility structure will work in a state and the statutory definition in HB 1326 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 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, and the Department would administer the fund.

Packaging producer responsibility funds are traditionally managed by a producer responsibility organization (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 the producer funds be managed by the PRO that represents the producers paying into the system, like other states that have already enacted 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 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. 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. However, the needs assessment in HB 1326 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 goals stated in the language of the bill. We recommend a much more robust needs assessment be established in HB 1326 and would be happy to provide specific language.
- 5. Packaging Waste Reduction and Reuse Plan and Program:** As currently drafted in HB 1326, this plan would be created and administered by the Department. We recommend instead that HB 1326 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 committee, 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.

The power of packaging in balance:

In conclusion, AMERIPEN recognizes and supports the need to increase packaging recovery and recycling and reduce packaging waste in Hawaii through a shared responsibility program. HB 1326, if amended with our recommendations, could be a good vehicle to help Hawaii meet its waste reduction goals. We would very much like to partner with you and the Committee to work on a reasonable path forward.

Sincerely,



Dan Felton
Executive Director – AMERIPEN



Date: February 7, 2023

To: The Honorable Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee

From: Zero Waste Hawai'i Island

Re: Hearing HBI326

Tuesday, February 7, 2023, 8:45 a.m.

Aloha Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee,

Zero Waste Hawai'i Island's mission is to connect diverse Hawai'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 the costs both in dollars and carbon emissions to ship "recyclables" to facilities 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 economical to recycle, much of which escapes into the natural environment, polluting our ocean and impacting marine wildlife. Recycling was never 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 the packaging and there is really no 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. 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.

HB1326 formalizes the process of developing a producer funded program for packaging and differs from most states by prioritizing reducing and reusing packaging will begin a producer funded program by July 2026.

We could quickly transition to a circular system for packaging in Hawaii if the government, businesses, and consumers put their minds to it. With landfill capacity issues on nearly every island, we need to quickly reduce all types of solid waste entering our landfill. This will allow us to address a significant portion of our waste stream that can be prevented.

Mahalo nui loa,

Jennifer Navarra
Program Director
Zero Waste Hawai'i Island

Zero Waste Hawaii Island • Hilo, HI 96720
zerowastebigisland@gmail.com

HB-1326

Submitted on: 2/6/2023 8:48:24 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Charlie Quesnel	Surfrider Maui Chapter	Support	Written Testimony Only

Comments:

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

My name is Charlie 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.

Mahalo for the opportunity to testify,

Charlie Quesnel



The Honorable Nicole E. Lowen, Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

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

Dear Chair Lowen, Vice Chair Cochran, and Members of the House Committee on Energy and Environmental Protection;

On behalf of the American Forest & Paper Association¹ (AF&PA), I write to provide concerns on House Bill 1326 that seeks to establish a 70% packaging waste reduction program in the State of Hawaii. 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.

The forest products industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches. In Hawaii, the industry employs more than 600 individuals with an annual payroll of over \$17.7 million.

Paper Recycling Works

The paper recycling rate has grown over the decades, and remains consistently high, meeting or exceeding 63 percent since 2009.² In 2021, 68 percent of paper consumed in the United States was recovered for recycling. Technological innovations in product design and recycling processes are continuously allowing our industry to access and recycle more paper-based products.

Robust investment in end market use for recovered paper is an essential pillar of the paper industry's success. Our industry has planned or announced approximately \$5 billion in manufacturing infrastructure investments by 2024 to continue the best use of recycled fiber in our products.

Concerns With HB 1326

Currently, in HB 1326, there is a needs assessment that would have to be completed by the Hawaii State Department of Health in collaboration with each county that would detail the resources needed to reduce packaging waste from each county's baseline amount by 70% by 2030.

¹ AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recycle resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative — [Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future](#). The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly \$300 billion in products annually and employs approximately 950,000 people. The industry meets a payroll of approximately \$60 billion annually and is among the top 10 manufacturing sector employers in 45 states.

²<https://www.paperrecycles.org/media/news/2020/05/12/u.s.-paper-industry-achieves-consistently-high-recycling-rate>

We recommend needs assessment language include:

- 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.
- The initial needs assessment, and any updates, should be developed through a public process including at least one public meeting at which the department provides the producer responsibility organization (PRO), the advisory board, and any interested members of the public the opportunity for input.

We applaud Chair Lowen for adding an element to HB 1326 establishing an advisory council. The advisory council plays an important role in offering feedback and expertise on packaging producer responsibility and waste reduction and has become a common feature in related legislation that has been enacted in the United States. The role of the advisory council should be to advise, review and provide recommendations to the department and to the PRO on program plans and goals. With this important role there needs to be more than three producer seats that can really capture diverse representation of packaging, like adding manufacturers of different types of packaging materials and brand owners.

Conclusion

Thank you for the opportunity for AF&PA to share our comments. We share a goal with Hawaii's policymakers to advance sustainable policy and a circular economy. We would welcome the opportunity to work with the Chair, the entire Committee, and stakeholders in Hawaii to address packaging producer responsibility in a way that will work for the paper industry and reduce packaging waste going to landfill. In the interim, you or your staff may direct any questions or concerns regarding this letter to Erin Hall, AF&PA's Manager of Government Affairs, at erin_hall@afandpa.org.

Sincerely,



Eric J. Steiner
Vice President, Government Affairs
American Forest & Paper Association



The Honorable Nicole E. Lowen, Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lowen and Members of the House Committee on Energy and Environmental Protection,

Thank you for the opportunity to submit comments and share concerns regarding HB 1326 which seeks to create a packaging waste reduction and reuse program for the state of Hawaii. We commend you for your attention to these critical issues and appreciate you outlining your policy solutions.

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 -

Consumer Brands Association
1001 19th Street North, 7th Floor
Arlington, VA 22209

Powering every day.



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.

We appreciate your inclusion of a needs assessment model in HB 1326 and we believe this would serve as a key first step to inform future plan design and to ensure identification of infrastructure and resource needs is data driven. So that the assessment is optimized, we respectfully suggest that it include a comprehensive assessment of infrastructure needs, cost estimates, potential capital investments, related technology options, and consumer/community education needs. Industry would welcome the opportunity to partner with the state and counties to help inform and develop the needs assessment.

In addition, 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. We would ask that you also consider an EPR model that is inclusive of a producer responsibility organization as a key element of your planning and would welcome the opportunity to discuss this with you in greater detail.

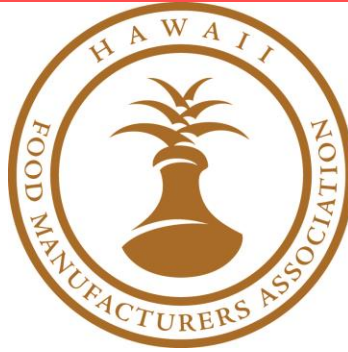
The CPG industry stands ready to partner with you to develop an effective overall waste reduction and recycling program. Thank you for your dedication and attention to these critical issues. Please let us know how we can best be a resource to you going forward.

Sincerely,

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

Brendan Flanagan
Senior Director, State Affairs
Consumer Brands Association
Consumer Brands Association
1001 19th Street North, 7th Floor
Arlington, VA 22209

Powering every day.



**Testimony to the House Committee on Energy & Environment
Tuesday, February 7th, 2023, at 8:45 A.M.
Conference Room 325 & Via Videoconference**

RE: HB 1326 Relating to the Environment

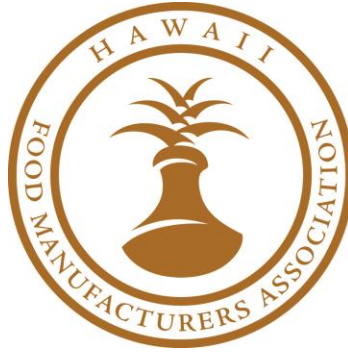
Chair Lowen, Vice Chair Cochran, and Members of the Committee:

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.

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.



Sally Jefferson
Director, Western States

THE HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
February 7, 2023

Testimony in Opposition to HB 1326

Chair Lowen, Vice Chair Cochran and Members of the Committee:

Thank you for the opportunity to provide testimony in opposition to HB 1326 RELATING TO THE ENVIRONMENT. Wine Institute is a public policy association representing more than 1,000 California wineries and associate members. The California wine industry helps to support 6,000 jobs and accounts for more than \$762.5 million in total economic output in Hawaii. 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 reducing solid waste and recovering more wine packaging, we have significant concerns with HB 1326 as currently drafted. It would require the development and implementation of a Department of Health packaging waste reduction and reuse plan for achieving a 70% reduction in packaging waste by 2030. We are concerned that it would require the producers of packaged goods to fund the full cost of such a plan without having the substantial involvement and responsibility for creating and managing a workable plan and program for their post-consumer packaging through the establishment of Producer Responsibility Organization.

While we agree that a needs assessment is imperative and appreciate its inclusion in HB 1326, we believe it should be conducted to help inform the establishment and implementation of a statewide program to successfully manage the reduction, reuse & recycling of consumer packaging. Such an assessment should include analyzing existing solid waste management data collection 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 also should include an analysis of current practices and programs and the availability and performance of collection, transportation and processing capacity and infrastructure relative to the management of materials and identify necessary capital investments to existing and future reuse and recycling infrastructure. An analysis of consumer education needs for reducing, reusing and recycling covered materials and consumer products should also be included. Given the enormous importance of a comprehensive statewide needs assessment, we respectfully urge that the preceding elements be incorporated and that the assessment be used to help inform the development of a plan for Hawaii's packaging waste management program so that it is effective, efficient and results-based.

We also have concerns that this legislation as currently written raises many questions including what would be required of producers in terms of total cost and compliance obligations. How would it effect existing programs such as the ADF program, the state's glass recovery program that diverts glass including wine bottles from the waste stream, which distributors, importers and manufacturers have long been paying fees to fund? How would achievable reusability and reduction goals be determined for consumer packaging? 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. What happens if product packaging is unable to meet the program's reduction and/or reusability targets and timelines?

We strongly encourage engaging in extensive dialogue with stakeholders including producers and material suppliers in developing a waste management program that is feasible, efficient and effective. Thank you for the opportunity to comment on HB 1326 and we greatly appreciate the consideration of our views.

HB-1326

Submitted on: 2/1/2023 10:52:06 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

I support HB1326

HB-1326

Submitted on: 2/1/2023 6:47:43 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Strong support. Thank you.

HB-1326

Submitted on: 2/2/2023 8:07:07 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Strongly support!

HB-1326

Submitted on: 2/3/2023 11:07:54 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-1326

Submitted on: 2/3/2023 3:37:57 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Testimony in Support of HB1326

Committee on Energy and Environmental Protection

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

My name is Paul Montague 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.

Mahalo for the opportunity to testify,

Paul Montague

Ocean View

HB-1326

Submitted on: 2/4/2023 10:15:55 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Rich	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB1326

Committee on Energy and Environmental Protection

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

My name is Laurie Rich 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Mahalo for the opportunity to testify,

Laurie Rich

HB-1326

Submitted on: 2/4/2023 11:05:37 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Burger	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB1326

Committee on Energy and Environmental Protection

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

My name is Danielle Burger 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Mahalo for the opportunity to testify,

Danielle and Craig Burger

HB-1326

Submitted on: 2/4/2023 11:21:35 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

I strongly support HB1326, which would encourage a statewide packaging waste reduction of 70%. This would reduce local pollution and wildlife-killing ocean detritus as well as landfilled waste and carbon emissions from incineration.

HB-1326

Submitted on: 2/4/2023 1:52:32 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Wast of Tax payers MONEY!!!!

HB-1326

Submitted on: 2/4/2023 4:45:00 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

I am 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.

HB-1326

Submitted on: 2/4/2023 8:12:00 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

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. 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. 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.

Mahalo!

HB-1326

Submitted on: 2/4/2023 8:30:28 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

Please pass this bill, which will help address the huge problem of solid waste. 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. Mahalo,

Lorna Holmes Honolulu 96817

HB-1326

Submitted on: 2/4/2023 8:57:44 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Aloha, 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. 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. 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.

Mahalo, Rodger Hansen, Hakalau HI 96710

HB-1326

Submitted on: 2/5/2023 8:56:46 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

HB1326 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.

- 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. 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. 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 HB1326

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-1326

Submitted on: 2/5/2023 9:32:05 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Aloha,

I support HB1326 for the simple reason that I am tired of seeing our ocean and roadways littered with plastic, ocean creatures croaking on plastic consumption, and if they do live, many of them are consumed by humans who are also getting a steady diet of plastic. We need a plan and a way to fund the plan to reduce plastic consumption at the Producer level, which is why I support the Producer-funded packaging reduction plan.

Mahalo for your time and efforts in this important matter,

Laurie Boyle

HB 1326 Supporting Testimony
sophiati@hawaii.edu

I am writing in immense support of HB1326 with some words of caution as well as offering a hand for assistance. I want to first say that I am not an expert in waste management but I am extremely passionate about the devastating effects of single-use plastics and recently took a break from engineering water and sewer systems in rural Alaska to study environmental law and specifically focus on this issue. My aim in entering law school was to investigate and advocate for a legal declaration of plastics as hazardous waste and/or instill a greater national effort of tracking and limiting plastic suppliers into the consumer market.

Here is my little platform: our enemy is not big companies like Costco or consumers like you and me. Our enemy is time. Implementing circular economic strategies is an ideal plan but, for the sake of the environment, I hope it is secondary to the primary need of allowing toxic material into the environment for the sake of what we consider “convenient.” When vegetarians or vegans eat plant based for decades, they likely do not purchase fake hotdogs simply because the thought of eating meat is what drove them to not eat meat. What I mean is this: the system we have is devastating and we have to understand that at a core level if we want lasting change.

I believe in this HB because of the advisory council committee’s diversification from stereotypical environmental groups. I believe in this HB because it aims to get the suppliers at the table. However, I am concerned whether such competent people 1) exist and 2) are willing participants.

Implementation planning is no small task, especially on a volunteer basis. I have personally been involved in the State of Alaska’s Climate Action Plan (for youth engagement and review purposes only) and with the Municipality of Anchorage’s Climate Action Plan (serving on the consumption and solid waste committee). I have seen the planning phases in action and believe in them; however, I am wary of plans that do not get the proper buy-in and do not very clearly list out each step in determining how to reach the desired outcome. Implementation planning must answer the ‘how’ question directly before any discussion of ‘who’ begins.

I was also highly active in banning plastic bags in Anchorage and watched the unwillingness of the community to bring their own bags at the expense of the purchasing a 10-cent paper bag. I also witnessed a new trump-like mayor throw a giant COVID wrench into the ban after only 3 months of implementation. Thus, I have no hope in prolonged governmental acceptance or a comprehensive communal understanding of environmental prioritization for the sake of future generations and the land and ocean, so I agree that economic strategy is key. However, that was Alaska. Hawaiians are uniquely strong in advocating for environmental rights as a sense of their kuleana and I believe this bill musters the sense of such spirit.

My primary recommendation at this point is to think about adding an advisory council position for Richardson Law Students as well as youth members (25 and under). Students would provide motivation, accountability, and creativity to the council as well as assisting in the practical day-to-day orders of business.

Again, I am in full support of this bill and hope to see it through fruition.
Thank you for being here.

Sophie Tidler

HB-1326

Submitted on: 2/5/2023 11:15:59 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Merle Hayward	Individual	Support	Written Testimony Only

Comments:

I support HB1326 due to lack of plastic waste recycling causing toxin build up in Hawaii environment and toxins eaten by ocean animals. Plastic manufacturers need to be responsible for recycling systems to safely eliminate their containers. Presently, Hawaii land, air, fresh water and ocean contain plastic toxins and there is insufficient local clean up.

HB-1326

Submitted on: 2/5/2023 11:40:22 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Support

HB-1326

Submitted on: 2/5/2023 12:11:24 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
sharon Levine	Individual	Support	Written Testimony Only

Comments:

Good day All, It is important to take responsibility on small and big scale. How can we expect people to take care of their garbage when we don't make it imperative for larger entities to care of their own.

I support this bill because, with intelligence to put together proper disposal program

for what we put into the environment, we can learn new ways to Malama the earth and save ourselves.

sincerely,

sharon levine

makaha

HB-1326

Submitted on: 2/5/2023 12:21:20 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
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 this HB1326 which contains all the steps needed, by starting with assessments of need for each county, including all the stakeholders, and ends with implementation.

HB-1326

Submitted on: 2/5/2023 1:12:09 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

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

My name is Michele Mitsumori, and I am a resident of Hilo on Hawai`i Island.

Like other islands, we are seeing the consequences of the single-use, convenience economy that has overtaken us. I have seen our Hilo landfill top off, and I have seen the trucks on Saddle Road hauling our Hilo trash to the Kona landfill, and seen them coming back empty. Single-use packaging waste is a big part of this problem.

Holding the producers of this packaging responsible for the cost of managing packaging waste not only helps communicate the full cost of the packaging. It can also help motivate packaging manufacturers to improve packaging design.

At the same time, I've seen that what works on O'ahu doesn't work here. Hawai`i, Maui, Kaua'i Counties -- we each need to find solutions that fit our unique communities, infrastructures, and futures.

I am testifying to support HB1326 because it starts with a statewise needs assessment, conducted by the Department of Health. This needs assessment will determine the resources necessary to reduce packaging, establish an advisory council to advise the DOH, and appropriate funds to conduct this needs assessment, including engaging the human resources to get this done.

Thank you for the opportunity to testify in **support of HB 1326**.

HB-1326

Submitted on: 2/5/2023 1:35:52 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support 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. This 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.

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.

HB-1326

Submitted on: 2/5/2023 2:01:52 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Aloha.

HB1326 is a very important bill. 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. 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.

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. 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.

WE must pass HB1326!! Thank you.

-

HB-1326

Submitted on: 2/5/2023 2:13:34 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Aloha EEP Chair, Vice Chair & Committee,

I strongly support HB1326, i have travelled the world and in the South (Developing) most things are fixed and in Europe many things are re-cycled and the companies that create the bottles etc are responsible for re-using the products. American companies lobby hard so that they never have to take responsibility for re-using their products. HB1326 goes a good way in dealing with this.

HB1326 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.

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. 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. 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.

Mahalo for your consideration,

tlaloc tokuda,

Kailua Kona, HI 96740

HB-1326

Submitted on: 2/5/2023 2:23:54 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Walker	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to you today to express my strong support for HB1326. Here on Kauai our landfill is well past capacity and after many vertical expansions will soon no longer be viable. One of the largest contributors to our landfill problem is plastic packaging. This bill is a good beginning to forcing manufacturers and retailers to take responsibility for the packaging that they manufacture and then expect regular citizens to dispose of. This is especially problematic for us in Hawaii, where we do not have a broad range of materials that can be recycled. Please support this bill, and I ask you too continue to work to hold large businesses like Walmart and Costco, and the oil companies and manufacturers of plastic packaging, to stop foisting this unusable, unrecyclable garbage on consumers and take responsibility for the waste they produce.

Mahalo for hearing my testimony,

Maria Walker

HB-1326

Submitted on: 2/5/2023 2:33:01 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
James Trujillo	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee,

Please accept this letter of support for HB1326

We need additional resources and added capacity to manage our solid waste programs in the state. Reducing packaging and increasing non contaminated recycling rates will help us move forward but we need studies, legislation and political will to create a true zero waste plan for Hawai'i. HB1326 will help initiate a move towards extended producer responsibility as a cornerstone to sustainable resource recovery and management. Please pass HB 1326 out of committee

Mahalo for accepting this testimony in support of HB1326

J Trujillo

Kapa'a, HI

HB-1326

Submitted on: 2/5/2023 3:23:45 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

My name is Candace Casper, and I am deeply concerned about how much packaging waste there is 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. I do what I can to recycle and reuse, but the producers need to do SOMETHING!

Thank you,

Candace Casper

Naalehu HI

HB-1326

Submitted on: 2/5/2023 4:00:02 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Muftiah Martin	Individual	Support	Written Testimony Only

Comments:

Aloha,

We simply must address the plastic and other packaging waste everywhere, and especially on these islands since our landfill space is finite. Reducing production and waste will also help to limit carbon emissions and that should be at the top of our collective priorities. Putting responsibility on producers seems like an excellent step.

Mahalo for your consideration.

Testimony on HB 1326
February 7, 2023

I have reservations about legislating packaging reduction for Hawaii at this time. Programs in other states are just beginning implementation and have far fewer hurdles to face than the island state of Hawaii. While there are improvements from 2021's HB 1316, there are several areas of concern.

Of first note is the addition of:

“§342G-B Hawaii zero waste initiative program. (a) There is established within the department a Hawaii 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. The zero waste initiative program shall design, implement, and administer activities that include:....”

This language is extremely broad regarding zero waste as an overall goal, but seems to imply that packaging (and the subset of “consumer goods packaging”) is the largest component of solid waste. May I suggest this bill is not the place for such a program, but rather the requirement to develop zero waste goals and programs regarding Integrated Solid Waste Management Plans along with additional state support to counties be considered more holistically in a separate bill to better refocus those 10-year planning efforts. I much prefer moving these plans to “resource management” rather than waste disposal.

Regarding packaging:

Remember, there is a reason for packaging: to protect the product during transport, storage and use, communication (how to safely use and dispose), and "right-sizing" (to avoid throwing away excess). Yes, there is cheap packaging, over-packaging, and misleading marketing that need to be tackled. But I'm not sure eliminating packaging or forcing reusable packaging is always the best way to go. Definitions and scoping are key. Making sure the costs merit the benefits is critical.

Packaging is a huge, complex subject that I'm more than happy to let people on the mainland try to shake out solutions for. What I'd rather spend Hawaii's precious resources on is to look at how the solutions developed (for places that have trucks and trains and industries with sufficient scale to support ROI) will and won't apply to our unique circumstances.

- just about everything we deal with is transported here by ship or plane. Factors like weight, volume, shelf-life, temperature control, port to door transportation inefficiency, fuel costs, etc. - limit flexibility and increase costs far beyond what other states have to deal with.
- except for Honolulu, we don't generate a lot of concentrated, easily collected waste or reusables.

- we don't have infrastructure or industry in place to manage a circular economy of much of anything. A circle with a radius of thousands of miles is not eco-efficient.
- requiring the use of compostable food service ware is meaningless if it's not collected and actually composted.
- costs are obscene for materials, labor, infrastructure, energy - you name it.
- 1/2 the population is transient tourists who expect convenience and won't take the time to go through extensive education programs or even read multi-lingual signs.

Much of the above drive requirements for packaging - light-weighting to reduce fuel costs, durability to provide protection from damage and contamination during transfer from port to users, heat/humidity degrading product composition, ensuring adequate communication for safe storage, use and disposal at every stage of the life cycle, right-sizing for 2 people for a one week stay, etc.

Challenges are different for managing reusable containers on Hawaii Island (or state) than the mainland:

- tourists. Where are you going to put return stations? What percentage are really going to bother turning stuff back in?
- reusables need to be durable, which generally means heavy which means high transport costs.
- health and safety matter throughout the life cycle of the reusable "package" - collection, cleaning (including disposal/treatment of residual product), refilling and relabeling, repair, final disposal and transport of dirty/clean "empty" containers between each stage - all of which entail costs to build, manage and maintain infrastructure and staffing and environmental impacts).
- employee shortages are guaranteed

The large advisory committee will be hard-pressed to define what would meet the goal of 70% packaging reduction in the time frame offered. Designing these programs will be technically challenging and reliant on experts – ie, paid consultants – beyond the 2 FTE offered up in the bill. Again, taking advantage of the learnings of other states as they implement their packaging EPR laws will save us a lot of effort.

Reusables: I recommend focusing on a particular set of packaging types where reusables might make sense. Examples:

- restaurant/take out where there are models (city-based for the most part) or other food distribution.
- work on the collection end for hotels, apartment complexes (ie, tourists). They could also distribute clean logo'd reusables.
- local goods reusable intra- and inter-island shipping packages (especially food and beverages).
- distribution/repackaging centers in Honolulu for neighboring islands.

Packaging and Distribution Efficiencies: I recommend working with big retail such as Costco, Target, Walmart, Home Depot, Lowes, etc. on

- appliances and other products with expanded polystyrene foam or thermoforms both for packaging redesign and takeback.
- opportunities for on-demand distribution of bulk packaged products in a sanitary and safe manner

Waste stream composition: I fear that Covid has made an anomalous blip in packaging waste which may be countered if there's a recession. While "consumer packaged goods" is an everyday experience (and frustration) for individual consumers and there are some forward-looking companies with really deep pockets in that business, I believe it doesn't represent the majority of what is filling up our landfill. Perhaps the first step is to fund a current waste stream analysis (if the economy has settled).

I think we can do more impactful things to significantly reduce landfilling (and incineration) such as dealing with construction waste, banning landfill of greenwaste, providing more composting (including food, paper and textiles) capabilities and, most importantly, education for smarter consumption and waste reduction.

Mahalo for your consideration,

Georjean Adams
Kamuela, Hawaii

HB-1326

Submitted on: 2/5/2023 7:30:15 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

I support this bill.

HB-1326

Submitted on: 2/5/2023 9:17:30 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

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

My name is Diane Ware from the Moku of Ka'u and I am deeply concerned about the proliferation of packaging waste in Hawaii and around the world. Here on the Moku of Keawe we have virtually no recycling. 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

I personally make an effort to restrict what I buy and use to minimize packaging but this is impractical and frustrating to manage. Packaging from plastics and trees is harming our climate and the environment.

I urge you to support this bill for the health and well being of future generations.

Mahalo for the opportunity to testify,

HB-1326

Submitted on: 2/5/2023 11:55:55 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Oppose	Written Testimony Only

Comments:

Onerous to businesses already struggling, just no.

HB-1326

Submitted on: 2/6/2023 1:55:36 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Robin Miyajima	Individual	Support	Written Testimony Only

Comments:

We have a huge problem with packaging waste polluting our oceans. This needs to be dealt with sooner rather than later, which is why I support the creation of a packaging waste reduction program.

TESTIMONY RE HB 1326
Before the House Committee on Energy and Environmental
by
JoAnn A. Yukimura
February 6, 2023

Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee:

My name is JoAnn Yukimura. I speak today as an individual citizen, and not as a representative of any group.

I served on the Kaua'i County Council from 1976 to 2018 intermittently for 22 years and as mayor from 1988-1994.

During my time in elected office, solid waste was always a major issue. When I was mayor, my administration created the first solid waste position in the county. Before that, solid waste was an ancillary function of the Roads Division; as such, there was no solid waste planning, just trash pickup.

My administration started the first composting and recycling programs on Kaua'i, fast-tracked and built the first lined landfill in the state after Hurricane 'Iniki, and developed Kaua'i County's first integrated solid waste management plan. We also won an EPA award for segregating the hurricane debris into mountains of lumber, metals, white goods, green waste and trash. This allowed the various segregated materials to be treated separately and diverted from the overflowing landfill.

You could say that solid waste has been my passion for a long time--not out of love but out of necessity. I live for the day when we will have achieved a zero waste society where waste is not waste but a resource.

Thus I support the aspiration expressed in HB 1326 to move Hawaii toward a zero waste future, but I think the Bill is far too limited in addressing only packaging and not products and in not explicitly including key diversion methods such as curbside recycling, composting and deconstruction as programs that would be encouraged and eligible for funding under this bill.

I do not know and have been trying to find out exactly what percentage packaging waste is of the solid waste that goes into landfills or is burned statewide. It is hard to imagine that packaging exceeds the percentage that products compose. Just think of a body board or a handbag or a chair or clothes. It would help if a “Findings” section were added to this bill to explain and justify with information and statistics the policy direction of this Bill because it is not clear.

I stand corrected if I am wrong, but I believe only including packaging and not including products excludes a huge amount of solid waste that needs to be addressed if the goal as expressed in HB 1326 is to “protect the environment and reduce costs” and move Hawaii meaningfully toward a zero waste society.

Extended Producer Responsibility (EPR) is the focus in many states and in Europe today because it has the potential to be a game changer in creating a more sustainable world, but I do not know of any well-functioning EPR program that addresses only packaging.

I do not buy the argument that we should do things incrementally, especially when Bill 1326 side steps the core issue of products pollution. Hopefully, I need not remind a legislature that has declared a Climate Emergency that we have desperately little time until it becomes too late. I do not understand why this Bill would take three years and marshall taxpayer money and the time and energy of the Department of Health and counties and industry and citizens to just focus on packaging. Will we then spend the next three years after that working on products?

The failure of HB1326 to recognize curbside recycling, composting and deconstruction as key ways to achieve a zero waste society is also a major flaw of this bill, which makes it overly prescriptive in my opinion. Zero Waste Kaua’i has calculated very conservatively that these three approaches together could divert almost 50% of the wastestream that presently enters the landfill on Kaua’i annually.

More importantly, these three methodologies provide the foundation for a circular economy. The nonprofit advocacy group, Surfrider, has said that curbside recycling and a Materials Recovery Facility (that would collect, clean, separate and produced high quality recycled plastic feedstock) would make feasible a process that converts marine debris plastics into commercially viable construction bricks.

A fledgling business on Kaua’i that intended to turn plastics into plastic lumber and other products recently shut down because it could not collect enough plastics on its own. Islandwide curbside recycling and a Materials Recovery Facility, had they been in place,

could have provided substantially more recycled plastic feedstock on a consistent basis for that business, for Surfrider, and other local manufacturers. This is not to say that each county should do curbside recycling; this is just to say that curbside recycling should not be excluded.

Maui County has a composting contractor, Maui Eko Systems, that has produced highly popular soil amendments under the name EkoCompost for almost ten years. It converts green waste and sewage sludge into a much sought after commercial product used by resorts, landscapers and golf courses.

Jobs, products, commerce--from recycled materials--produced through curbside recycling, composting and deconstruction--where waste is not waste but a resource--this is the circular economy!

Yes, we must do as much as we can to reduce and reuse upstream, but it would be unwise to focus only on reduce and reuse to the exclusion of recycling, composting, deconstruction, and other ways that facilitate the circular flow of materials and move us toward a zero waste society.

I regret that I am unable to support HB 1326 in its present form.

Thank you for this opportunity to testify.

HB-1326

Submitted on: 2/6/2023 5:24:11 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniela Escontrela	Individual	Support	Written Testimony Only

Comments:

I Strongly support this bill. There is a proliferation 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 reduces greenhouse gas emissions that contribute to global warming, and are important strategies in our fight against the climate crisis.

HB-1326

Submitted on: 2/6/2023 8:16:38 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Matthew Geyer	Individual	Support	In Person

Comments:

Thank you for hearing this measure, please support it to help us move toward a cleaner, greener Hawaii, before our waste related issues go completely out of control.

Mahalo

Matthew Geyer

HB-1326

Submitted on: 2/6/2023 8:45:08 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
marina scott	Individual	Support	Written Testimony Only

Comments:

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

My name is Marina Scott 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Mahalo for the opportunity to testify,

Marina Scott

HB-1326

Submitted on: 2/6/2023 10:35:39 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

Aloha, I am writing in strong support of HB1326, which would reduce plastic waste thru a DOH program. The reduction of plastic waste is vital especially in the islands where we have whales dying and washing on shore filled with plastic. The solution starts at the source! Thank you for your time and consideration.

Elizabeth Benyshek

Chair, Surfrider Foundation O'ahu Chapter

HB-1326

Submitted on: 2/6/2023 10:50:28 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Mattison Priest	Individual	Support	Written Testimony Only

Comments:

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

My name is Mattison Priest 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

Being an active member of my community, I see the steps other members of the community take on the daily to contribute to a safer, healthier environment. While the steps community members take matter tremendously, those actions should also be supported and enhanced by the government that represents these community members. This support will lend itself to a more cohesive battle, from both ends, against packaging pollutants.

Mahalo for the opportunity to testify,

Mattison Priest

HB-1326

Submitted on: 2/6/2023 11:00:30 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
A Wilkie	Individual	Support	Written Testimony Only

Comments:

Good morning, please support this Bill. The Hawaiian Islands are small and the amount of discarded packaging is huge. Please act now for future generations. Thank you

HB-1326

Submitted on: 2/6/2023 11:49:17 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Monica Stone	Individual	Support	Written Testimony Only

Comments:

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

Thank you for receiving my testimony in support our legislators creating pathways to transition to a reuse economy. Please pass HB1326. Mahalo,

Monica Rott Stone

Kailua-Kona, HI

HB-1326

Submitted on: 2/6/2023 12:00:34 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

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

Comments:

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

My name is Gwen Young and the proliferation of packaging waste in Hawaii and around the world is one of the most critical issues. All of our beaches are littered with Single Use plastic and many of our marine animals and birds are dying due to plastic in one way or another. 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 appropriates funds for conducting the needs assessment and to contract or hire DOH staff.

This bill would even be more impactful if it also considered ALL sources of single use plastic from food, restaurant, to cosmetic and beyond. For example, why are deoderants, lip balms, and other personal products sold in plastic tubes when waxed fiberboard options are in production?

Mahalo for the opportunity to testify,

Gwen Young

HB-1326

Submitted on: 2/6/2023 3:05:22 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

-HB1326 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.

- 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. 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. 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.

HB-1326

Submitted on: 2/6/2023 6:48:27 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Lujan	Individual	Support	Written Testimony Only

Comments:

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

My name is Maria Lujan 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.

HB-1326

Submitted on: 2/6/2023 9:37:32 PM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Berta Narbonne	Individual	Support	Written Testimony Only

Comments:

I support measures to reduce packaging so that the volume of packaging waste that is being sent to landfills or being incinerated is lessened. We need to develop more sustainable systems and infrastructure.

HB-1326

Submitted on: 2/7/2023 11:14:57 AM

Testimony for EEP on 2/7/2023 8:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Elma Lund	Individual	Support	Written Testimony Only

Comments:

I support this testimony in regards to the environment, aina, citizens, and animal life including marine life .