

JAN 19 2024

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that the State is
2 committed to reducing waste and conserving resources through
3 advancing source reduction, reuse, and recycling. However,
4 additional resources, facilities, and services are needed to
5 achieve resource conservation and waste reduction targets.

6 The legislature further finds that other states have
7 adopted legislation to require producers of packaging and
8 single-use products to take on the responsibility of ensuring
9 that services are available to reclaim and recycle products when
10 they reach the end of their useful life. While the producers of
11 packaging and single-use products sold and distributed in the
12 State must take responsibility for managing those materials,
13 there is a need to engage and consult with existing recycling
14 system stakeholders to better understand the impact that such
15 legislation would have on the existing waste and recycling
16 infrastructure. Furthermore, assessing the possible adoption of
17 producer responsibility legislation for packaging and single-use



1 products could further advance the State's resource and
2 conservation objectives.

3 The purpose of this Act is to require and appropriate funds
4 for the department of health to conduct a statewide needs
5 assessment to inform the future establishment of an extended
6 producer responsibility program for packaging waste.

7 SECTION 2. (a) The department of health shall conduct a
8 statewide needs assessment to inform the future establishment of
9 an extended producer responsibility program for packaging waste.
10 The assessment shall be conducted in collaboration with the
11 following stakeholders:

- 12 (1) Each county department responsible for waste
13 management;
- 14 (2) Recycling service providers;
- 15 (3) Packaging and single-use product producers;
- 16 (4) Retailers;
- 17 (5) Haulers; and
- 18 (6) Organizations and community groups involved with waste
19 management and waste reduction;

20 provided that additional stakeholders may be included as deemed
21 necessary and relevant.



1 (b) The needs assessment shall detail the resources needed
2 to reduce each respective county's packaging waste that the
3 county sends to a landfill or power plant that burns municipal
4 solid waste as fuel. Additionally, the needs assessment shall
5 consider the following:

6 (1) Waste and recycling characterizations, including:

7 (A) Baseline studies of what is in the waste stream,
8 what is being recycled, and how these vary across
9 local jurisdictions; and

10 (B) Whether an extended producer responsibility
11 program in the State should address a broader
12 waste stream than just packaging waste;

13 (2) Existing collection infrastructure, including:

14 (A) What materials are being collected and the
15 processes and procedures for collection;

16 (B) How collection services are arranged and funded;
17 and

18 (C) Improvements in services to meet existing basic
19 standards;

20 (3) Processing and materials recovery facility
21 infrastructure, including:



- 1 (A) How collected materials are currently being
- 2 processed and marketed;
- 3 (B) Whether the sorting technology is up-to-date; and
- 4 (C) Whether there is sufficient capacity;
- 5 (4) Markets, including the state of markets for recovered
- 6 materials;
- 7 (5) Education, including the effectiveness of the existing
- 8 outreach in educating residents;
- 9 (6) Levels of contamination in collected materials;
- 10 (7) An evaluation of how extended producer responsibility
- 11 program laws are designed and working in other states
- 12 and countries;
- 13 (8) Equity and environmental justice, including
- 14 (A) Consideration for how the existing system is
- 15 operating and how extended producer
- 16 responsibility could improve this; and
- 17 (B) An assessment of equity issues in education
- 18 efforts;
- 19 (9) Economic impact, including estimates in job
- 20 development from increased recycling;
- 21 (10) Environmental benefits from increased recycling; and



1 (11) How extended producer responsibility can promote
2 upstream improvement such as source reduction, reuse,
3 and refill practices.

4 (c) The department of health shall complete and submit the
5 needs assessment, including any proposed legislation, to the
6 legislature by December 31, 2024.

7 (d) For the purposes of this section, "packaging waste"
8 means the part of solid waste that consists of packaging and
9 packaging material, including plastic food containers; liquid
10 containers made of plastic, glass, aluminum, or steel; flexible
11 plastic containers; plastic film; cardboard; paperboard; and
12 paper.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2024-2025 for
16 the department of health to conduct a statewide needs assessment
17 to inform the future establishment of an extended producer
18 responsibility program pursuant to section 2 of this Act.

19 The sum appropriated shall be expended by the department of
20 health for the purposes of this Act.



1 SECTION 4. In accordance with section 9 of article VII of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in H.B. No. , will cause the state
5 general fund expenditure ceiling for fiscal year 2024-2025 to be
6 exceeded by \$ or per cent. In addition, the
7 appropriation contained in this Act will cause the general fund
8 expenditure ceiling for fiscal year 2024-2025 to be further
9 exceeded by \$ or per cent. The combined total
10 amount of general fund appropriations contained in only these
11 two Acts will cause the state general fund expenditure ceiling
12 for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. The reasons for exceeding the
14 general fund expenditure ceiling are that:

- 15 (1) The appropriation made in this Act is necessary to
16 serve the public interest; and
17 (2) The appropriation made in this Act meets the needs
18 addressed by this Act.



S.B. NO. 2368

1 SECTION 5. This Act shall take effect on July 1, 2024.
2

INTRODUCED BY:

Nick Hubbard



S.B. NO. 2368

Report Title:

Packaging Waste; Needs Assessment; Extended Producer Responsibility Program; Department of Health; Appropriation; Expenditure Ceiling

Description:

Requires the department of health to conduct a statewide needs assessment to inform the future establishment of an extended producer responsibility program for packaging waste. Appropriates funds.

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

