
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, under current
2 practices, solid waste may soon exceed our landfill capacity in
3 all the State's counties. The State must, where feasible,
4 reduce waste production and conserve resources by generating
5 less waste, reusing and refilling packaging materials, diverting
6 organic materials, and recycling. Additional resources,
7 facilities, and services will be needed to achieve resource
8 conservation and waste reduction targets and save the counties
9 some of the costs they are currently bearing for waste
10 management. Although most packaging waste in Hawaii is handled
11 in a linear manner where it is used and disposed of after a
12 single use, the State needs a more circular system where
13 resources are reused and not wasted.

14 The legislature further finds that several other states
15 have adopted or are considering legislation to require producers
16 of packaging to take on some of the responsibility and bear some



1 of the costs of reducing and managing packaging materials and
2 paper products.

3 State and county governments, packaging producers, and the
4 community need to work together with stakeholders to reduce the
5 amount of waste produced in Hawaii and ensure that services are
6 available to reclaim and recycle products when they reach the
7 end of their useful life.

8 The purpose of this Act is to require and appropriate funds
9 for the department of health to conduct a statewide needs
10 assessment, with county, packaging producer, and stakeholder
11 input, to determine what would be needed to transition to a more
12 circular system with less waste generation, more reuse, and the
13 necessary infrastructure to sort and locally process recyclable
14 materials through an extended producer responsibility program
15 for packaging materials and paper products.

16 SECTION 2. (a) The department of health shall conduct a
17 statewide needs assessment to determine what will be needed to
18 transition to a more circular system with less waste generation,
19 more reuse, and improved collection and local processing of
20 materials through an extended producer responsibility program
21 for packaging materials and paper products. The assessment



1 shall be conducted by the department in consultation with the
2 following stakeholders:

- 3 (1) Each county department responsible for waste
4 management;
- 5 (2) Producer responsibility organizations, or non-profits
6 established to administer producer responsibility
7 programs;
- 8 (3) Producers of packaging materials and paper products;
- 9 (4) Refuse and recycling collection and processing service
10 providers;
- 11 (5) Compost facility operators;
- 12 (6) Retailers, including restaurants, wholesalers, and
13 distributors; and
- 14 (7) Organizations and community groups involved with waste
15 management and waste reduction;

16 provided that additional stakeholders may be included as the
17 department deems necessary and relevant.

18 (b) The needs assessment shall detail the resources
19 required in each county to reduce as much as feasible the
20 packaging materials waste and paper products that the county
21 sends to a landfill or power plant that burns municipal solid



1 waste. Additionally, the needs assessment shall consider the
2 following:

3 (1) Waste and recycling characterizations, including
4 baseline studies of what is in the waste stream, what
5 is being recycled, what is being composted, and how
6 these vary across local jurisdictions;

7 (2) Existing collection infrastructure, including:

8 (A) What materials are being collected and the
9 processes and procedures for collection;

10 (B) Who currently has access to refuse, recycling,
11 and composting collection services;

12 (C) How collection services are arranged and funded;
13 and

14 (D) Improvements in services needed;

15 (3) Processing and materials recovery facility
16 infrastructure, including:

17 (A) How collected materials are currently being
18 processed and marketed;

19 (B) Whether the sorting technology is up-to-date;

20 (C) Whether there is sufficient capacity to process
21 the volume of materials;



- 1 (D) Opportunities and infrastructure needed for more
2 local processing of materials; and
3 (E) Costs to implement infrastructure improvements;
- 4 (4) Markets, including the state of markets for recovered
5 materials and finished compost;
- 6 (5) Education, including the effectiveness of the existing
7 outreach in educating residents;
- 8 (6) Levels of contamination in collected packaging
9 materials and organics for composting;
- 10 (7) The impact composition of packaging materials has on
11 the reuse, recyclability, and compostability of
12 packaging materials;
- 13 (8) An evaluation of how extended producer responsibility
14 program laws are designed and working in other states
15 and countries;
- 16 (9) An evaluation of an appropriate definition of
17 "producer" for an extended producer responsibility
18 program in Hawaii;
- 19 (10) Equity and environmental justice, including:



- 1 (A) Consideration for how the existing system is
2 operating and how extended producer
3 responsibility could increase equity; and
4 (B) An assessment of equity issues in education
5 efforts;
- 6 (11) Economic impact, including estimates in job
7 development from increased reuse, recycling, and
8 composting;
- 9 (12) Environmental benefits from reduction and reuse and
10 local versus off-island materials processing;
- 11 (13) How extended producer responsibility can promote
12 upstream improvement such as source reduction,
13 packaging redesign and optimization, reduction of
14 packaging materials that are harmful to human health
15 or the environment, and reuse and refill practices,
16 including:
- 17 (A) Identifying opportunities for source reduction,
18 reuse, and refill in packaging systems; and
19 (B) Cost and infrastructure needs to implement these
20 systems; and



1 (14) Suggested diversion targets and timeline using
2 baseline data from the needs assessment to determine
3 the resources, infrastructure, educational program,
4 and other initiatives needed to reach conservative,
5 moderate, and aggressive waste reduction goal
6 scenarios.

7 (c) The department of health shall complete and submit the
8 needs assessment, including any proposed legislation, to the
9 legislature by December 31, 2026.

10 (d) For the purposes of this section:

11 "Packaging materials" includes materials used for the
12 containment, protection, or serving of products, including but
13 not limited to paper, paperboard, cardboard, plastics, glass or
14 metal or a mixture thereof. "Packaging materials" excludes
15 beverage containers included under the Hawaii deposit beverage
16 container program.

17 "Paper products" includes printed materials such as office
18 paper, magazines, newspaper, and junk mail. "Paper products"
19 does not include other literary, text, and reference bound
20 books.



1 "Producer" means an entity that sells packaging materials
2 into the market and can include a brand owner, licensee, or
3 first importer.

4 "Refill" means employing packaging materials that the
5 consumers keep and reuse multiple times instead of throwing it
6 away after one use.

7 "Reuse" means the return of packaging materials to the
8 economic stream for use in the same kind of application intended
9 for the original packaging without changing the original
10 composition of the package, the identity of the product, or the
11 components thereof.

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

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

20 SECTION 4. In accordance with section 9 of article VII of
21 the Hawaii State Constitution and sections 37-91 and 37-93,



H.B. NO. 1688

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

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

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

18

INTRODUCED BY: Micole E. Lowen

JAN 17 2024



H.B. NO. 1688

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 determine what would be needed to transition to a more circular system with less waste generation, more reuse, and an extended producer responsibility program for packaging materials and paper products. Appropriates funds.

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