



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB1688
RELATING TO THE ENVIRONMENT**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: February 8, 2024

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. This measure provides an unspecified amount of General Fund
4 appropriation to fund the needs assessment study and report.

5 **Department Testimony:** The Department supports this measure to conduct a needs assessment
6 study and report. The study is the first step in implementing an effective Extended Producer
7 Responsibility (EPR) Program for packaging and paper waste. However, the Department
8 requires funding to conduct the study. The Department respectfully requests \$1,000,000 in order
9 to successfully conduct the needs assessment.

10 **Offered Amendments:** None

11 Thank you for the opportunity to testify.



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

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Director, OPSD

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

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

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

**Thursday February 8, 2024
9:30 AM**

State Capitol, Via Videoconference, Conference Room 325

**In support of
House Bill 1688
RELATING TO THE ENVIRONMENT**

House Bill 1688 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 and appropriates funds. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) supports this measure.**

The Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. A circular economy keeps materials and products in circulation for as long as possible. The Save Our Seas 2.0 Act refers to an economy that uses a systems-focused approach and involves industrial processes and economic activities that are restorative or regenerative by design, enables resources used in such processes and activities to maintain their highest value for as long as possible, and aims for the elimination of waste through the superior design of materials, products, and systems (including business models). It is a change to the model in which resources are mined, made into products, and then become waste. A circular economy reduces material use, redesigns materials and products to be less resource intensive, and recaptures “waste” as a resource to manufacture new materials and products.

The December 2023 *Hawai'i Pathways to Decarbonization* identifies moving toward a circular economy as an opportunity to reduce emissions in waste, energy and agricultural sectors.¹ A circular economy approach demonstrates continuity in our emphasis on reducing negative lifecycle impacts of materials, including climate impacts, reducing the use of harmful materials, and decoupling material use from economic growth and meeting society's needs. This bill would be an outline of a vision to help the State address the full impacts of materials on our communities and set out a transformative vision for our waste management system – one that is inclusive, more

¹ https://energy.hawaii.gov/wp-content/uploads/2024/01/Act-238_HSEO_Decarbonization_Report.pdf

equitable, and reflects the urgency of the climate crisis – by identifying priority strategies that will be dedicated to building a circular economy for all.

This work on a circular economy is an important part of slowing climate change. We must take action to address the climate crisis, and material recovery has an important role to play. The United Nations' International Resource Panel concluded that natural resource extraction and processing contribute to about half of all global greenhouse gas emissions.² The circular economy, when designed in a thoughtful and inclusive manner, has the potential to protect the environment, improve economics, and elevate social justice. Sustainability from its foundation requires social equity. How we extract, use, and dispose of our resources can affect already vulnerable communities disproportionately.

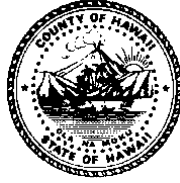
Circular economies also support underserved communities who have been overburdened with the negative environmental and health impacts caused by a non-circular economy. Many landfills and manufacturing and processing facilities are located in close proximity to low-income communities.

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

² [unep_252_global_resource_outlook_2019_web.pdf](#)

Mitchell D. Roth
Mayor

Ramzi I. Mansour
*Director, Department of
Environmental Management*



Georjean Adams
Chair

Dot Norris
Vice Chair

County of Hawai'i

ENVIRONMENTAL MANAGEMENT COMMISSION

345 Kekūanāo'a St. Suite 41 • Hilo, Hawai'i 96720 • Ph: (808) 961-8083 • Fax: (808) 961-8086

February 6, 2024

The Hon. Nicole E. Lowen, Chair, and
Members of the Committee on Energy and Environmental Protection

Chair Lowen and Committee Members,

The Environmental Management Commission (EMC) of the County of Hawai'i on January 24, 2024, adopted a position in support of extended producer responsibility legislation in the 2024 session of the Legislature.

Pursuant to this position and HRS 92-2.5(h), EMC **supports** the intent of House Bill No. 1688 and encourages its further consideration.

Sincerely,

A handwritten signature in cursive script that reads "Georjean L. Adams".

Georjean L. Adams, Chair
Environmental Management Commission
County of Hawai'i

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, P.E., COUNTY ENGINEER
BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Allison Fraley
Environmental Services Manager
County of Kaua'i
Department of Public Works

Before the
House Committee on Energy & Environmental Protection
Thursday, February 8, 2024 9:30 AM
Conference Room 325 & Via Videoconference

In consideration of
House Bill 1688
Relating to the Environment

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

The County of Kaua'i Department of Public Works submits testimony **in support** of House Bill 1688, which will appropriate funds to conduct a statewide needs assessment for packaging and paper waste.

According to the EPA, packaging accounts for about 28% of the waste stream. A statewide needs assessment would be a first step to implementing an Extended Producer Responsibility (EPR) program for packaging in Hawai'i. The assessment would evaluate the current status of management of this waste stream, evaluate how to improve waste management systems, and would make recommendations for future EPR legislation.

The plan is to consult with relevant parties: counties, producers, manufacturers of packaging, waste haulers and recyclers, compost operators, retailers, restaurants, wholesalers, distributors, and non-profits, to obtain stakeholder input, to determine what would be needed to transition to a more circular system with less waste generation, more reuse, and the necessary infrastructure to sort and locally process recyclable materials through an extended producer responsibility program for packaging materials and paper products.

The County of Kaua'i supports this process to determine statewide needs to move to the goal of packaging EPR.

We respectfully ask that this committee **pass** House Bill 1688.

Testimony in OPPOSITION
to
HB 1688
in
House Committee on Environment & Energy on
February 8, 2024

The Flexible Packaging Association (FPA) is submitting testimony **in opposition to HB 1688**, which directs the Department of Health to conduct a statewide recycling needs assessment in the State of Hawaii.

I. Background on FPA & Flexible Packaging

I am John Richard, Director of Government Relations at FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents \$42.9 billion in annual sales; is the second largest, and fastest-growing segment of the packaging industry; and employs approximately 85,000 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, like 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, which became increasingly important during the pandemic, are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue and increasing the recycling of solid waste from packaging. Unfortunately, we do not believe HB 1688 as written will provide a solid foundation for Hawaii's critical EPR program.

Flexible packaging is in a unique situation as it is one of the most environmentally sustainable packaging types from a water and energy consumption, product-to-package ratio, transportation efficiency, food waste, and greenhouse gas emissions reduction standpoint, but circularity options are limited. There is no single solution that can be applied to all communities when it comes to the best way to collect, sort, and process flexible packaging waste. Viability is influenced by existing equipment and infrastructure; material collection methods and rates; volume and mix; and demand for the recovered material. Single-material flexible packaging, which is approximately half of the flexible packaging waste generated, can be mechanically recycled through store drop-off programs, however, end markets are scarce. The other half can be used to generate new feedstock, whether through pyrolysis, gasification, or fuel blending.

Developing end-of-life solutions for flexible packaging is a work in progress and FPA is partnering with other manufacturers, recyclers, retailers, waste management companies, brand owners, and other organizations to continue making strides toward total packaging recovery. Some examples include The Recycling Partnership (TRP); the Materials Recovery for the Future (MRFF) project; the Hefty[®] EnergyBag[®] Program; and the University of Florida's Advanced Recycling Program. All of these programs seek to increase the collection and recycling of flexible packaging and increasing the recycled content of new products that will not only create markets for the products but will serve as a policy driver for the creation of a new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging.

It is FPA's position that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials and promotion and support of market development for recycled products is an important lever to build that infrastructure. FPA also supports well-crafted EPR that can be used to promote this needed shift in recycling in the U.S. In fact, FPA worked with the Product Stewardship Institute (PSI) and jointly drafted a set of principles to guide EPR for flexible packaging (<https://www.flexpack.org/end-of-packaging-life>). The dialogue looked at the problems and opportunities for EPR to address the needs of the flexible packaging industry to reach full circularity.

It is with this background that FPA provides this testimony to improve the HI needs assessment bill in order to support a well-crafted EPR program. A well-crafted EPR program in the state would provide the necessary elements for the improvement of collection and infrastructure investment and development of advanced recycling systems to allow for the collection and recycling of a broader array of today's packaging materials, including flexible packaging; and quality sorting and markets for currently difficult-to-recycle materials.

II. Producer Definition

As currently drafted, the definition of *producer* is erroneous and could lead to the bill being unimplementable. Despite suggesting the brand owner as one of the entities selling packaging materials into the market, the definition does not necessarily preclude a packaging manufacturer within the value chain from being captured. Following other packaging EPR programs throughout the country and internationally, the definition of the producer should be the owner of the item that uses packaging to protect, contain, transport, or serve the item and not the producer of the packaging in order for the EPR program to work.

The primary responsibility for fee collection, remittance, and reporting must be on the consumer packaged goods companies (CPGs), which encompasses food manufacturers and retailers in their role as brand owners. They, and not the producers of the packaging (converters), have the ability to track consumer sales in a given jurisdiction and control how products are packaged. Packaging producers (converters) would have no way to determine where the packaging is sold and even in some cases to what brand/CPG packaging producers sell packaging, which may then use it for multiple brands within their portfolio and sell throughout the country. Even when packaging is sold directly to a brand in Hawaii, packaging producers have no way of knowing whether the final product (that uses the packaging) will be sold in or out of the state. Therefore, for an effective EPR program to work, producers must correctly be defined as the entities with final sales data, in this case, CPGs.

III. Producer Responsibility Organizations & Their Role in EPR

HH 1688 directs the Department of Health to consult with producer responsibility organizations but provides no method or antitrust exemptions for creating them. U.S. law prohibits competitors from gathering to discuss price, costs, market shares, sales, and market allocation – some of which must be examined in order to form a producer responsibility organization. The first step to establishing a PRO is to provide an exemption for competitors to focus on the formation, fee schedule and cost allocations for a program. FPA also requests that a formal process be established to form a PRO be included in

the bill and that the assessment be conducted after its formation so that a complete picture of the necessary materials data can be obtained.

IV. Existing Collection Infrastructure & Equity

FPA strongly agrees with HB 1688's consideration of how extended producer responsibility could increase equity. As stated above, flexible packaging has led the way in reducing environmental impacts, such as energy and water use, greenhouse gas emissions and less packaging weight and waste; it is also significant in preventing food loss and waste.

HB 1688 directs the Department of Health to examine the critical issue of access to refuse, recycling, and compost collection services. Because many materials recovery facilities have not invested in newer mechanical recycling or advanced recycling technologies, flexible packaging is not often accepted through curbside collection programs. Many stores recognize the benefits of recycling bags and films and host store drop-off programs to combine and add value to their existing "back of the house" programs for products like pallet wrap and shipping materials. In order to get a complete picture of recycling access for plastics, these programs must be considered in the Department's needs assessment.

HB 1688 also directs the Department to examine whether sortation technology is up to date. While sortation is critical to reduce contamination, materials recovery facilities should be comprehensively examined for investments in the latest mechanical and advanced recycling technologies to determine where circularity investments need to be made.

V. Conclusion & Next Steps

For these reasons, FPA opposes the current HB 1688 but stands ready to support a future version that creates a strong foundation for a meaningful EPR program for packaging, which would provide the necessary investment in new infrastructure and markets for all packaging, including flexible packaging. 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 (443) 534-3771 or jrichard@flexpack.org.

Respectfully,



John J. Richard
Director, Government Affairs
Flexible Packaging Association



Scott Cassel
Chief Executive Officer/Founder

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Solid Waste Agency of Northern Cook County, IL

Honorary Director

Walter Willis
Solid Waste Agency of Lake County, IL

Scott Klag
Formerly Metro, OR

February 6, 2024

Representative Nicole E. Lowen, Chair
Representative Elle Cochran, Vice-Chair
House Energy & Environmental Protection Committee
Hawai'i State Legislature
House Conference Room 325
415 S Beretania Street
Honolulu, HI 96813

RE: Support for HB 1688, Packaging Waste Needs Assessment

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

Thank you for the opportunity to submit testimony in support of **HB 1688**. This Needs Assessment bill is an important first step in the development of an extended producer responsibility (EPR) program for packaging materials and paper products in Hawaii that will support waste prevention and increase their reuse, recycling, and sustainability.

The bill establishes a needs assessment study to be conducted in consultation with county waste management departments, the packaging industry, refuse and recycling services including compost facilities, and community groups and organizations.

The study will assess the ability of the current recycling collection and processing infrastructure to provide equitable access to services, sufficient processing capacity including up-to-date sorting technology, and markets for recovered materials and finished compost. The bill emphasizes the need to consider Hawaii as an island economy and the economic and environmental benefits from adopting EPR and locally processing recyclables.

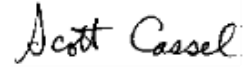
The Needs Assessment study will suggest waste reduction goals and estimate the resources and other improvements to the system necessary to reach them. This information will be crucial when taking the next step of drafting EPR packaging materials and paper products legislation.

Packaging EPR has been successfully implemented throughout Europe and Asia for over 35 years, and in five Canadian provinces for over 15 years. Four states - Colorado, Oregon, California, and Maine - have passed EPR for packaging laws. The Needs Assessment study will evaluate how those programs are operating and how ERP best practices, including how to define a producer, are evolving.

The Product Stewardship Institute (PSI) is a national policy expert and consulting nonprofit that pioneered product stewardship in the United States along with a coalition of hundreds of state and local government officials. Since 2000, PSI has worked with numerous others to develop producer responsibility policies for many of the 136 such laws enacted for 18 industry sectors.

I urge you to **support HB 1688** for the financial and environmental health of Hawaii's economy. If you have any questions, please feel free to contact me at (617) 513-3954, or Scott@ProductStewardship.US.

Sincerely,

A handwritten signature in black ink that reads "Scott Cassel". The signature is written in a cursive, slightly slanted style.

Scott Cassel
Chief Executive Officer/Founder

HB-1688

Submitted on: 2/6/2024 6:27:05 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Recycle Hawaii	Oppose	Written Testimony Only

Comments:

While we agree with the intent of this bill, Recycle Hawaii is currently working on a more sustainable solution.

This is from the Executive Director:

The bill calls for a series of studies and stakeholder convenings that come at an inopportune time. The timing is off for two reasons. First, because the state department of health is currently midway through its mandated decennial Integrated Solid Waste Management (ISWM) planning process, which includes a wide variety of stakeholders and covers many of the topics outlined in the proposed legislation. This process is not due to conclude until early 2025, and it is unreasonable to initiate the proposed process until the current one is concluded. Similarly, the second reason to not support this legislation is that the state of Hawaii recently received a Solid Waste Infrastructure for Recycling (SWIFR) grant from the EPA that funds many of the same activities outlined in the bill.

Here is language from the federal announcement that gives an overview of Hawaii's planned activities:

"Hawai'i will identify, measure, and quantify solid waste streams in four counties on the islands of Hawai'i: Maui, Lana'i, Moloka'i, and Moloka'i. Hawai'i will conduct a statewide waste characterization study, observe and characterize the waste streams studied, then use the final study to inform future solid waste management efforts, conduct targeted outreach, and publish the results. The study will inform Hawai'i's planning, management, and outreach efforts, particularly in disadvantaged communities, to increase solid waste diversion rates and support the State's efforts to achieve the U.S. EPA's National Recycling Goal and Food Loss and Waste Reduction Goal."

With these two processes already in motion, there is no good reason to ask the legislature to fund and initiate a third one that would put additional burden on the department of health or potentially undermine their outcomes. The ISWM planning process and the SWIFR grant activities should be allowed to proceed without interference from the one proposed in this legislation.

At a time when state resources are being stretched to address the tragic consequences of the Maui fires, diverting funds to duplicate processes already underway is unjustified.

Recycle Hawaii asks the members of the committee to vote against this bill.



Date: February 8, 2024

To: The Honorable Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee
From: Hawaii Environmental Change Agents (HECA) - Solid Waste Task Force
Re: HB1688 - Statewide Needs Assessment for Packaging Materials and Paper Products

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

The HECA Solid Waste Task Force is in **strong support** of this legislation that will require the Department of Health (DOH) to conduct a statewide needs assessment for packaging materials and paper products. The Solid Waste Task Force supports policies that follow the zero waste hierarchy which prioritizes waste reduction and reuse ahead of recycling/composting and considers incineration as an unacceptable means to manage solid waste.

Current Waste Management

The state of Hawaii lacks a sustainable solid waste management system. The current practices of landfilling and incineration of packaging waste are costly - detrimental to both environmental and public health. These conventional waste management methods represent a linear waste stream in which products flow in one direction from raw material to waste. These products are generally not used to their full potential, creating excessive waste from valuable materials on a planet with finite resources. The inadequacies of existing solid waste management statewide and the resulting packaging pollution crisis demand a shift away from a linear waste system toward a circular economy.

Geographic isolation has created a dependence on imported goods, accelerating the flow of packaging materials that are brought into the state. Moreover, this isolation presents barriers to conventional solid waste management (Eckelman, 2014) and as a result, the four Hawaiian counties are running out of capacity to landfill or otherwise dispose of its solid waste. The state's high total waste generation rates from de facto population, compared to its relatively small tax base, presents a challenge for the state's ability to finance capital-intensive waste management projects through our current model. This financial strain coupled with the state's lack of existing recycling infrastructure, urge the necessity for reformation of the existing packaging waste generation model.

Extended Producer Responsibility (EPR) as a Solution

EPR policies offer an opportunity to shift towards a more circular economy by placing responsibility for a product's life cycle management on producers of the product. As EPR incentivizes producers to prioritize source reduction, reuse, and recycling, the amount of waste sent to landfills and incinerators is reduced.

Many states have implemented or are considering legislation that would require producers of packaging to assume responsibility and expenses for minimizing and managing waste. In the 2023 legislative sessions, legislators reviewed 43 bills in 14 states pertaining to Extended Producer Responsibility (EPR) standards for plastics and packaging materials. Within the past year, Maine, Illinois, and Maryland passed legislation allocating funds for an EPR needs assessment. Assessing the applicability of an EPR program for packaging in Hawaii will not only bring the state in line with broader national and global sustainability goals, but it will also showcase the state's commitment to environmental responsibility and conservation.

Needs Assessment as a Prerequisite

Prior to implementing an EPR program, it is important to assess the scope of the problem and how it's being managed currently. The state of Hawaii is currently developing a centralized integrated solid waste management plan and because the systems and capacities to manage wastes vary significantly by county, proponents are in consensus that county's needs assessments are a significant prerequisite to drive efforts toward actionable steps to reach packaging reduction targets.

Currently, the state lacks quantifiable data on waste prevention, which is the EPA's preferred strategy for environmental benefit in waste management. Moreover, there is a disparity in the availability of data among different counties. It is essential to develop a uniform and consistent dataset for all counties participating in the study to guarantee equitable implementation of a future program.

It is critical Hawaii designs an EPR program that addresses our unique needs and engages local stakeholders in designing the best structure for our context. A well-designed EPR policy for Hawaii will ensure that municipalities continue to bolster recycling operations where feasible, but will also encourage the private sector to prioritize redesigning packaging and operations to allow for reduction and reuse, while also funding advancements in infrastructure for local processing of materials and reusable packaging systems. The first actionable step towards this is allocating funds to a needs assessment.

Mahalo nui loa,

~HECA Solid Waste Task Force

Jennifer Navarra, Ted Bohlen, Ruta Jordans, Jolie Ryff, and Michele Mitsumori



FOODSERVICE PACKAGING
INSTITUTE®

 P.O. Box 726
Falls Church, VA 22046

 tel (703) 592-9889
fax (703) 592-9864

 email fpi@fpi.org
web www.fpi.org

Chair Lowen
Vice Chair Cochran
Members, House Committee on Energy & Environmental Protection

February 7, 2024

House Bill 1688 – Relating to the Environment – COMMENTS ONLY

Thank you for the opportunity to provide our comments regarding *House Bill 1688 – Relating to the Environment* (HB 1688).

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

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

FPI is supportive of policies and initiatives that facilitate the enhanced recovery and diversion of foodservice packaging. Regarding Extended Producer Responsibility (EPR) programs, we advocate for the implementation of programs grounded in the principles of shared responsibility, fairness, and operational effectiveness and efficiency.

By proposing to complete a needs assessment to inform the development of an EPR program we are optimistic that these principles can be reflected in Hawaii's future approach. That said, we have the following recommendations concerning HB 1688 as drafted:

Producer Definition – Concerning the definition of “producer” we note that Section 2(b)(9) calls for the needs assessment to evaluate “*an appropriate definition of “producer” for an extended producer responsibility program in Hawaii*”, while Section 2(14)(d) provides a definition of producer. We suggest that rather than duplicate efforts concerning the definition of producer, it may be preferable to include the evaluation of the appropriate definition for Hawaii as part of the needs assessment. However, to gather the appropriate feedback on this evaluation, and other elements of the assessment, we further propose the inclusion of an advisory board as detailed below. Alternatively, we propose that the definition of “producer” be amended and that Section 2(b)(9) be removed. FPI would be pleased to work with the committee and other stakeholders on such an amendment.

Advisory Board – To support the Department of Health (department) with the needs assessment, we suggest the addition of an advisory board to HB 1688. As we have seen in similar bills in Maryland and Illinois, the inclusion of an advisory board is intended to provide advice and recommendations to the department in developing the scope of work, assisting with research, as well as supporting the drafting, amending, and finalization of a statewide needs assessment. The composition of the advisory board will be critical to its success and will need to equally represent the various stakeholders. The inclusion of a producer responsibility organization on the advisory board is suggested as well.

In closing, we also note that per our written testimony to this committee, we are opposed to HB 2536, HB 1585 and HB 2740. If amended, we believe that HB 1688 represents the best path forward to reducing waste and improving the recovery and diversion of packaging in Hawaii.

We appreciate your consideration of our comments regarding HB 1688 and would be pleased to discuss this feedback with you.

Sincerely,



Carol Patterson
Vice President, Government Relations
cpatterson@fpi.org



american cleaning institute®

Thursday, February 8, 2024

Chairwoman Nicole Lowen
Committee on Energy and Environmental Protections
Hawai'i State House of Representatives

Re: Testimony from the American Cleaning Institute on HB 1688 – Support

Thank you for the opportunity to provide testimony on HB 1688 which is being heard before your committee. The American Cleaning Institute (ACI) – the trade association representing the entire supply chain for the detergent and cleaning product industry – has a vested interest in ensuring packaging, such as that being affected by this legislative proposal, is responsibly managed throughout its entire lifecycle. This is exemplified through our industry goal to eliminate all cleaning product packaging waste by 2040. Our members are making great strides in this effort by reducing our packaging usage and incorporating more recycled content into the package that gets introduced into the market.

Our members have been involved in the development and implementation of extended producer responsibility programs for packaging around the globe, and more recently here in the United States. We have learned from experience what makes a program successful and support efforts that are well-targeted toward reducing waste and conserving resources. We support the effort to minimize packaging use – as exemplified by our industry's goals and achievements thus far – and are hopeful of the needs assessment that is proposed in this legislation. We are pleased to indicate our support for this legislation with a few recommended amendments:

- Selection of a PRO – It is paramount that a needs assessment, such as what is being proposed in this legislation, gathers all necessary data to inform stakeholders of the current recycling landscape in the state. We believe that selecting a Producer Responsibility Organization (PRO) by the Department to conduct the assessment in this bill, such as how Maryland did, would result in the best possible data.
- Adding an Advisory Council – Establishing an advisory council to oversee the process of this needs assessment ensures that all perspectives and outcomes are considered. An advisory council should be included to advise and make recommendations to the department on the scope of the statewide needs assessments and review and comment on the draft statewide needs assessment prior to its completion.

Again, ACI is pleased to express our support for this bill. We therefore need to indicate our opposition to HB2740 given that the intent of this bill is already being addressed in what is proposed in HB1688.

We would like to reiterate that ACI members support efforts to reduce packaging waste. We hope the Legislature will take more time to contemplate ACI input on this bill. ACI looks

forward to providing necessary input regarding the performance of our products and packaging to achieve desired policy goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Brennan Gei". The signature is fluid and cursive, with the first name "Brennan" written in a larger, more prominent script than the last name "Gei".

Brennan Georgianni
Senior Director, State Government Affairs
BGeorgianni@cleaninginstitute.org



The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Concerns
on
Hawaii House Bill 1688
Packaging Waste—Needs Assessment

House Energy & Environmental Protection Committee
February 8, 2024

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 1688 (Lowen) that seeks to establish a packaging waste needs assessment. AMERIPEN has developed principles to aid packaging recovery and recycling systems and we support the goals of diverting packaging waste from landfills. We have some concerns with HB 1688 in its current form and wish to offer suggestions to move it towards a needs assessment that we can support.

AMERIPEN is a trade association dedicated to improving packaging and the environment. We are the only material-inclusive packaging industry trade association in the United States representing the entire packaging supply chain. This includes materials suppliers, packaging manufacturers, consumer packaged goods companies, and end-of-life materials managers. Our membership also includes a robust array of industry, material, and product-specific trade associations who are essential to the AMERIPEN fabric. We focus on science and data to support our public policy positions, and our advocacy and policy engagement is based on rigorous research rooted in our commitment to achieve sustainable packaging 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 packaging 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 1688 does not have an accurate description of producers and that definition could hinder the collection of the right information for a successful needs assessment. There is no selection of a producer responsibility organization (PRO) where producers can work directly with the Hawaii Department of Health to obtain accurate data in Hawaii. There is also no advisory council established – a significant contributor to the needs assessment process. Below are our key concerns and recommendations that AMERIPEN would like to see amended into the bill.

1. Problematic “Producer” Definition: HB 1688 currently defines “Producer” as *an entity that sells packaging materials into the market and can include a brand owner, licensee, or first importer.*

The definition of producer is key to determining how a packaging producer responsibility structure will work in a state and the definition in HB 1688 therefore needs to be far more specific. Otherwise, determining who is the brand owner (producer) versus packaging manufacturer versus packaging supplier will be ambiguous and extremely problematic for both physical and e-commerce sales and imports into the state. We recommend a producer definition that has been used in other state packaging producer responsibility laws that has been negotiated with multiple parties and we would be happy to provide specific language. It is also critical to have the right producer definition from the start, so the information collected by the Department reflects what will be needed in the state.

- 2. Producer Responsibility Organization:** Adding in a producer responsibility organization (PRO) that can be chosen by the Department will be helpful in ensuring that the needs assessment collects information from producers who will be financially responsible for an extended producer responsibility system. Last year, Maryland passed an extended producer responsibility (EPR) for packaging needs assessment bill that included language to appoint a PRO. AMERIPEN is supportive of adding in a designated PRO that the Department will work with on the needs assessment. In the current language, it asks for the Department to consult with other PROs, but without a designated PRO for Hawaii, we are not convinced the Department will get an existing packaging PRO in the U.S. or otherwise to thoughtfully engage.
- 3. Advisory Council:** Adding in an Advisory Council will allow for more representatives from different groups who will be impacted by packaging EPR in Hawaii to work together on gathering information for the needs assessment and will be helpful if an EPR system for packaging is created in Hawaii. The packaging EPR needs assessment laws enacted in 2023 in Illinois and Maryland both included the formation of an advisory council.

In conclusion, AMERIPEN supports a thorough needs assessment being done in Hawaii. The above changes will help Hawaii get closer to its waste reduction and recovery goals by obtaining the most accurate and necessary data from the start. We would like to continue our conversations with you and the Committee.

Sincerely,



Dan Felton
Executive Director – AMERIPEN



To: The Honorable Representative Nicole Lowen, Chair, the Honorable Elle Cochran, Vice Chair, 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 **HB1688 RELATING TO THE ENVIRONMENT**

Hearing: Thursday February 8, 2024 9:30 a.m.

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

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 the impact the state's waste management systems can have on Hawaii's public health, coral reefs, and nearshore water quality! The Climate Protectors Hawai'i seeks to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe

and stable climate. The Climate Protectors Hawai'i is very concerned that the current waste handling system, with incinerators and methane-releasing landfills, is contributing unnecessarily to greenhouse gas emissions and climate warming.

The Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i STRONGLY SUPPORT HB1688!

Hawai'i faces a rapidly-approaching landfill capacity crisis in all counties. The high costs of handling our solid waste (including for visitors) falls on county taxpayers. Recycling is limited by a lack of infrastructure and geographic isolation that substantially increases costs. Materials with value are being put in landfills or incinerators rather than reused or recycled. The public health and environment are being harmed.

Given these problems, Hawai'i needs to move from the current linear system of waste handling (use and dispose) to a more circular system (reduce, reuse, compost, and recycle what we can't reuse).

Producers of packaging and paper products who profit from our consumption should pay part of the costs. They also are in the best position to redesign packaging to reduce waste volume and save costs. Hawaii therefore should join numerous other states in establishing a system of "extended producer responsibility" (EPR).

The transition to a more circular waste handling system and EPR, however, will require substantial infrastructure and other costs. The transition should be designed carefully based on a full understanding of the infrastructure and operational needs of each county. There is no comprehensive statewide waste management plan. The counties handle waste very differently; some areas have curbside recycling while others have very little or no waste handling service. To transition effectively to circular waste handling and EPR, a statewide assessment of the needs of each county by the Department of Health, with stakeholder input, is needed.

This critically-needed bill would take the first step toward tackling our waste management problems. It would require the Hawai'i Department of Health to conduct a statewide needs assessment, in consultation with stakeholders, to

determine what is needed to transition to a more circular waste handling system, with less waste generation, more reuse, improved collection and local processing, and an extended producer responsibility program for packaging materials and paper products.

Please pass this bill!

Mahalo!

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

February 8, 2024

Representative Nicole Lowen, Chair
Committee on Energy and Environmental Protection
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: CTA Comments – HB1688 – Relating to the Environment.

Dear Chairperson Lowen, Vice Chairperson Cochran, and Committee Members:

The Consumer Technology Association™ (CTA®) respectfully submits testimony on House Bill No. 1688 (HB1688) which appropriates funds for 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 (EPR) program for packaging materials and paper products.

CTA is neutral on the bill as currently written and respectfully offers comments. It is our perspective that a robust needs assessment is a critical first step to understanding how EPR for packaging could be implemented in Hawaii and we strongly encourage a comprehensive stakeholder engagement process on the development of these policies in order to achieve a successful program.

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

CTA agrees that a needs assessment is a critical first step to deciding how and whether to implement EPR for packaging. While four other states are currently implementing EPR laws, the landscape of what is needed for Hawaii is likely to be much different than states in the continental US. CTA appreciates the statement made by HB1688 that stakeholders need to work together to reduce waste and ensure adequate recycling services are available to the community.

In determining recommendations for performance goals, as outlined by the bill in section 13, CTA cautions against the development of standardized performance goals across all product categories. CTA approaches the packaging conversation from the unique perspective that accompanies complex durable goods. Packaging design flexibility for producers to achieve desired environmental outcomes – including the reduction of damage to products during transport which is critical for the consumer technology industry - should be encouraged. . Broad source reduction strategies impose a one size fits all approach across multiple industries and are not

CTA Comments on House Bill 1688
February 8, 2024

suitable for the electronics industry. If these policies are to be carried forward, we respectfully request that all electronics be exempt.

Additionally, while we agree that the transition to refillable or removable packaging can be an important component to increased resilience in our recycling and solid waste management systems, we do not agree that these requirements can be applied to the electronic industry as traditional consumer packaged goods. The durable goods industry is a small contributor to packaging waste overall and CTA would support packaging reduction strategies specifically tailored to our industry.

CTA appreciates the opportunity to provide testimony on HB1688 and welcomes further discussion with the Committee. Please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ally Peck". The signature is written in a cursive, flowing style.

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



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
FEBRUARY 8, 2024
Re: HB 1688 RELATING TO THE ENVIRONMENT**

Good morning, Chair Lowen and members of the House Committee on Energy & Environmental Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We support the intent of HB 1688 Relating to the Environment. This measure 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; and appropriates funds.

It is our understanding that a balanced study on waste management could assist in developing sustainable practices that reduce the impact of waste on the environment, especially when studying what other states and countries are doing.

A study could suggest alternatives that Hawaii can consider. However, Hawaii's various counties should be taken into consideration when doing this study. A statewide blanket solution may not be feasible in certain counties as each county is unique and has its own limitations.

We also strongly feel that the study should flush out all the details needed to implement the programs and projects. The focus should take into consideration the limitations Hawaii has as an island state as well as the resources needed, the cost of implementing these projects and programs, and who is expected to pay for them. We must keep in mind that Hawaii does not have many recycling resources available, unlike other states and countries. Hawaii must ship out many of the recyclables that is often costly to do. What may work in one state or country may not work in Hawaii.

Mahalo for this opportunity to testify.



Testimony of
Consumer Brands Association
Before the House Committee on
Energy & Environmental Protection
With Concerns on HB 1688: Needs Assessment

February 8, 2024

Thank you for the opportunity to submit comments regarding H.B. 1688. The Consumer Brands Association is supportive of the intention of this legislation and is willing to work with the sponsor to seek improvements. **We are currently providing comments as “with concerns” on HB 1688.**

The Consumer Brands Association (Consumer Brands) represents the world’s leading CPG companies. From household and personal care items to food and beverage products, the CPG industry plays a vital role in 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.

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.

With regard to HB 1688 specifically, we wish to share the following concerns:

The scope of the needs assessment, while headed in the right direction, can be strengthened and further harmonized with other similar efforts around the country. A couple areas worthy of consideration include additional data collection on the existing waste management infrastructure, as well as identifying potential barriers to increasing the use of recyclable materials as feedstock for processors and manufacturers and the means eliminating those. We would also recommend assessing additional opportunities for coordinate with local governments on consumer education regarding recycling.

We recommend the addition of a producer responsibility organization (PRO) and an advisory council for additional input and participation among stakeholders. The addition of a PRO would allow greater opportunity for the needs assessment to utilize unique producer insights into their packaging and their knowledge of the marketplace.



We welcome the opportunity to work with further on this bill to seek additional improvements.
Thank you for your leadership on this issue.

Sincerely,

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

Brendan Flanagan
Senior Director, State Affairs
Consumer Brands Association



Aloha,

HULI PAC is submitting testimony in **strong opposition** to this bill.

We share concerns expressed by others regarding the timing of the proposed legislation given that the Department of Health is currently mid-way through its Integrated Solid Waste Management planning process and that the state has recently received a federal award from the EPA to conduct both a statewide waste characterization study and other activities aimed at generating much of the same information the bill seeks to acquire.

HULI PAC is also concerned about the impact this bill would have on initiatives that support Hawaii's transition to a reuse economy. There is a wealth of existing research and analysis that unequivocally points to reuse as the true solution to resolving issues related to packaging waste, including plastic pollution and climate change. There is no good reason to revisit this aspect of the issue. Instead of wasting precious resources on unnecessary studies and assessments, the state must take full advantage of conclusions **already reached** and processes **already funded** and underway.

Similarly, the state needs to ***make a strong commitment to standing up to reuse infrastructure before engaging in endeavors that only serve to distract us all from true solutions.***

Once these processes have concluded and these actions have been taken, then an initiative such as the one proposed in the bill could possibly provide value. Until then, let's save taxpayer money for more pressing needs, such as those experienced by Maui residents as a result of the current devastation there.

Please place reuse as a top priority for our planet.

Thank you,
Maki Morinoue
HULI PAC, member
Holualoa, Hawaii
96725

HB-1688

Submitted on: 1/31/2024 7:24:10 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

The combined total amount of general fund appropriations conrained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2024—2025 to be exceeded

HB-1688

Submitted on: 1/31/2024 8:33:03 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

Anything that decreases waste, pollution, and increases recycling and greener solutions is a positive. I commend you for introducing this bill. I hope greener solutions can be accomplished without increased costs because all the waste produced now is a huge problem and costly to the environment

.

HB-1688

Submitted on: 2/2/2024 10:36:57 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexandra Kahn	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill. It is a critical first step.

Mahalo!

HB-1688

Submitted on: 2/2/2024 3:18:02 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

Go Green !

Mahalo,

JN Makawao

HB-1688

Submitted on: 2/4/2024 4:32:21 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

HB 1688 proposes a relevant, useful needs assessment that is statewide and sufficiently funded. If we jump into yet another off-the-shelf package, time and resources will be wasted. This thoughtful needs assessment will not only gather data, but it can also spur needed dialogue and relationship-building among diverse stakeholders, and lay a foundation for future work.

I SUPPORT HB1688.

HB-1688

Submitted on: 2/5/2024 8:20:54 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

A needs assessment of solid waste on all four counties is imperative before we can take action on improvement.

HB-1688

Submitted on: 2/5/2024 8:47:19 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lowen and members of the EEP

I support HB1688

Our county landfills are filling with packaging. Burning municipal solid waste is toxic and polluting to air, land, and water. We must generate less waste, reuse more, and an impose extended producer responsibility fees.

Polluters must pay.

Thank you for your consideration,

Keith Neal

Waimea

HB-1688

Submitted on: 2/6/2024 9:11:51 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronald "Ron" Reilly	Individual	Support	Written Testimony Only

Comments:

Dear Chair Lowen, Vice Chair Cochran, and members of the Committee On Energy & Environmental Protection,

In support of HB1688 which will reduce waste by encouraging a more circular economy.

This will be a constructive step to help our counties who are struggling with current needs for landfill expansion.

I respectfully urge your support of this measure.

Sincerely, Ron Reilly
Volcano Village, Hawaii

HB-1688

Submitted on: 2/6/2024 12:14:30 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Mahalo for receiving my testimony in SUPPORT of HB1688!

Time to build the new systems from an educated and inclusive foundation.

With aloha,

Monica Stone, 96740

HB-1688

Submitted on: 2/6/2024 12:28:47 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of HB1688 to reduce unnecessary and expensive waste. This bill Requires the Department of Health (DOH) 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. The bill requires DOH to **consult with relevant stakeholders** including counties, producers, manufacturers of packaging, waste haulers and recyclers, compost operators, retailers, restaurants, wholesalers, distributors, and non-profits. DOH shall **complete and submit the needs assessment**, including any proposed legislation, to the legislature **by December 31, 2026**. Brining together all of these stakeholders to come up with a practical and cost-saving solutions is way overdue. Mahalo for your support and leadership on this issue.

Aloha, Stuart Coleman, Hibiscus Pl, Hon., HI

HB-1688

Submitted on: 2/6/2024 5:33:49 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Momi Nuuhiwa	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1688. The bill calls for a series of studies and stakeholder convenings that come at an inopportune time. The timing is off for two reasons. First, because the state department of health is currently midway through its mandated decennial Integrated Solid Waste Management (ISWM) planning process, which includes a wide variety of stakeholders and covers many of the topics outlined in the proposed legislation. This process is not due to conclude until early 2025, and it is unreasonable to initiate the proposed process until the current one is concluded. Similarly, the second reason to not support this legislation is that the state of Hawaii recently received a Solid Waste Infrastructure for Recycling (SWIFR) grant from the EPA that funds many of the same activities outlined in the bill.

Here is language from the federal announcement that gives an overview of Hawaii's planned activities:

"Hawai'i will identify, measure, and quantify solid waste streams in four counties on the islands of Hawai'i: Maui, Lana'i, Moloka'i, and Moloka'i. Hawai'i will conduct a statewide waste characterization study, observe and characterize the waste streams studied, then use the final study to inform future solid waste management efforts, conduct targeted outreach, and publish the results. The study will inform Hawai'i's planning, management, and outreach efforts, particularly in disadvantaged communities, to increase solid waste diversion rates and support the State's efforts to achieve the U.S. EPA's National Recycling Goal and Food Loss and Waste Reduction Goal."

With these two processes already in motion, there is no good reason to ask the legislature to fund and initiate a third one that would put additional burden on the department of health or potentially undermine their outcomes. The ISWM planning process and the SWIFR grant activities should be allowed to proceed without interference from the one proposed in this legislation.

At a time when state resources are being stretched to address the tragic consequences of the Maui fires, diverting funds to duplicate processes already underway is unjustified.

I agree with Recycle Hawaii, asking the members of the committee to vote against this bill.

HB-1688

Submitted on: 2/6/2024 6:03:50 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kilia Purdy-Avelino	Individual	Support	Written Testimony Only

Comments:

I support this bill as it promotes mālama and aloha 'āina. We need to take more initiatives to care for this land that takes care of us. This is one small way that will make a HUGE impact.

mahalo nui,

Kilia Purdy-Avelino, Molokai

HB-1688

Submitted on: 2/6/2024 10:26:26 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I urge the committee to support this important measure.

Testimony in opposition to HB 1688/SB 2368

Dear Chair Lowen and esteemed members of the Energy & Environmental Protection Committee,

While I am currently a commissioner on the Environmental Management Commission of Hawaii County, I am writing to you today in my personal capacity, and *not* as a representative of the EMC.

Thank you for considering my rationale in opposition to HB 1688/SB 2368, which proposes that the Department of Health conducts a statewide needs assessment using taxpayer funds. While the intention to assess the state's environmental needs is commendable, I believe this bill is not in line with Extended Producer Responsibility (EPR) principles and unfairly burdens taxpayers rather than holding producers accountable. In other words, it defeats the intended function of true EPR.

There are two additional reasons why I urge you to reconsider this legislation. Firstly, the timing of this proposed needs assessment is ill-advised. The Department of Health is currently engaged in the decennial Integrated Solid Waste Management (ISWM) planning process, which involves numerous stakeholders and covers many of the topics outlined in HB 1688/SB 2368. Given that the ISWM process is scheduled to conclude in early 2025, it would be impractical and duplicative to initiate another assessment concurrently.

Secondly, it's crucial to note that Hawaii recently secured a Solid Waste Infrastructure for Recycling (SWIFR) grant from the EPA. This grant specifically funds activities similar to those proposed in HB 1688/SB 2368, including waste characterization studies and outreach efforts to increase solid waste diversion rates. The federal announcement of

Hawaii's planned activities under the SWIFR grant underscores the redundancy of the proposed legislation.

The ongoing ISWM planning process and the SWIFR grant activities should be allowed to proceed without interference from additional assessments that would strain resources and potentially undermine their outcomes. Redirecting funds to duplicate processes already underway is unjustifiable, particularly at a time when state resources are urgently needed to address pressing issues such as the recent Maui fires.

In conclusion, I respectfully urge you to oppose HB 1688/SB 2368 and instead focus on supporting and enhancing existing initiatives that are already addressing Hawaii's environmental needs effectively. Thank you for considering my testimony.

Sincerely,
Laura Acasio, Hilo

HB-1688

Submitted on: 2/7/2024 2:05:13 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sylvia Dolena	Aloha Lokahi Association	Oppose	Written Testimony Only

Comments:

Dear Chair Lowen and esteemed members of the Energy & Environmental Protection Committee,

Thank you for considering my rationale in opposition to HB 1688/SB 2368, which proposes that the Department of Health conducts a statewide needs assessment using taxpayer funds. While the intention to assess the state's environmental needs is commendable, I believe this bill is not in line with Extended Producer Responsibility (EPR) principles and unfairly burdens taxpayers rather than holding producers accountable. In other words, it defeats the purpose of EPR.

There are two additional reasons why I urge you to reconsider this legislation. Firstly, the timing of this proposed needs assessment is ill-advised. The Department of Health is currently engaged in the decennial Integrated Solid Waste Management (ISWM) planning process, which involves numerous stakeholders and covers many of the topics outlined in HB 1688/SB 2368. Given that the ISWM process is scheduled to conclude in early 2025, it would be impractical and duplicative to initiate another assessment concurrently.

Secondly, it's crucial to note that Hawaii recently secured a Solid Waste Infrastructure for Recycling (SWIFR) grant from the EPA. This grant specifically funds activities similar to those proposed in HB 1688/SB 2368, including waste characterization studies and outreach efforts to increase solid waste diversion rates. The federal announcement of Hawaii's planned activities under the SWIFR grant underscores the redundancy of the proposed legislation.

The ongoing ISWM planning process and the SWIFR grant activities should be allowed to proceed without interference from additional assessments that would strain resources and potentially undermine their outcomes. Redirecting funds to duplicate processes already underway is unjustifiable, particularly at a time when state resources are urgently needed to address pressing issues such as the recent Maui fires.

In conclusion, I respectfully urge you to oppose HB 1688/SB 2368 and instead focus on supporting and enhancing existing initiatives that are already addressing Hawaii's environmental needs effectively. Thank you for considering my testimony.

Sincerely,

Sylvia Dolena, Mountain View, HI

HB-1688

Submitted on: 2/7/2024 6:44:20 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kirsten Snook	Volcano Precious Plastic	Support	Written Testimony Only

Comments:

Aloha kākou,

We have an enormous, existential threat already impacting our communities -- climate change. The coming years will require us to move quickly to prevent, prepare for, and respond to environmental threats. This will require a solid understanding of the resources and challenges we already have. I hope the legislature will fully fund this important bill giving DOH the tools they need to provide our communities the data to proceed quickly and responsibly to the environmental challenges we will face in coming years.

Mahalo for supporting this bill and our children's futures. They deserve to grow up in a cleaner and healthier Hawai‘i.

Mahalo nui loa,

Kirsten Snook

Volcano Precious Plastic LLC

HB-1688

Submitted on: 2/7/2024 7:03:24 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this Bill HB1688 to further our efforts to reduce commercial package, waste and increase effectiveness with materials and resources.

Sincerely,

Marsha Hee

Resident of Volcano, Hawaii 96785

HB-1688

Submitted on: 2/7/2024 8:41:21 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Aloha Chair Lowen and Members of the EEP Committee:

I'm writing in support of HB1688 because of the need for Hawaii (and the world for that matter) to transition to a more circular economy. Conducting a study is a good first step in this journey. Please pass HB1688 out of your committee.

Mahalo,

Paul Bernstein

HB-1688

Submitted on: 2/7/2024 9:48:34 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom. I live in Mō'ili'ili. I'm writing in support of HB1688.

me ke aloha 'āina,
Nanea Lo

February 5, 2024

The Hon. Nicole E. Lowen, Chair, and
Members of the Committee on Energy and Environmental Protection

Chair Lowen and Committee Members,

In Support of HB1688

HB1688 appropriately requires careful investigation before committing to expansive Extended Producer Responsibility (EPR) legislation by looking at the needs of the counties and the state and the likelihood of success of simply duplicating often immature mainland programs.

There is some ambiguity in the bill over the scope of EPR program evaluations and waste management needs. Is this bill **solely** focused on packaging waste alone or any materials that could be subject to an EPR program and/or waste reduction?

- Section 2(b)(1) states "Waste and recycling characterizations, including baseline studies of what is in the waste stream, what is being recycled, what is being composted, and how these vary across local jurisdictions." Collection and MRFs refer to "materials" broadly. Does this cover only packaging materials?
- Composting is called out, but is this composting of packaging materials only or also any organics? E.g., Does Section 2(b)(4) "Markets, including the state of markets for recovered materials and finished compost" just refer to composted packaging materials or also greenwaste and food waste?

I recommend qualifying wastes and materials as "packaging waste and materials" where it occurs or adding a definition of "materials" for purposes of this section to mean packaging materials.

Specific recommended edits:

Section 2(b)(8) An evaluation of how extended producer responsibility program laws are designed and working in other states and countries and how Hawaii state and counties are different in ways that would not present the same opportunities for success; *[Again, does this refer to only packaging EPR programs?]*

Section 2(b)(9) Recommendations for an appropriate definition of "producer" for an extended producer responsibility packaging program in Hawaii: *[possibly removing the definition of "producer" that appears in 2(d)]*

Section 2(b)(13) (13) How a Hawaii extended producer responsibility packaging program can promote upstream improvement such as source reduction, packaging redesign and optimization, reduction of packaging materials that are harmful to human health or the environment, and reuse and refill practices, including:

Section 2(d) "Refill" means employing product packaging materials that the consumers keep and reuse for the same product multiple times instead of throwing or recycling the packaging away after one use. *[I reuse many packaging materials as containers for multiple different products, e.g., leftovers in margarine containers and boxes for storage or gift packaging of various goods.]*

Thank you for your consideration.

Georjean Adams

Kamuela, HI