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DEPARTMENT OF HEALTH  
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**Testimony in SUPPORT of SB2368  
RELATING TO THE ENVIRONMENT**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 9, 2024

Room Number: 224

1 **Fiscal Implications:** This measure will impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities. 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 waste. However, the Department requires funding  
8 to conduct the study. The Department respectfully requests \$1,000,000 in order to successfully  
9 conduct the needs assessment. We also respectfully request a change in the report's due date  
10 from December 31, 2024 to December 31, 2026 to allow the Department adequate time to  
11 appropriate the funds, conduct a proper Request for Proposals, execute a contract, conduct the  
12 needs assessment and produce the final report.

13 **Offered Amendments:** None

14 Thank you for the opportunity to testify.

# 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 Health & Human Services;**  
**Agriculture & Environment**  
Friday, February 9, 2024, 1:00 PM  
Conference Room 224 & Via Videoconference

In consideration of  
**Senate Bill 2368**  
**Relating to the Environment**

Honorable Chair San Buenaventura, Chair Gabbard, and Members of the Committees:

The County of Kaua'i Department of Public Works submits testimony **in support** of Senate Bill 2368, which will appropriate funds to conduct a statewide needs assessment for packaging and single-use products.

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. Inclusion of reuse, refill, and composting systems and their effects on the waste stream may also be valuable information included in the needs assessment.

The plan is to consult with relevant parties: counties, producers, manufacturers of packaging, waste haulers and recyclers, 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** Senate Bill 2368.



Date: February 9, 2024

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

From: Hawaii Environmental Change Agents (HECA) - Solid Waste Task Force

Re: SB2368 - Statewide Needs Assessment for Packaging Materials and Paper Products

Aloha Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of AEN/HHS Committees,

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. This needs assessment is a necessary complement to the DOH's other efforts and is not redundant with work DOH is doing on an Integrated Solid Waste Management planning process or under an EPA Solid Waste Infrastructure for Recycling (SWIFR) Grant Program.

**Suggested Amendments:** We respectfully request that SB2368 be amended to reflect the same verbiage as the house companion bill, HB1688. As currently written, the two bills have minor differences.

### **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 materials 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 their 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 the 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 for Hawaii to design 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, and Jolie Ryff



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

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

Re: Hearing SB2368 **RELATING TO THE ENVIRONMENT**

Hearing: Friday February 9, 2024 1:00 p.m.

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

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. HIROC is deeply concerned about 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 SB2368!**

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. 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 needs assessment is a necessary complement to the DOH's other efforts. It is not redundant with work DOH is doing on an Integrated Solid Waste Management

planning process or under an EPA Solid Waste Infrastructure For Recycling (SWIFR) Grant Program.

**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)



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
FEBRUARY 9, 2024  
SB 2368 RELATING TO THE ENVIRONMENT**

Good afternoon, Chair Gabbard, Chair San Buenaventura and members of the Senate Committee on Agriculture & Environment; and the Senate Committee on Health and Human Services. 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 SB 2368 Relating to the Environment. This measure 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; and appropriates funds.

A balanced study on waste management could assist in developing sustainable practices that reduce the impact of waste on the environment, especially when studying best practices of other states and countries are doing.

We highly recommend that the study should ensure not only what infrastructures are currently in place and suggested programs, but also what is the true cost of the investment needed for the new programs, what is the true costs for other suggested requirements and who is going to pay for it.

We must also keep in mind that manufacturers and retailers want to be sure the items that are purchased are damage free when the customer receives them. A study could suggest alternatives that Hawaii could consider. However, implementing EPR programs can significantly increase costs for producers, which may ultimately be passed on to consumers.

And remember, anytime retail is touched, the cost is ultimately passed onto the consumer hiking prices even higher on products and goods, and therefore keeping Hawaii one of the most expensive places to live.

Mahalo for this opportunity to testify.





Scott Cassel  
**Chief Executive Officer/Founder**

**Board of Directors**

Abby Boudouris – **President**  
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Joe Rotella  
*RI Resource Recovery Corporation*

Christina Seibert  
*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 8, 2024

Senator Mike Gabbard, Chair  
Senator Herbert M. Richard III, Vice-Chair  
Senate Agriculture and Environment Committee  
Senator Joy A. San Buenaventura, Chair  
Senator Henry J.C. Aquino, Vice-Chair  
Senate Health and Human Services Committee  
Hawai'i State Legislature  
Senate Conference Room 224  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Support for SB 2368, Packaging Waste Needs Assessment**

Dear Chair Gabbard and San Buenaventura, Vice-Chair Cochran and Aquino, and Members of the Committees:

Thank you for the opportunity to submit testimony in **support** of **SB 2368**. 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.

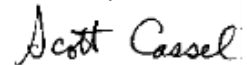
Packaging EPR has been successfully implemented throughout Europe and Asia for over 35 years, and in five Canadian provinces for over 15 years. Four states -

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 SB 2368** 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](mailto:Scott@ProductStewardship.US).

Sincerely,



Scott Cassel  
Chief Executive Officer/Founder

**SB-2368**

Submitted on: 2/7/2024 10:05:47 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruta Jordans	Testifying for Zero Waste Kauai	Support	Written Testimony Only

Comments:

This 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! to start Hawaii on the road to zero waste and a circular economy!



February 8, 2024

Committee on Agriculture and Environment  
Senate of the State of Hawaii  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: Testimony in Support of SB 2368**

Dear Chair Gabbard, Vice Chair Richards, and Members of the Senate Committee on Agriculture and Environment:

Thank you for the opportunity to provide testimony regarding S.B. 2368. **Just Zero strongly supports this bill.**

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 given 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.

S.B. 2368 is a critical first step in addressing this problem. If enacted, the bill would require the Department of Health ("DOH") to conduct a comprehensive statewide needs assessment to inform the development of an Extended Producer Responsibility ("EPR") for Packaging Program. This calculated and deliberate approach will ensure that the EPR for Packaging Program that may be proposed by DOH is tailored to specifically address the waste management challenges that are unique to Hawaii.

We feel this approach is especially important given Hawaii's geographic location, proximity to existing recycling end-markets, and opportunities to develop strong local reuse, waste reduction, and recycling programs.



## **I. An EPR for Packaging Program Will Help Hawaii Reduce Waste and Increase Recycling.**

States across the country are grappling with increased waste volumes, stagnant recycling rates, and increased waste management and recycling costs. As a result, many states are considering implementing EPR for Packaging Programs that would shift the responsibility for paying for the end-of-life management of single-use packaging from consumers and local governments to the companies that manufacture and distribute these wasteful products. Moreover, many of these programs are also setting strong waste reduction, reuse, and recycling goals that will require regulated companies to minimize the amount of waste generated in the first place, while ensuring what is left is responsibly managed so that resources are reused and recirculated into the economy. Currently, California, Colorado, Maine, and Oregon have passed EPR for Packaging Laws.

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.<sup>1</sup> Virtually none of this material is recycled. In 2021, only 5% of all plastic waste generated by U.S. households was recycled.<sup>2</sup> 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.<sup>3</sup>

Well designed EPR for Packaging Programs can help reduce the amount of unnecessary plastic companies use to packaging and market their products and require them to transition to reusable packaging and more circular materials such as paper, glass, or aluminum that can be recycled effectively at consistently high rates.<sup>4</sup>

## **II. States Are Increasingly Looking to Perform Comprehensive Needs Assessments Prior to Implementing an EPR for Packaging Program.**

While EPR for Packaging Programs can be an incredibly effective tool to reduce waste and increase recycling, these programs can be extremely complicated. As a result, many states are

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

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

<sup>3</sup> Peter Blair, [Plastic Recycling is a Lie Designed to Distract Us From Real Solutions](#), Just Zero. (Feb. 8, 2024).

<sup>4</sup> For instance, [the rules the Maine Department of Environmental Protection has proposed to implement Maine's EPR for Packaging Program](#) include goals that require regulated companies to reduce the amount of single-use packaging they use by 50% by 2050. The rules also require these companies to ensure that 30% of their packaging – measure by weight – is reusable or refillable by 2050%. Additionally, [California's EPR for Packaging Program](#) requires regulated companies to reduce single-use plastic packaging 25% by 2032.



looking to perform comprehensive needs assessments prior to developing and implementing an EPR for Packaging Program.

For instance, last year both Illinois and Maryland began the legislative session considering proposals to establish EPR for Packaging Programs.<sup>5</sup> However, as the legislative session progressed, it became clear that more information was needed to understand the volume of packaging waste generated, how much of this material is currently being recycled, how much is currently being disposed of, how effective the existing recycling systems are, and the economic and logistical barriers holding waste reduction and recycling programs back.<sup>6</sup> As a result, both states instead passed legislation requiring the completion of comprehensive needs assessment to inform the specific details of any future EPR for Packaging Program.<sup>7</sup>

### **III. S.B. 2368 Will Set Hawaii Up for Future Success When Pursuing an EPR for Packaging Program.**

The framework of S.B. 2368 ensures that the needs assessment performed by DOH will not only evaluate all elements necessary to developing a strong, effective EPR for Packaging Program, but also that the stakeholders that are integral to Hawaii’s existing waste management systems are consulted. The needs assessment requires an analysis of the existing amount of waste generated, the composition of the waste stream, how the amount and types of waste vary across different areas of the state, how this material is currently being managed, contamination within the state’s recycling system, and the availability of end markets for recycled materials. This is critically important information that the state is currently lacking. Using this information, DOH, and stakeholders, can determine how to design a program that will benefit Hawaii’s environment and economy.

Moreover, as the state conducts the needs assessment it can study the work being done around the country. All four states with existing EPR for Packaging Programs are currently in the process of developing the rules that will implement, administer, and enforce these programs. Many of these states will be close to implementing their programs by the time the DOH is required to propose a full EPR for Packaging Program.

Additionally, the results of Maryland’s needs assessment are required to be finalized by July 30, 2024.<sup>8</sup> The results of Illinois’ needs assessment are required to be finalized by May 1, 2026.<sup>9</sup> Therefore, the DOH can look to the work Maryland and Illinois performed to help inform the development of Hawaii’s needs assessment and proposed EPR for Packaging Program.

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<sup>5</sup> Cole Rosengren, [Momentum May Be Slowing for New EPR for Packaging Laws in 2023, But States Still Pursue Study Bills](#), Waste Dive. (June 12, 2023).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> [Maryland EPR for Packaging Needs Assessment](#), Section 2, Subsection (c). pg. 38. (2023).

<sup>9</sup> [Illinois Statewide Recycling Needs Assessment](#), Section 20, Subsection (e). p 18. (2023).



#### 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. S.B. 2368 is an important step in the process of developing a comprehensive program that will help Hawaii understand the amount of waste packaging waste currently being generated, how this waste is being managed, and how a well-designed, state specific EPR for Packaging Program can help reduce waste, increase recycling, and create good local jobs. Just Zero strongly urges you to support S.B. 2368. Thank you for your time and consideration of this testimony.

Respectfully submitted,

Peter Blair, Esq.  
Policy and Advocacy Director  
Just Zero.

**SB-2368**

Submitted on: 2/7/2024 6:07:11 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christopher Dean	Testifying for Recycle Hawaii	Oppose	Remotely Via Zoom

Comments:

While Recycle Hawaii appreciates the intent of this bill, we have meaningful actions and studies already in place. We are committed to eliminating waste through a reduce and reuse economic model, with the costs embedded into the commodities being sold. I would advise the various committees to be on the lookout for measures that would undermine those goals. It is without a doubt that many corporations want to continue hiding their costs by forcing municipalities to pay for them. Not only is that deceptive and immoral, but it's inefficient and more costly to the citizens of Hawaii. As it is now, the cost of dealing with packaging includes the cost of landfills and the cost of pollution.

The latest research reveals that nanoplastic particles are infiltrating the blood/brain barrier. According to researchers at the University of Rhode Island, these petrochemical compounds are deeply embedded in our brains and shown to cause Alzhiemers and dementia in lab animals. It's hard to imagine the costs to society if all our older citizens have dementia. These chemicals also cause endocrine disruption, cancer, heart disease, genetic mutations and other terrifying maladies.

The petrochemical industries are making virgin plastic at the rate of million metric tons per year. Much of this is going to single use plastic packaging. This has been going on for so long, that geologists have catalogued a new sedimentary rock, plastistone. We need to eliminate single use plastic packaging. That's the low hanging fruit. Then we can deal with plastics in other areas, such as the commercial fishing industry, which is the leading contributor to plastics in our ocean.

From the Executive Director of Recycle Hawaii:

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, 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.

[https://www.epa.gov/system/files/documents/2023-09/Hawaii\\_SWIFR.pdf](https://www.epa.gov/system/files/documents/2023-09/Hawaii_SWIFR.pdf)



The power of packaging in balance.™

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

**Concerns  
on  
Hawaii Senate Bill 2368  
Packaging Waste—Needs Assessment**

**Senate Agriculture and Environment Committee and  
Senate Health and Human Services Committee  
February 9, 2024**

Chair Gabbard and Chair San Buenaventura and Members of the Senate Agriculture and Environment Committee and the Health and Human Services Committee:

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide written testimony on Senate Bill 2368 (Gabbard) that seeks to establish a packaging waste needs assessment. AMERIPEN has developed principles to aid packaging recovery and recycling systems and we support the goal of diverting packaging waste from landfills. We have some concerns with SB 2368 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, SB 2368 does not have an accurate description of producers and without a

formal producer definition in the bill, the collection of the right information for a successful needs assessment will be hindered. Furthermore, there is no selection of a producer responsibility organization (PRO) so that producers can work directly with the Hawaii Department of Health to obtain accurate data in Hawaii. There is also no advisory council established in the bill – 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.

- **Lack of a “Producer” Definition:** SB 2368 currently does not define “producer.” The definition of producer is key to determining how a packaging producer responsibility structure will work in a state and the lack of a definition in SB 2368 is problematic. Producer definitions are used to determine who is the brand owner (producer) versus packaging manufacturer versus packaging supplier. Without a proper producer definition, the focus of SB 2368 is ambiguous and will be extremely problematic for assessment of 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.
- **Producer Responsibility Organization:** Adding a producer responsibility organization (PRO) into SB 2368 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. 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.
- **Advisory Council:** Adding an Advisory Council into SB 2368 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 ultimately created in Hawaii. The packaging EPR needs assessment laws enacted in 2023 in Illinois and Maryland both included the formation of an advisory council.
- **Extension of Timeline:** In SB 2368, it puts a date of December 31, 2024, to complete the required needs assessment. This is not an adequate amount of time to get thoughtful

information and data on packaging in Hawaii. The timeline should be extended two years, to December 31, 2026.

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 both Committees.

Sincerely,



Dan Felton  
Executive Director – AMERIPEN

Testimony in OPPOSITION  
to  
SB 2368  
in the  
Senate Committee on Agriculture and Environment  
and the  
Senate Committee on Health and Human Services  
February 9, 2024

The Flexible Packaging Association (FPA) is submitting testimony **in opposition to SB 2368**, 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 SB 2368 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<sup>®</sup> ReNew<sup>®</sup> Program; and the Consortium for Waste Circularity. 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, there is no definition of "packaging and single-use product producers" within the bill, despite the Department of Health's instruction to coordinate with them. 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 manufacturer (or converter) of the packaging in order for the EPR program to be implementable.

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 have the ability to track consumer sales in a given jurisdiction and control how products are packaged, not the packaging converters. Packaging manufacturers would have no way to determine where the packaging is sold and even in some cases to what brand or CPG. Packaging converters sell packaging, which may then be used for multiple brands within their portfolio and sold throughout the country. Even when packaging is sold directly to a brand in Hawaii, packaging converters 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 the final product sales that use the packaging, in this case brand owners.

While this bill attempts to provide a starting point for an EPR program, the definition of terms cannot be left for agency officials to define on an ad-hoc basis that will likely inform the final EPR program's definition, and thus determine its success. FPA requests a formal definition of producer be included and that manufacturers of flexible packaging be leveraged by the Department of Health in their needs assessment to inform their research.



### **III. Existing Collection Infrastructure & Equity**

FPA strongly agrees with SB 2368'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 increasing food access while preventing food loss and waste.

SB 2368 also 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.

SB 2368 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.

### **IV. Conclusion & Next Steps**

For these reasons, FPA opposes the current SB 2368 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](mailto:jrichard@flexpack.org).

Respectfully,



John J. Richard  
Director, Government Affairs  
Flexible Packaging 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



**Written Testimony of  
David Thorp, American Beverage Association**

**Before the Senate Committee on Agriculture and Environment; and Committee on  
Health and Human Services  
Opposition of S.B. 2368  
Feb. 9, 2024**

Good afternoon, Chair Gabbard, Vice Chair Richards, Chair San Buenaventura, Vice Chair Aquino and members of the committees. Thank you for the opportunity to comment in opposition to S.B. 2368 – relating to the environment.

I am David Thorp, Vice President, State Government Affairs West, for the American Beverage Association (ABA). The ABA 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, family-supporting jobs across the state. The industry supports thousands more workers in businesses that rely in part on beverage sales for their livelihoods, 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.**
- **Centralized program management**
- **Transparent cost principles**
- **Defined role for government**

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.

## **Concerns with S.B. 2368**

S.B. 2368 seeks to have the DOH conduct a statewide needs assessment to inform the future establishment of an EPR program.

Legislation introduced by Rep. Nicole Lowen (H.B. 1688) is similar in scope but S.B. 2368 differs in two important ways by:

- 1) not exempting HI-5 beverage containers from the needs assessment (the HI-5 program is an existing “EPR” program for beverage containers); and,
- 2) S.B. 2368 requires the needs assessment to be concluded by the end of 2024, which is not enough time to conduct a thorough needs assessment.

Although we believe further amendments are necessary to H.B 1688, we recommend that the lead needs assessment proposal be H.B. 1688.

Sincerely,

David Thorp

American Beverage Association  
Vice President, State Government Affairs West

**Hawaii  
Legislative  
Council  
Members**

Joell Edwards  
Wainiha Country  
Market  
Hanalei

Russell Ruderman  
Island Naturals  
Hilo/Kona

Dr. Andrew Johnson  
Niko Niko Family  
Dentistry  
Honolulu

Robert H. Pahia  
Hawaii Taro Farm  
Wailuku

Maile Meyer  
Na Mea Hawaii  
Honolulu

Tina Wildberger  
Kihei Ice  
Kihei

L. Malu Shizue Miki  
Abundant Life  
Natural Foods  
Hilo

Kim Coco Iwamoto  
Enlightened Energy  
Honolulu

Chamber of  
Sustainable  
Commerce  
P.O. Box 22394  
Honolulu, HI  
96823



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

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

Friday, February 9, 2024  
1:00 PM, Via Videoconference

RE: **SB2368** Relating to Environment - **Proposed Amendments**

Dear Chairs Gabbard & San Buenaventura, Vice-Chairs Richards & Aquino  
and Members of both Committees,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State of Hawaii that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment. This is why we support REDUCING the tonnage of waste we import into Hawaii by reducing the volume of plastic packaging waste that the largest producers of fast-moving consumer goods generate and ensure that whatever remains is either reusable, recyclable, or compostable.

This is why we would support SB2368 only with the following amendments: Replace all sections of this bill with the contents from **Senator Gabbard's superior SB1458 (2023)** which is currently held up in WAM/CSC's joint committee. SB1458 targets the world's largest producers of fast-moving consumer goods as those best suited to eliminate packaging waste and pay the fees attached to waste that does make it to Hawaii – instead of the local food producers targeted by the current SB2368.

We need to stay focused on pursuing the worlds wealthiest corporations to bear the costs of repairing the decades of damage caused to Hawaii by their business model. We must hold them accountable and demand that they do better. If we are able to pressure these multi-national corporations to make those needed changes, those changes will have the largest-scale, exponential impacts on how much packaging waste does NOT get shipped across the globe.



FOODSERVICE PACKAGING  
INSTITUTE®

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Falls Church, VA 22046

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web [www.fpi.org](http://www.fpi.org)

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

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

February 8, 2024

**Senate Bill 2368 – Relating to the Environment – COMMENTS ONLY**

Thank you for the opportunity to provide our comments regarding *Senate Bill 2368 – Relating to the Environment* (SB 2368).

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.

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 offer the recommendations below concerning SB 2368 as currently drafted.

First, we note that while SB 2368 is a companion to HB 1688 there are several differences between the two proposals. We suggest that this bill be aligned with HB 1688 with respect to the stakeholders listed in Section 2, the scope of the needs assessment and the timeline for completion. Further we recommend a coordinated approach on whether a definition of producer will be part of the needs assessment or included in the proposed language.

Additionally, as submitted regarding HB 1688, we propose the addition of an advisory board to support the Department of Health (department). As we have seen in similar bills in Maryland and Illinois, the purpose of establishing an advisory board is to offer guidance, assistance, and recommendations to the department through the development, review and finalization of the needs assessment. The composition of this 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 also suggested.

We appreciate your consideration of our comments regarding SB 2368 and would be pleased to discuss this feedback with you.

Sincerely,

A handwritten signature in purple ink that reads "CPatterson".

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

February 9, 2024

Senator Mike Gabbard, Chair  
Committee on Agriculture and Environment

Senator Joy San Buenaventura, Chair  
Committee on Health and Human Services

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

**Re: CTA Comments – SB 2368 – Relating to the Environment.**

Dear Chairperson Gabbard, Chairperson San Buenaventura, and Joint Committee Members:

The Consumer Technology Association™ (CTA®) respectfully submits testimony on Senate Bill No. 2368 (SB2368) which appropriates funds for the Department of Health to conduct a statewide needs assessment to inform the future establishment of an extended producer responsibility (EPR) program for packaging waste.

**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.

In determining recommendations for performance goals, 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 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 SB2368 and welcomes further discussion with the Committees. 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 fluid and cursive, with the first name "Ally" and last name "Peck" clearly distinguishable.

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

**SB-2368**

Submitted on: 2/7/2024 9:51:19 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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 SB2368.

me ke aloha 'āina,  
Nanea Lo

**SB-2368**

Submitted on: 2/6/2024 6:46:58 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Ross Kagawa



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 6, 2024

**TESTIMONY OF ADDISON BULOSAN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
SB 2426, RELATING TO CESSPOOLS  
AND  
SB 2425, RELATING TO CESSPOOLS  
AND  
SB 2368, RELATING TO THE ENVIRONMENT  
Senate Committee on Agriculture and Environment  
Senate Committee on Health and Human Services  
Friday, February 9, 2024  
1:00 p.m.  
Conference Room 224  
Via Videoconference**

Dear Chair Gabbard, Chair San Buenaventura, and Members of the Committees:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2426, Relating to Cesspools, SB 2425, Relating to Cesspools, and SB 2368, Relating to the Environment. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of SB 2426, SB 2425, and SB 2368, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 2426, SB 2425, and SB 2368. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov).

Sincerely,

**ADDISON BULOSAN**  
Councilmember, Kaua'i County Council

AAO:slr

**SB-2368**

Submitted on: 2/7/2024 7:10:40 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ruth Robison	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 2368. Thank you for hearing this bill. I live in Hilo. I am personally trying to reduce the amount of solid waste our household produces, but Hawaii needs to do this on a larger scale. We need to reduce the amount of materials that is shipped to our islands and cannot be eliminated in a way that is sound ecologically. But how? This bill provides for an assessment that can help us find out what to do. Please support SB 2368. Thank you for your service to the people of Hawaii.

**SB-2368**

Submitted on: 2/8/2024 11:57:31 AM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maureen Brock	Individual	Support	Written Testimony Only

Comments:

I support SB2368

**SB-2368**

Submitted on: 2/8/2024 12:08:37 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Georjean Adams	Individual	Support	Written Testimony Only

Comments:

SB2386 appropriately requires careful investigation before committing to expansive Extended Producer Responsibility (EPR) legislation by first looking at the needs of the counties and the state and the likelihood of success of simply duplicating often immature mainland programs.

Recommended amendment: Section 2(b)(7) 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

## **Testimony in opposition to SB 2368/HB 1688**

Dear Chair Gabbard and esteemed members of the Agriculture and Environment 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

**LATE**

**SB-2368**

Submitted on: 2/8/2024 3:53:29 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

**OPPOSE!**

Defeats the purpose of Extended Producer Responsibility.