
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that solid waste may soon
2 exceed landfill capacity in all of the State's counties. Most
3 waste created in the State is landfilled or incinerated, which
4 places the burden for managing waste on taxpayers, is costly,
5 and creates pollution that is harmful to residents and the
6 environment. Landfills discharge leachate, a highly toxic fluid
7 that has the potential for leakage that can cause harm to
8 surrounding communities and nearshore and marine environments
9 downslope. The Waimanalo gulch landfill on Oahu produces around
10 nine thousand eight hundred gallons of leachate per day. Waste
11 that is incinerated produces air pollutants and toxic ash; this
12 toxic ash is often buried in landfills. On Oahu, more than four
13 hundred tons of toxic ash are buried in the landfill every day.
14 The legislature finds that the State will benefit from reduced
15 waste production by expanding alternative strategies like reuse,
16 refill, composting, and recycling.



1 The legislature further finds that extended producer
2 responsibility is a market-based, circular economy that
3 encourages alternative waste management strategies as well as
4 product design innovations that lead to source reduction of
5 waste. Extended producer responsibility programs shift
6 responsibility for a product's lifecycle, including end-of-life
7 management, from consumers or governments to producers of the
8 product. This encourages sustainable product design that leads
9 to less waste and more fully recyclable or reusable products and
10 packaging. Extended producer responsibility programs also
11 typically reduce the financial burden on government for waste
12 management and lead to better recycling services for residents.
13 Furthermore, these programs help create local jobs by expanding
14 collection services, local processing of waste, and reuse and
15 refill programs.

16 The legislature finds that extended producer responsibility
17 strategies can be applied to packaging waste as well. Packaging
18 waste is a large part of the waste stream and includes
19 containers for food products, cleaning products, and personal
20 care products, as well as waste associated with shipping and
21 transporting products. Extended producer responsibility



1 programs for packaging waste exist in Asia, Europe, Canada, and
2 five states across the United States. Furthermore, several
3 other states are in the process of implementing programs by
4 funding needs assessments, a necessary preliminary step to
5 inform the development of an extended producer responsibility
6 program.

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

16 SECTION 2. (a) The department of health shall conduct a
17 statewide needs assessment to determine what will be needed to
18 reduce waste generation, increase reuse, improve collection
19 services, and expand local processing of materials through an
20 extended producer responsibility program for packaging materials
21 and paper products.



(b) The needs assessment shall detail the resources required in each county to reduce as much as feasible the packaging materials waste and paper products that the county sends to a landfill or power plant that burns municipal solid waste. Additionally, the needs assessment shall consider the following:

(1) 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;

(2) Existing collection infrastructure, including:

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

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

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

(D) Improvements in services needed;

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



- 1 (A) How collected materials are currently being
2 processed and marketed;
- 3 (B) Whether the sorting technology is up to date;
- 4 (C) Whether there is sufficient capacity to process
5 the volume of materials;
- 6 (D) Opportunities and infrastructure needed for more
7 local processing of materials; and
- 8 (E) Costs to implement infrastructure improvements;
- 9 (4) Markets, including the state of markets for recovered
10 materials and finished compost;
- 11 (5) Education, including the effectiveness of the existing
12 outreach in educating residents;
- 13 (6) Levels of contamination in collected packaging
14 materials and organics for composting;
- 15 (7) The impact of the composition of packaging materials
16 on the reuse, recyclability, and compostability of
17 packaging materials;
- 18 (8) An evaluation of how extended producer responsibility
19 program laws are designed and work in other states and
20 countries;



(9) An evaluation of an appropriate definition of "producer" for an extended producer responsibility program in the State;

(10) Equity and environmental justice, including:

(A) Consideration for how the existing system is operating and how extended producer responsibility could increase equity; and

(B) An assessment of equity issues in education efforts;

(11) Economic impact, including estimates in job development from increased reuse, recycling, and composting;

(12) Environmental benefits from reduction and reuse and local versus off-island materials processing;

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



1 (A) Identifying opportunities for source reduction,
2 reuse, and refill in packaging systems; and

3 (B) Cost and infrastructure needs to implement these
4 systems; and

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

11 (c) The department of health shall conduct the assessment
12 in consultation with the following stakeholders:

13 (1) Each county department responsible for waste
14 management;

15 (2) Global and national producer responsibility
16 organizations, including producer responsibility
17 organizations actively working on reusable packaging
18 systems;

19 (3) Producers of packaging materials and paper products;

20 (4) Refuse and recycling collection and processing service
21 providers;



1 (5) Compost facility operators;

2 (6) Retailers, including restaurants, wholesalers, and
3 distributors;

4 (7) Organizations and community groups involved with waste
5 management and waste reduction; and

6 (8) Environmental and human health scientists;

7 provided that additional stakeholders may be included as the
8 department deems necessary and relevant.

9 (d) The department of health may contract for professional
10 services to conduct the needs assessment.

11 (e) The department of health shall convene an advisory
12 council to review the draft needs assessment and propose
13 recommendations throughout the assessment process. The advisory
14 council shall include:

15 (1) One representative from each county department
16 responsible for waste management;

17 (2) One representative from a national producer or
18 producer trade association;

19 (3) One representative from a Hawaii-based producer or
20 producer association;



- 1 (4) Two representatives who are experts or operators of
2 reuse, refill, or circular economy systems;
- 3 (5) One representative from a Hawaii-based refuse service
4 provider;
- 5 (6) One representative from a Hawaii-based recycling
6 collection and processing service provider;
- 7 (7) One representative from a Hawaii-based retailer,
8 including restaurants, wholesalers, or distributors;
- 9 (8) Two representatives from Hawaii-based organizations
10 and community groups involved with waste management or
11 relevant environmental advocacy;
- 12 (9) One representative who is an environmental or human
13 health scientist;
- 14 (10) One representative from a business that manufactures
15 consumer packaged goods for sale in the State; and
- 16 (11) One representative from the composting industry.
- 17 (f) The department of health shall hold a public hearing
18 to obtain comments on the draft needs assessment.
- 19 (g) The department of health shall complete and submit the
20 needs assessment, including any proposed legislation, to the
21 legislature by December 31, 2027.



1 (h) For the purposes of this section:

2 "Packaging materials" includes materials used for the
3 containment, protection, or serving of products, including but
4 not limited to paper, paperboard, cardboard, plastics, glass, or
5 metal, or a mixture of any of these materials. "Packaging
6 materials" excludes deposit beverage containers included under
7 the Hawaii deposit beverage container program.

8 "Paper products" includes printed materials such as office
9 paper, magazines, newspaper, and junk mail. "Paper products"
10 does not include bound books.

11 "Refill" means employing packaging materials that consumers
12 reuse.

13 "Reuse" means the return of or to return packaging
14 materials to the economic stream for use in the same kind of
15 application intended for the original packaging without changing
16 the original composition of the package, the identity of the
17 product, or the components thereof.

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$1,500,000 or so much
20 thereof as may be necessary for fiscal year 2025-2026 and the
21 same sum or so much thereof as may be necessary for fiscal year



1 2026-2027 for the department of health to conduct a statewide
2 needs assessment, pursuant to section 2 of this Act, to inform
3 the future establishment of an extended producer responsibility
4 program; provided that:

5 (1) The moneys shall not lapse at the end of the fiscal
6 year for which the appropriation is made; and

7 (2) All moneys from the appropriation unencumbered shall
8 lapse as of the close of business on June 30, 2027, to
9 the credit of the general fund.

10 The sums appropriated shall be expended by the department
11 of health for the purposes of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2025.



Report Title:

DOH; Packaging Waste; Needs Assessment; Advisory Council;
Extended Producer Responsibility Program; Appropriation

Description:

Requires the Department of Health to conduct a statewide needs assessment to determine what will be needed to reduce waste generation, increase reuse, improve recycling collection services, and expand local processing of materials through an extended producer responsibility program for packaging materials and paper products. Establishes an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process. Requires the Department of Health to hold a public hearing on the draft needs assessment and complete and submit the needs assessment to the Legislature by 12/31/2027. Appropriates funds. (CD1)

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