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POST OFFICE BOX 621
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Testimony of
LEAH LARAMEE
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 28, 2025
9:00 AM
State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 750
RELATING TO THE ENVIRONMENT

House Bill 750 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. It establishes an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process and appropriates funds. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) supports this bill provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request.**

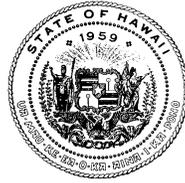
The Commission consists of a multi-jurisdictional effort between 20 different departments, committees and counties with the purpose of promoting ambitious, climate-neutral, culturally responsive strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient. Much of the plastic waste that is disposed of in landfills results in the release of both methane and carbon dioxide. Per the most recent Inventory Report, U.S. landfills released an estimated 122.6 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) of methane into the atmosphere in 2021; this represents 16.9 percent of the total U.S. anthropogenic methane emissions across all sectors.¹ Materials consumption contributes directly to climate change because it requires energy to mine, extract, harvest, process and transport raw materials; more energy to manufacture, transport and dispose of waste products.

Landfills are the top human-caused source of methane and the incineration of waste produces carbon dioxide as a by-product. Methane is more than 28 times as potent as carbon dioxide at trapping heat in the atmosphere. Those items that can be recycled often are not for a variety of factors. The best way to reduce greenhouse emission from products is to eliminate packaging waste

as much as possible. EPA estimates by cutting the amount of waste we generate by just 5 percent, we could reduce greenhouse gas emissions by 10.2 million metric tons.²

The December 2023 *Hawai'i Pathways to Decarbonization* identifies reducing emissions in the waste sector as a key strategy to meet 2045 emission goals.¹ Reducing waste generation demonstrates continuity in our emphasis on reducing negative lifecycle impacts of materials, including climate impacts, and reducing the use of harmful materials. 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 equitable, and reflects the urgency of the climate crisis.

Mahalo for the opportunity to provide testimony in support of this measure.



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

**Testimony in SUPPORT of HB0750
RELATING TO THE ENVIRONMENT.**

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

Hearing Date: January 28, 2025

Room Number: 325

1 **Department Testimony:** The Department of Health (Department) supports HB750 to conduct a
2 statewide needs assessment that will inform the implementation of a packaging materials and
3 paper products Extended Producer Responsibility (EPR) program. We agree that it is important
4 to fully understand current waste composition, existing infrastructure, and recycling markets,
5 before designing a packaging and paper products EPR program.

6 The Department respectfully requests that the legislature explicitly grant it authority to
7 contract with third parties, as necessary, to conduct the assessment.

8 Thank you for the opportunity to testify.



1050 Bishop St. PMB 235 |
Honolulu, HI 96813
P: 808-533-1292 | e:
info@hawaiiifood.com

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TO: Committee on Energy and Environmental Protection

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: January 28, 2025

TIME: 9am

RE: HB750 Relating to the Environment

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, manufacturers and distributors of food and beverage related products in the State of Hawaii.

HFIA is in support of the intent of this measure to understand how Extended Producer Responsibility (EPR) legislation may impact our state, in particular our food system.

HFIA is concerned that the stakeholders and council members currently listed in the measure will not necessarily have a high level of expertise in food safety regulations and CPG packaging. We believe that seeking input from subject matter experts in food safety and packaging will help ensure that any recommendations made as a result of the needs assessment do not inadvertently negatively impact food safety, or contradict any Federal or State food packaging regulations.

We would like to request that the list of stakeholders and the members of the advisory council be amended to include:

“One representative from a business which manufactures consumer packaged goods for sale in Hawaii.”



1050 Bishop St. PMB 235 |
Honolulu, HI 96813
P: 808-533-1292 | e:
info@hawaiiifood.com

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Eddie Asato, Pint Size Hawaii, *Advisor*
Gary Okimoto, Safeway, *Immediate Past Chair*

We also recommend an amendment that would exempt things like prescription medications, medical devices, and supplements. Other states with EPR programs have exempted these items due to the fact that there is a very complex, and highly regulated federal framework for OTC consumer healthcare packaging. This framework has been in place for decades and serves to ensure safety, efficacy, and stability of products for consumers. State action on packaging for these products would likely conflict with federal laws and regulations already in place, and could compromise safety and stability of the products themselves.

We appreciate your consideration for these proposed amendments and we thank you for the opportunity to testify.

HB-750

Submitted on: 1/26/2025 3:56:53 PM

Testimony for EEP on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair Lowen and Vice Chair Perruso!

As you are aware, Hawaii's counties all have limited landfill capacity. We should conserve our limited capacities by reducing what goes into the landfills. We should **encourage much greater reuse and refill** of packaging, including bottling.

Currently, the high costs of handling packaging waste is borne by county taxpayers. Producers of packaging waste should bear some of the costs of handling the packaging waste that comes with their products through **extended producer responsibility**. This bill takes an initial step towards EPR.

Please pass this bill!

Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii (by Ted Bohlen)



The power of packaging in balance.™

AMERIPEN
American Institute for Packaging and the Environment

Comments on
Hawaii House Bill 750
Packaging Waste—Needs Assessment

Committee on House Energy & Environmental Protection
January 28, 2025

Chair Lowen, Vice Chair Perruso 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 750 (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 appreciate all the hard work that has gone into HB 750 in its current form and the inclusion of many of the AMERIPEN suggestions from 2024.

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. We appreciate that this bill has included an Advisory Council and a thoughtful approach to looking at the definition of the key term, “producer”.

We still encourage the consideration working with or the selection of a producer responsibility organization (PRO) where producers can work directly with the Hawaii Department of Health to obtain accurate data in Hawaii, for the Needs Assessment. 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. In 2023,

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 conclusion, AMERIPEN supports a thorough needs assessment being done in Hawaii and appreciates all the hard work that has gone into HB 750 and we would like to continue to work with you and the Committee.

Sincerely,

Andrew Hackman

On behalf of AMERIPEN



TESTIMONY IN SUPPORT OF HB750, RELATING TO THE ENVIRONMENT

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION JANUARY 28, 2025

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Energy & Environmental Protection Committee:

The Democratic Party of Hawai'i **SUPPORTS** HB750, RELATING TO THE ENVIRONMENT. Pursuant to the State Convention Resolution 2024-13 of the Democratic Party of Hawai'i, the Party supports the adoption of Zero Waste principles to protect public health.

The Democratic Party of Hawai'i recognizes the urgent need to address the growing waste management crisis in our state. This bill proposes a comprehensive approach to reduce waste generation and promote sustainable practices through the implementation of an extended producer responsibility (EPR) program. This program shifts the responsibility of waste management from taxpayers to producers, encouraging them to design products that are easier to reuse, recycle, and compost. By adopting EPR strategies, we can significantly decrease the volume of waste sent to landfills and incinerators, thereby reducing pollution and protecting public health. Additionally, the bill's focus on conducting a statewide needs assessment and establishing an advisory council ensures that the transition to a circular economy is well-informed and inclusive of all stakeholders. This proactive legislation not only addresses environmental concerns but also fosters economic growth by creating local jobs in waste management and recycling industries.

Mahalo nui loa for the opportunity to testify in support of HB750, RELATING TO THE ENVIRONMENT. Should you have any questions or require further information, please contact the Democratic Party of Hawai'i at legislation@hawaiidemocrats.org.



Tuesday, January 28, 2025

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

Re: Testimony from the American Cleaning Institute on HB 750 – Support

Thank you for the opportunity to provide testimony on HB 750 which is being heard before your committee. The American Cleaning Institute (ACI) – the national trade association representing the \$60 billion cleaning product industry – has a vested interest in the reduction of plastic packaging waste. To that end, one of our goals is to completely eliminate plastic waste from cleaning products by 2040. As an industry, we are committed to improving packaging by ensuring that it is recyclable or reusable, reducing virgin material use and increasing post-consumer recycled (PCR) or renewably sourced content. In addition, we know we have a role to play in helping evolve our systems of recovery. Our Circular Packaging Roadmap¹ supports this transition by outlining our ambition and associated goals. While our industry is supportive of shifting the market away from the continued use of virgin resins, we stress the importance of proper packaging for the safe and effective use of our members' products.

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.

We would like to reiterate that ACI members support efforts to reduce packaging waste. The first step to a successful packaging stewardship program is accurate and detailed needs assessment, which this bill addresses. 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 Georgianni', written in a cursive style.

Brennan Georgianni
Associate Vice President, Government Affairs & Strategy
BGeorgianni@cleaninginstitute.org

¹ <https://www.cleaninginstitute.org/sustainable-cleaning/our-future-clean/circular-packaging>



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Aloha Chair Lowen, Vice Chair Perruso, and Members of the House Energy & Environmental Protection Committee,

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Natalie Urminska
Kauai

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB750.**

HB750 presents a significant opportunity to promote sustainability and support local agriculture by addressing the complex challenges associated with waste management in Hawaii. By mandating the Department of Health to conduct a comprehensive statewide needs assessment, the bill sets a robust foundation for reducing waste generation while enhancing recycling and local processing capabilities. This initiative is vital for decreasing our dependency on imports and landfill usage, fostering a circular economy that benefits not only the environment but also the agricultural community. The inclusion of an extended producer responsibility program, focusing on packaging materials and paper products, ensures that producers are held accountable for the lifecycle of their products. This accountability is crucial in minimizing environmental impacts and encouraging the design of more sustainable packaging solutions.

Composting transforms organic waste into nutrient-rich soil amendments, which are essential for maintaining healthy soils and enhancing crop yields. By integrating this aspect into the waste management strategy, HB750 not only supports waste minimization but also directly aids farmers by providing them with the resources needed to sustain productive and environmentally friendly farming practices.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF



Environmental Caucus of The Democratic Party of Hawai‘i

January 27, 2025

Testimony in Support of HB750: Relating to Packaging Waste

Aloha Chair, Vice Chair, and Members of the Committee,

We, Melodie Aduja and Alan Burdick, are testifying on behalf of the Environmental Caucus of the Democratic Party of Hawaii in strong support of HB750, which aims to address the critical issue of packaging waste in our state. This bill 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. Additionally, the bill establishes an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process.

Key Points of Support:

1. **Environmental Impact:** HB750 will significantly reduce the amount of packaging waste generated in Hawaii. By implementing an extended producer responsibility program, we can shift the responsibility for waste management from consumers and taxpayers to the producers of packaging materials. This will lead to more sustainable product design and less waste.
2. **Economic Benefits:** The bill will support local businesses and create jobs by expanding recycling collection services and local processing of materials. This will stimulate economic growth and reduce the financial burden on the state for waste management.
3. **Public Health:** Reducing packaging waste will also have positive implications for public health. Landfills and incineration of waste produce harmful pollutants that can contaminate air, water, and soil. By minimizing waste, we can protect the health and well-being of our residents.
4. **Community Involvement:** The establishment of an advisory council ensures that community stakeholders have a voice in the development and implementation of the extended producer responsibility program. This collaborative approach will lead to more effective and equitable solutions.

In conclusion, the Environmental Caucus of the Democratic Party of Hawaii strongly supports HB750 and urges the committee to pass this important legislation. By addressing packaging waste through an extended producer responsibility program, we can ensure a cleaner, healthier, and more sustainable future for Hawaii.

Mahalo for the opportunity to testify in support of this critical bill.

Sincerely,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawaii



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

FPA Flexible Packaging
Association
Connecting. Advancing. Leading.

Suite 105
Annapolis, MD 21401

Tel (410) 694-0800
Fax (410) 694-0900

www.flexpack.org

Testimony
on
Hawai'i House Bill 750
in the
House Energy & Environmental Protection Committee

January 28, 2025

Dear Chair Lowen, Vice-Chair Perruso, and Members of the Hawai'i House Committee on Energy and Environmental Protection,

The Flexible Packaging Association (FPA) **appreciates the positive changes that have been made to the Hawai'i needs assessment effort, introduced this session as HB 750**, which would direct the Hawai'i Department of Health to conduct a statewide needs assessment for the recycling of packaging products.

I. Background on FPA and Flexible Packaging

FPA 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 waste issue and increasing the recycling of solid waste from packaging. FPA commends Representative Lowen for her hard work on this data-driven approach to packaging extended producer responsibility (EPR).

Flexible packaging is in a unique situation as one of the most environmentally sustainable packaging types from the standpoint of 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 at its end of life. 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, through pyrolysis and gasification.

Developing end-of-life solutions for flexible packaging is a work in progress, and FPA is partnering with 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[®] ReNew[®] Program; and Consortium for Waste Circularity; and the Flexible Film Recycling Alliance (FFRA). All these programs seek to increase the collection and recycling of flexible packaging. Also, increasing the recycled content of new products, including packaging, will not only create markets for the products, but will also 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 packaging 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 inform the needs assessment approach included in HB750.

II. FPA Appreciates the Change to the Codified Definition of Producer

Last session, FPA urged the bill's authors to strike or amend the definition of producer. Following other packaging EPR programs throughout the country and internationally, for the EPR program to work 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 of the packaging itself.

The primary responsibility for fee collection, remittance, and reporting under any packaging EPR program must be on the consumer packaged good (CPG) companies, which encompasses food manufacturers and retailers in their role as brand owners. They, and not the manufacturers of the packaging (converters), have the ability to track consumer sales in a given jurisdiction and control how products are packaged. FPA greatly appreciates the earlier prescriptive language not being included in HB 750.

III. Antitrust Protections for PRO

HB750 directs the Hawai'i Department of Health to consult with existing producer responsibility organizations (PROs) but provides no method or antitrust exemptions for creating any PRO. U.S. law prohibits competitors from gathering to discuss price, costs, market shares, sales, and market allocation – some of which must be examined to form a PRO. The first step to establishing a PRO is to provide an exemption so competitors can focus on the formation, fee schedule and cost allocations for a program. FPA suggests that any legislation resulting from this needs assessment include the antitrust exemption for the PRO used in existing EPR laws around the nation.

IV. A Note on Alternative Collection

Flexible packaging is primarily collected at store drop-off locations throughout the State of Hawai'i due to the general lack of curbside recycling for flexible packaging, including through initiatives like the Hefty ReNew program. Also, FPA is a founding member of the Flexible Film Recycling Alliance (FFRA), which hosts a store drop-off locator for flexibles that include several locations in Hawai'i. Should HB750 be enacted, FPA stands ready to assist the Department of Health by providing data on existing collection infrastructure.

V. Conclusion and Next Steps

FPA offers these comments to inform the needs assessment outlined in HB 750. We look forward to working with you to 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,

A handwritten signature in black ink that reads "John J. Richard". The signature is written in a cursive style with a large initial "J" and "R".

John J. Richard
Director, Government Affairs
Flexible Packaging Association

HB-750

Submitted on: 1/25/2025 8:05:20 AM

Testimony for EEP on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments: This is a bill to REDUCE EMISSIONS, the only one on the state roster. Please pass the bill on. Mahalo, Bobbie & Bill Best, Maalaea, HI

HB-750

Submitted on: 1/27/2025 11:46:28 AM

Testimony for EEP on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure.

HB-750

Submitted on: 1/27/2025 4:22:35 PM

Testimony for EEP on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pilialoha Callahan	Individual	Support	Written Testimony Only

Comments:

I believe that this is a step in the right direction and am in support of this bill. 9,800 gallons of toxic waste emitting into our air everyday along side over four tons of toxic ash...this is not okay. We need to asses our situations and find a way to eliminate so much waste. Find a way to better take care of the waste we have and help our ‘āina more than we are right now. I agree that this is not only up to our legislature but to the people as well, we as consumers need to be better.