

**ACT 312**

S.B. NO. 148

A Bill for an Act Relating to Nondegradable Solid Waste.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the wide use of nondegradable plastics threatens the environment by causing excessively rapid filling of landfill space or, if incinerated, by the possible introduction of toxic byproducts into the atmosphere.

On the other hand, degradable products offer a readily available and environmentally sound alternative to nondegradable products currently used. By decaying into their constituent substances, these products are, compared to their nondegradable equivalents, less of a danger to the natural environment, and less of a permanent blight on the environment.

The legislature further finds that the chemical composition and ability of a substance to degrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, minimize the potential for toxic substances to form if solid waste is burned, reduce the volume of ash byproducts that may be created by any burning of waste plastic, and otherwise anticipate environmental problems that may be caused by solid waste disposal programs.

Moreover, many animals and marine life ingest plastics mistakenly as food or become fatally ensnared in plastic items, including plastic connecting rings commonly found on "six packs" of beer or soda.

Nondegradable plastic beverage connecting devices have been banned in at least seventeen states. Legislation has also been introduced in Congress to extend this ban to the national level.

The purpose of this Act is to prohibit nondegradable plastic connecting devices to protect the air, land, waters, and wildlife against environmental contamination and degradation.

SECTION 2. Chapter 339, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

## **"PART . NONDEGRADABLE SOLID WASTE**

**§339- Definitions.** As used in this part, unless the context otherwise requires:

"Degradable" means all of the following:

- (1) Capable of achieving degradation by biological processes, photodegradation, chemodegradation, or degradation by other natural degrading processes;
- (2) Degradation at a rate that is equal to, or greater than, the degradation by a process specified in paragraph (1) of other commercially available plastic devices; and
- (3) Degradation which will not produce or result in a residue or byproduct which, during or after such process of degrading, would be a hazardous or extremely hazardous waste as specified in the Resource Conservation and Recovery Act.

"Director" means the director of health or the director's duly appointed agent.

**§339- Prohibited acts.** No person shall sell or offer for sale to any consumer within the State beverage containers, motor oil, or other consumer goods connected to each other with plastic connecting devices that are not degradable.

**§339- Rules.** The director shall establish by rules adopted under chapter 91 the criteria for eliminating the use of nondegradable plastic connecting devices to protect the air, land, and waters of the State against environmental contamination and degradation.

**§339- Penalties.** Any person who knowingly violates this part shall be fined not more than \$500 for each separate offense. Each day of violation shall

constitute a separate offense. Any action taken to impose or collect the penalty provided for in this section shall be considered a civil action.”

**SECTION 3.** This Act shall take effect on January 1, 1990.

(Approved June 13, 1989.)