

A Bill for an Act Relating to Plastic.

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

SECTION 1. The legislature finds that the local and global impact of the world's increasing waste stream is unsustainable and detrimental to the future of Hawaii's economy and people. There has been an exponential rise in single-use foodware items over the past few decades globally, with particularly high increases in plastics derived from fossil fuels. Single-use disposable foodware and packaging - including plastic bottles, caps, lids, straws, cups, and polystyrene and plastic containers - are major contributors to street and beach litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions.

According to the United Nations, since the 1950s, the production of plastic has outpaced that of almost every other material. Much of the plastic produced is designed to be thrown away after being used only once. As a result, plastic packaging accounts for about half of the plastic waste in the world. Most of this waste is generated in Asia, while America, Japan, and the European Union are the world's largest producers of plastic packaging waste per capita. The world's ability to cope with plastic waste is already overwhelmed as seen by the closing of recycling markets in China and Thailand. Even when recycling markets were open, only nine per cent of the 9,000,000,000 tons of plastic produced has been recycled. Most plastic ends up in landfills, dumps, incinerators, or in the environment. If the growth in plastic production continues at its current rate, then by 2050, the plastics industry will likely account for twenty per cent of the world's total oil consumption.

Hawaii has a goal of carbon neutrality by 2045 and embraces the United Nations sustainable development goals, including achieving sustainable management and the efficient use of natural resources, sound waste management, encouraging corporate sustainability practices, strengthening the State's resilience and adaptive capacity to climate-related hazards and natural disasters, sustainably managing and protecting our marine and coastal ecosystems, and reducing pollution. Decreasing the import and use of fossil fuel-based products like single-use plastics should become part of a movement toward reaching those goals. For every one ton of waste seen at the end of life, seventy tons were created upstream in the extraction, production, and transportation sectors. Alternatives to plastics already exist for many take-out items and an industry of innovative change for packaging is advancing globally. Zero waste plastic reduction plans are moving forward all over the world, including within the European Union, Ethiopia, Costa Rica, and municipalities across the United States. The legislature finds that given the current trend, if Hawaii businesses are at the forefront of this movement, they will be less burdened by change.

Locally, plastic litter and debris can be increasingly found on every island and in every watershed and protected area from the remote Kalalau valley on Kauai to Kilauea caldera on Hawaii island. Hawaii's forests, streams, and beaches are strewn with plastic debris, including micro plastic debris smaller than grains of sand, which are consumed by the smallest of endangered birds to the humpback whale. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood, and salt that is eventually sold for human consumption. Globally, ninety-five per cent of plastic packaging is discarded after a single use, at a cost of \$80,000,000,000 to \$120,000,000,000.

The legislature further finds that cleaning up plastic is a significant cost to Hawaii taxpayers. The cost of increasing cleanups by government agencies,

businesses, and the general public is rising to account for expensive best management practices and mitigation. A study of over ninety counties in California recently concluded that taxpayers are paying \$428,000,000 per year to clean up plastic through storm drain management, street sweeping, and marine cleanups. San Diego county, which has an equivalent population to Hawaii at 1,300,000 people, spends \$14,000,000 annually cleaning up plastic. In January 2019, San Diego county passed legislation to phase out polystyrene foam and other single-use plastics. The Hawaii department of transportation has produced a trash management plan that shows that polystyrene foam and plastic bags are the top two contributors to the waste stream and must be regularly removed from storm drains at a cost to the department.

Major news and research publications like *National Geographic* and *60 Minutes* are reporting on plastic pollution as one of the pressing environmental issues currently facing the world. Minimizing packaging and utilizing alternatives derived from compostable materials, which are now widely available, can benefit the State's economy as it shifts toward a system of responsible conservation, recycling, recovery, and reuse, which is a foundational principle of Native Hawaiian culture. Additionally, the State's economy can become a leader in reducing and recovering plastic waste by collaboratively working with businesses, as well as researching and implementing feasible and innovative solutions for all packaging coming into the State of Hawaii.

SECTION 2. (a) There is established within the department of health for administrative purposes a plastic source reduction working group.

(b) The working group shall:

- (1) Formulate a plan for reducing and recovering plastic from the Hawaii waste stream;
- (2) Develop strategies to encourage plastic reduction and reuse in the food service industry, such as reusable container incentive programs for customers;
- (3) Provide recommendations to encourage reuse, reduction, recycling, and recovery of waste and create value added products to innovate and responsibly manage the life cycle of existing resources;
- (4) Consult with each county that has already enacted ordinances related to single-use plastics such as plastic bags and polystyrene foam containers and develop recommendations for the implementation of a uniform, statewide policy for these items that can replace existing county ordinances and provide businesses with laws that are consistent throughout the State;
- (5) Consult with stakeholders to develop appropriate exemptions to address concerns of health and safety, lack of suitable alternative products on the market, and lack of infrastructure; and
- (6) Evaluate potential life-cycle and environmental implications of replacing plastic packaging with alternative products.

(c) The membership of the working group shall be as follows:

- (1) The director of health or the director's designee;
- (2) The chairperson of the board of land and natural resources or the chairperson's designee;
- (3) The president and chief executive officer of the Hawaii tourism authority or the president and chief executive officer's designee;
- (4) Four members, one to be appointed by each of the respective mayors of the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui;
- (5) The state sustainability coordinator;

- (6) A representative of the Surfrider Foundation;
- (7) A representative of Zero Waste Oahu;
- (8) A representative of Sustainable Coastlines Hawaii;
- (9) A representative of the Hawaii Food Industry Association;
- (10) A representative of the Hawaii Restaurant Association;
- (11) A representative of the Chamber of Commerce Hawaii;
- (12) A representative of the beverage industry;
- (13) A representative from the plastic manufacturing industry; and
- (14) A representative of the recycling industry.

The representatives in paragraphs (6) through (11) shall be selected by the director of health.

(d) The members of the working group shall serve without compensation but shall be reimbursed for reasonable expenses, including travel expenses, consulting fees, and administrative expenses such as photocopying, postage, stationery, and office supplies incidental to the performance of their duties.

(e) The working group shall work with the department of health, the carbon sequestration task force, private stakeholders, public stakeholders, or any other group or individuals the working group deems necessary.

(f) The working group shall submit a report of its findings and recommendations, including recommendations for pilot projects for Hawaii businesses to phase out single-use plastic packaging, promote reuse, and find sustainable alternatives for packaging, as well as any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2021.

SECTION 3. The working group shall cease to exist on June 30, 2022.

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved July 5, 2019.)