

**From:** [Sur, Peter](#)  
**To:** [Sur, Peter](#)  
**Subject:** FW: EMC-Testimony V.4.  
**Date:** Tuesday, January 23, 2024 10:23:25 AM

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**From:** Zero Waste Hawai'i Island <[zwhi@zerowastehi.org](mailto:zwhi@zerowastehi.org)>  
**Sent:** Tuesday, January 23, 2024 10:05 AM  
**To:** Sur, Peter <[Peter.Sur@hawaiicounty.gov](mailto:Peter.Sur@hawaiicounty.gov)>  
**Subject:** Re: EMC-Testimony V.4.

V.4.

Chair Adams and members of the Environmental Management Commission,

I wanted to take the opportunity to update the Commission on some of the work and history of state level policy that has been introduced to address packaging waste. For the last three years I have been coordinating an Extended Producer Responsibility working group. In 2022, a policy very similar to SB1458 was introduced by Rep Lowen. The bill was very successful but ultimately died during conference committee. Last year there were two EPR bills introduced, SB1458 and HB1326. HB1326 made it through the house and died in the Senate not getting a hearing in WAM. SB1458 died in the same position waiting for a hearing in WAM.

Although I personally like the idea of SB 1458, having done interviews with national policy experts on EPR, national trade groups, and county and state representatives, I do not feel we would ever be able to pass this type of program which is attacked by opposition as being a tax and not a "real EPR program". These attacks are not entirely inaccurate. This bill calls for a needs assessment, and requires collection of a fee based on packaging waste which would be passed to the counties to implement reuse pilot programs for packaging. Some EPR policy experts feel that a bill like this would significantly sell us short; siting problems with having a sunset (fees only collected for a 5 year period) for the program, and only collecting fees from very large producers of fast moving consumer goods.

HB1326 essentially took a step back, understanding that there are a lot of details to be figured out for an EPR program. This bill allowed for a needs assessment to be done and called for the creation of an Advisory Council that would advise DOH on the development of an EPR program, the original version of the bill allowed DOH to implement the program without going back to the legislature. This bill was also too big a stretch and the bill received a lot of opposition from producer trade groups. Some of the concerns were not being able to exactly know how the EPR program would end up.

This year the EPR working group transitioned from being advocate dominated, as it was in the past, to being dominated by representation from the Department of Health, county waste management staff, County Council members, and state and house representatives, and advisors from the Product Stewardship Institute which is an organization that works on EPR legislation for many different types of products. For this upcoming legislative session, the working group developed an EPR needs assessment bill for packaging, in hopes that there will be more success in passing a simpler bill.

Rep. Lowen, who has been our EPR legislative champion and chairs the house committee on Energy and Environmental Protection, advised that introducing a bill with a full EPR program does not have enough support currently in the legislature. Needs assessments are done generally as part of implementing an EPR program, but in some states where there has not been enough political will to pass an EPR program, some states have been successful in passing needs assessment or study bills first.

This year, two very similar EPR Needs Assessment bills are being introduced, [HB1688](#) and [SB2368](#), which requires the Department of Health to conduct a statewide needs assessment to determine what would be needed to transition to a more circular system with less waste generation, more reuse, and an extended producer responsibility program for packaging materials and paper products. The bill requires DOH to consult with relevant stakeholders (county departments responsible for waste management; producer responsibility organizations, or non-

profits established to administer producer responsibility programs; producers of packaging materials and paper products; refuse and recycling collection and processing service providers; compost facility operators; retailers, including restaurants, wholesalers, and distributors; and organizations and community groups involved with waste management and waste reduction).

The bill details what the needs assessment shall consider (see attached bills for full description) which includes baseline studies of the current waste stream, evaluation of current packaging and paper products management, recycling markets, and future infrastructure and costs needed to reduce waste through reusable packaging systems and local processing of materials.

Unlike past years, the bill received input from representatives of local and national trade associations and feasible adjustments to the legislation were made based on their feedback. As a result, this bill may receive less opposition from trade association this year.

Mahalo for your service on the Commission.

Jennifer Navarra  
Program Director  
Zero Waste Hawai'i Island



*Zero Waste Hawai'i Island is a fiscally sponsored project of Inquiring Systems, Inc.  
EIN: 94-2524840*

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# 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, under current  
2 practices, solid waste may soon exceed our landfill capacity in  
3 all the State's counties. The State must, where feasible,  
4 reduce waste production and conserve resources by generating  
5 less waste, reusing and refilling packaging materials, diverting  
6 organic materials, and recycling. Additional resources,  
7 facilities, and services will be needed to achieve resource  
8 conservation and waste reduction targets and save the counties  
9 some of the costs they are currently bearing for waste  
10 management. Although most packaging waste in Hawaii is handled  
11 in a linear manner where it is used and disposed of after a  
12 single use, the State needs a more circular system where  
13 resources are reused and not wasted.

14           The legislature further finds that several other states  
15 have adopted or are considering legislation to require producers  
16 of packaging to take on some of the responsibility and bear some



1 of the costs of reducing and managing packaging materials and  
2 paper products.

3 State and county governments, packaging producers, and the  
4 community need to work together with stakeholders to reduce the  
5 amount of waste produced in Hawaii and ensure that services are  
6 available to reclaim and recycle products when they reach the  
7 end of their useful life.

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

16 SECTION 2. (a) The department of health shall conduct a  
17 statewide needs assessment to determine what will be needed to  
18 transition to a more circular system with less waste generation,  
19 more reuse, and improved collection and local processing of  
20 materials through an extended producer responsibility program  
21 for packaging materials and paper products. The assessment



1 shall be conducted by the department in consultation with the  
2 following stakeholders:

- 3 (1) Each county department responsible for waste  
4 management;
- 5 (2) Producer responsibility organizations, or non-profits  
6 established to administer producer responsibility  
7 programs;
- 8 (3) Producers of packaging materials and paper products;
- 9 (4) Refuse and recycling collection and processing service  
10 providers;
- 11 (5) Compost facility operators;
- 12 (6) Retailers, including restaurants, wholesalers, and  
13 distributors; and
- 14 (7) Organizations and community groups involved with waste  
15 management and waste reduction;

16 provided that additional stakeholders may be included as the  
17 department deems necessary and relevant.

18 (b) The needs assessment shall detail the resources  
19 required in each county to reduce as much as feasible the  
20 packaging materials waste and paper products that the county  
21 sends to a landfill or power plant that burns municipal solid



1 waste. Additionally, the needs assessment shall consider the  
2 following:

3 (1) Waste and recycling characterizations, including  
4 baseline studies of what is in the waste stream, what  
5 is being recycled, what is being composted, and how  
6 these vary across local jurisdictions;

7 (2) Existing collection infrastructure, including:

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

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

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

14 (D) Improvements in services needed;

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

17 (A) How collected materials are currently being  
18 processed and marketed;

19 (B) Whether the sorting technology is up-to-date;

20 (C) Whether there is sufficient capacity to process  
21 the volume of materials;



- 1 (D) Opportunities and infrastructure needed for more
- 2 local processing of materials; and
- 3 (E) Costs to implement infrastructure improvements;
- 4 (4) Markets, including the state of markets for recovered
- 5 materials and finished compost;
- 6 (5) Education, including the effectiveness of the existing
- 7 outreach in educating residents;
- 8 (6) Levels of contamination in collected packaging
- 9 materials and organics for composting;
- 10 (7) The impact composition of packaging materials has on
- 11 the reuse, recyclability, and compostability of
- 12 packaging materials;
- 13 (8) An evaluation of how extended producer responsibility
- 14 program laws are designed and working in other states
- 15 and countries;
- 16 (9) An evaluation of an appropriate definition of
- 17 "producer" for an extended producer responsibility
- 18 program in Hawaii;
- 19 (10) Equity and environmental justice, including:



- 1 (A) Consideration for how the existing system is  
2 operating and how extended producer  
3 responsibility could increase equity; and  
4 (B) An assessment of equity issues in education  
5 efforts;
- 6 (11) Economic impact, including estimates in job  
7 development from increased reuse, recycling, and  
8 composting;
- 9 (12) Environmental benefits from reduction and reuse and  
10 local versus off-island materials processing;
- 11 (13) How extended producer responsibility can promote  
12 upstream improvement such as source reduction,  
13 packaging redesign and optimization, reduction of  
14 packaging materials that are harmful to human health  
15 or the environment, and reuse and refill practices,  
16 including:
- 17 (A) Identifying opportunities for source reduction,  
18 reuse, and refill in packaging systems; and  
19 (B) Cost and infrastructure needs to implement these  
20 systems; and



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

7 (c) The department of health shall complete and submit the  
8 needs assessment, including any proposed legislation, to the  
9 legislature by December 31, 2026.

10 (d) For the purposes of this section:

11 "Packaging materials" includes materials used for the  
12 containment, protection, or serving of products, including but  
13 not limited to paper, paperboard, cardboard, plastics, glass or  
14 metal or a mixture thereof. "Packaging materials" excludes  
15 beverage containers included under the Hawaii deposit beverage  
16 container program.

17 "Paper products" includes printed materials such as office  
18 paper, magazines, newspaper, and junk mail. "Paper products"  
19 does not include other literary, text, and reference bound  
20 books.



1 "Producer" means an entity that sells packaging materials  
2 into the market and can include a brand owner, licensee, or  
3 first importer.

4 "Refill" means employing packaging materials that the  
5 consumers keep and reuse multiple times instead of throwing it  
6 away after one use.

7 "Reuse" means the return of packaging materials to the  
8 economic stream for use in the same kind of application intended  
9 for the original packaging without changing the original  
10 composition of the package, the identity of the product, or the  
11 components thereof.

12 SECTION 3. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2024-2025 for  
15 the department of health to conduct a statewide needs assessment  
16 to inform the future establishment of an extended producer  
17 responsibility program pursuant to section 2 of this Act.

18 The sum appropriated shall be expended by the department of  
19 health for the purposes of this Act.

20 SECTION 4. In accordance with section 9 of article VII of  
21 the Hawaii State Constitution and sections 37-91 and 37-93,



# H.B. NO. 1688

1 Hawaii Revised Statutes, the legislature has determined that the  
 2 appropriations contained in H.B. No. , will cause the state  
 3 general fund expenditure ceiling for fiscal year 2024-2025 to be  
 4 exceeded by \$ or per cent. In addition, the  
 5 appropriation contained in this Act will cause the general fund  
 6 expenditure ceiling for fiscal year 2024-2025 to be further  
 7 exceeded by \$ or per cent. The combined total  
 8 amount of general fund appropriations contained in only these  
 9 two Acts will cause the state general fund expenditure ceiling  
 10 for fiscal year 2024-2025 to be exceeded by  
 11 \$ or per cent. The reasons for exceeding the  
 12 general fund expenditure ceiling are that:

- 13 (1) The appropriation made in this Act is necessary to
- 14 serve the public interest; and
- 15 (2) The appropriation made in this Act meets the needs
- 16 addressed by this Act.

17 SECTION 5. This Act shall take effect on July 1, 2024.

18

INTRODUCED BY: *Michelle E. Lowen*

JAN 17 2024



# H.B. NO. 1688

**Report Title:**

Packaging Waste; Needs Assessment; Extended Producer Responsibility Program; Department of Health; Appropriation; Expenditure Ceiling

**Description:**

Requires the Department of Health to conduct a statewide needs assessment to determine what would be needed to transition to a more circular system with less waste generation, more reuse, and an extended producer responsibility program for packaging materials and paper products. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 19 2024

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# 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 the State is  
2 committed to reducing waste and conserving resources through  
3 advancing source reduction, reuse, and recycling. However,  
4 additional resources, facilities, and services are needed to  
5 achieve resource conservation and waste reduction targets.

6           The legislature further finds that other states have  
7 adopted legislation to require producers of packaging and  
8 single-use products to take on the responsibility of ensuring  
9 that services are available to reclaim and recycle products when  
10 they reach the end of their useful life. While the producers of  
11 packaging and single-use products sold and distributed in the  
12 State must take responsibility for managing those materials,  
13 there is a need to engage and consult with existing recycling  
14 system stakeholders to better understand the impact that such  
15 legislation would have on the existing waste and recycling  
16 infrastructure. Furthermore, assessing the possible adoption of  
17 producer responsibility legislation for packaging and single-use



1 products could further advance the State's resource and  
2 conservation objectives.

3 The purpose of this Act is to require and appropriate funds  
4 for the department of health to conduct a statewide needs  
5 assessment to inform the future establishment of an extended  
6 producer responsibility program for packaging waste.

7 SECTION 2. (a) The department of health shall conduct a  
8 statewide needs assessment to inform the future establishment of  
9 an extended producer responsibility program for packaging waste.  
10 The assessment shall be conducted in collaboration with the  
11 following stakeholders:

- 12 (1) Each county department responsible for waste  
13 management;
- 14 (2) Recycling service providers;
- 15 (3) Packaging and single-use product producers;
- 16 (4) Retailers;
- 17 (5) Haulers; and
- 18 (6) Organizations and community groups involved with waste  
19 management and waste reduction;

20 provided that additional stakeholders may be included as deemed  
21 necessary and relevant.



1 (b) The needs assessment shall detail the resources needed  
2 to reduce each respective county's packaging waste that the  
3 county sends to a landfill or power plant that burns municipal  
4 solid waste as fuel. Additionally, the needs assessment shall  
5 consider the following:

6 (1) Waste and recycling characterizations, including:

7 (A) Baseline studies of what is in the waste stream,  
8 what is being recycled, and how these vary across  
9 local jurisdictions; and

10 (B) Whether an extended producer responsibility  
11 program in the State should address a broader  
12 waste stream than just packaging waste;

13 (2) Existing collection infrastructure, including:

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

16 (B) How collection services are arranged and funded;  
17 and

18 (C) Improvements in services to meet existing basic  
19 standards;

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



- 1 (A) How collected materials are currently being
- 2 processed and marketed;
- 3 (B) Whether the sorting technology is up-to-date; and
- 4 (C) Whether there is sufficient capacity;
- 5 (4) Markets, including the state of markets for recovered
- 6 materials;
- 7 (5) Education, including the effectiveness of the existing
- 8 outreach in educating residents;
- 9 (6) Levels of contamination in collected materials;
- 10 (7) An evaluation of how extended producer responsibility
- 11 program laws are designed and working in other states
- 12 and countries;
- 13 (8) Equity and environmental justice, including
- 14 (A) Consideration for how the existing system is
- 15 operating and how extended producer
- 16 responsibility could improve this; and
- 17 (B) An assessment of equity issues in education
- 18 efforts;
- 19 (9) Economic impact, including estimates in job
- 20 development from increased recycling;
- 21 (10) Environmental benefits from increased recycling; and



1 (11) How extended producer responsibility can promote  
2 upstream improvement such as source reduction, reuse,  
3 and refill practices.

4 (c) The department of health shall complete and submit the  
5 needs assessment, including any proposed legislation, to the  
6 legislature by December 31, 2024.

7 (d) For the purposes of this section, "packaging waste"  
8 means the part of solid waste that consists of packaging and  
9 packaging material, including plastic food containers; liquid  
10 containers made of plastic, glass, aluminum, or steel; flexible  
11 plastic containers; plastic film; cardboard; paperboard; and  
12 paper.

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2024-2025 for  
16 the department of health to conduct a statewide needs assessment  
17 to inform the future establishment of an extended producer  
18 responsibility program pursuant to section 2 of this Act.

19 The sum appropriated shall be expended by the department of  
20 health for the purposes of this Act.



1           SECTION 4. In accordance with section 9 of article VII of  
2 the Hawaii State Constitution and sections 37-91 and 37-93,  
3 Hawaii Revised Statutes, the legislature has determined that the  
4 appropriations contained in H.B. No.           , will cause the state  
5 general fund expenditure ceiling for fiscal year 2024-2025 to be  
6 exceeded by \$           or           per cent. In addition, the  
7 appropriation contained in this Act will cause the general fund  
8 expenditure ceiling for fiscal year 2024-2025 to be further  
9 exceeded by \$           or           per cent. The combined total  
10 amount of general fund appropriations contained in only these  
11 two Acts will cause the state general fund expenditure ceiling  
12 for fiscal year 2024-2025 to be exceeded by  
13 \$           or           per cent. The reasons for exceeding the  
14 general fund expenditure ceiling are that:

- 15           (1) The appropriation made in this Act is necessary to  
16           serve the public interest; and  
17           (2) The appropriation made in this Act meets the needs  
18           addressed by this Act.



# S.B. NO. 2368

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2

SECTION 5. This Act shall take effect on July 1, 2024.

INTRODUCED BY:

*Nick Hubbard*



# S.B. NO. 2368

**Report Title:**

Packaging Waste; Needs Assessment; Extended Producer Responsibility Program; Department of Health; Appropriation; Expenditure Ceiling

**Description:**

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. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

