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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 purpose of this Act is to protect the  
2 environment and reduce costs to taxpayers by establishing a zero  
3 waste initiative and packaging reduction and reuse program, with  
4 participation and funding from large producers of consumer  
5 packaged goods. The program shall be developed through:

6           (1) An implementation plan that:

7                   (A) Requires the department of health, with the  
8 assistance from each county, to develop an  
9 assessment of statewide needs to determine  
10 resources required to reduce packaging waste by  
11 seventy per cent from the baseline amount, with  
12 priority on waste prevention through eliminating  
13 unnecessary packaging and switching to reusable  
14 packaging systems;

15                   (B) Establishes an advisory council composed of  
16 relevant stakeholders that will advise the  
17 department of health on how to structure a



- 1 producer-funded packaging reduction and reuse  
2 program; and  
3 (C) Requires the department of health to develop the  
4 packaging waste reduction and reuse program; and  
5 (2) A packing waste reduction and reuse plan and program  
6 that:  
7 (A) Develops a packaging waste reduction and reuse  
8 program implementation plan by December 31, 2025,  
9 including decisions on producer funding after  
10 public process; and  
11 (B) Beginning July 1, 2026, implements a packaging  
12 waste reduction and reuse plan funded in whole or  
13 in part by producers.

14 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
15 amended by adding a new part to be appropriately designated and  
16 to read as follows:

17 **"PART . ZERO WASTE INITIATIVE AND PACKAGING REDUCTION AND**  
18 **REUSE PROGRAM**

19 **§342G-A Definitions.** Whenever used in this part, unless a  
20 different meaning clearly appears from the context:



1 "Advisory council" means the packaging waste advisory  
2 council established pursuant to section 342G-C.

3 "Baseline amount" means the weight and number of items of  
4 packaging waste each county determines was sent to its  
5 landfills, a power plant that burns municipal solid waste as a  
6 fuel, or both, during calendar year 2024.

7 "Brand" means a name, symbol, word, or mark that identifies  
8 a product, rather than its components, and attributes the  
9 product to the owner of the brand.

10 "Consumer packaged goods" means a product that is sold  
11 quickly and at a relatively low cost, such as prepared food and  
12 beverages in food service, packaged foods, non-deposit  
13 beverages, household cleaning products, toiletries, personal  
14 care products, cosmetics, over-the-counter drugs, pet supplies,  
15 and other products, as determined by the department upon  
16 considering the recommendations of the advisory council.

17 "Covered producer" means a packaging producer selling a  
18 large amount of consumer packaged goods in the State, as  
19 determined by the department upon considering the  
20 recommendations of the advisory council, but shall not include



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1 producers of low or medium amounts as defined by rule by the  
2 department.

3 "Packaging reduction" means the reduction of the weight and  
4 number of items of packaging used to provide products for  
5 consumption.

6 "Person" means any individual, partnership, firm,  
7 association, public or private corporation, limited liability  
8 company, not-for-profit organization, public benefit  
9 corporation, public authority, federal agency, the State or any  
10 of its political subdivisions, trust, estate, or any other legal  
11 entity.

12 "Producer", with respect to packaging material, means:

13 (1) Any person, except for the State or any of its  
14 political subdivisions, that manufactures or uses in a  
15 commercial enterprise, sells, offers for sale, or  
16 distributes the packaging material in the State under  
17 the brand of the manufacturer;

18 (2) An entity that is not the manufacturer of the  
19 packaging material but is the owner or licensee of a  
20 trademark under which the covered product is used in  
21 commercial enterprise, sold, offered for sale, or



1 distributed in the State, whether or not the trademark  
2 is registered; or

3 (3) An entity that imports the packaging material into the  
4 United States or the State for use in a commercial  
5 enterprise, sale, offer for sale, or distribution in  
6 the State.

7 "Returnable" means that a product can be conveniently  
8 returned after use to a reuse or return system.

9 "Reusable packaging" means a product or packaging that is:

- 10 (1) Reusable, refillable, or returnable;
- 11 (2) Non-toxic;
- 12 (3) Safe for washing and sanitizing according to  
13 applicable state food safety laws; and
- 14 (4) Part of a system that achieves multiple cycles of use,  
15 equitable access, and reduce waste.

16 "Reuse and refill" means the return of packaging back into  
17 the economic stream for use in the same kind of application  
18 intended for the original packaging, without changing the  
19 original composition or purpose of the product or the components  
20 thereof.



1 "Zero waste" means the conservation of all resources by  
2 means of responsible production, consumption, reuse, and  
3 recovery of products, packaging, and materials without burning  
4 and with no discharges to land, water, or air that threaten the  
5 environment or human health.

6 **§342G-B Hawaii zero waste initiative program.** (a) There  
7 is established within the department a Hawaii zero waste  
8 initiative program to manage the State's transition from a  
9 linear economy that disposes of solid waste, often after only a  
10 single-use, to a circular economy that prioritizes reducing and  
11 reusing much of the State's solid waste. The zero waste  
12 initiative program shall design, implement, and administer  
13 activities that include:

- 14 (1) Strategic partnerships for the research, development,  
15 testing, certification, and deployment of reusable  
16 packaging technologies;
- 17 (2) Engineering and economic evaluations of Hawaii's  
18 potential for near-term project opportunities for the  
19 State's zero waste resources;



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- 1           (3) A statewide zero waste public education and outreach  
2           plan to be developed in coordination with the  
3           University of Hawaii;
- 4           (4) Promotion of Hawaii's reusable packaging resources to  
5           potential partners and investors; and
- 6           (5) A plan, to be implemented from 2026 to 2029, to assist  
7           the State and each county in transitioning toward zero  
8           waste.
- 9           (b) Before the initiation of any activities authorized  
10          under subsection (a), the department shall develop a plan of  
11          action to effectively prioritize and focus efforts consistent  
12          with the State's zero waste programs and objectives.
- 13          (c) The department shall submit a report to the  
14          legislature no later than twenty days prior to the convening of  
15          each regular session on the status and progress of new and  
16          existing zero waste initiatives. The report shall also include:
- 17               (1) The spending plan of the Hawaii zero waste initiative  
18               program;
- 19               (2) All expenditures of funds available for zero waste  
20               initiatives; and



1           (3) The targeted markets of the expenditures, including  
2           reasons for selecting those markets, the persons to be  
3           served, specific objectives of the program, and  
4           program expenditures, including measurable outcomes.

5           **§342G-C Packaging waste advisory council; duties;**  
6 **established.** (a) On or before January 1, 2024, the department  
7 shall establish a packaging waste advisory council, which shall  
8 advise the department on the needs assessment pursuant to  
9 section 342G-D and packaging waste reduction and reuse plan  
10 pursuant to section 342G-F.

11           (b) The advisory council shall:  
12           (1) Provide recommendations to the department on how best  
13           to achieve a seventy per cent reduction in packaging  
14           waste sent to landfills or incinerated;

15           (2) Advise the department in the development of a  
16           producer-funded packaging waste reduction and reuse  
17           program that addresses the following:

18           (A) The types of materials being used for packaging  
19           by product, products eligible for reuse and  
20           refill, and products targeted for waste reduction  
21           and diversion;



- 1 (B) The costs to transition to systems that reduce  
2 waste or encourage reusable packaging and the  
3 portion of those costs that will be covered by  
4 producers;
- 5 (C) The programs and infrastructure that are needed  
6 in Hawaii to divert packaging waste from  
7 landfilling and incineration and the costs of  
8 developing and running those waste diversion  
9 programs;
- 10 (D) The needs and costs to improve Hawaii's packaging  
11 materials collection systems and sorting and  
12 processing facilities, including the portion of  
13 the costs that will be covered by producers;
- 14 (E) The size of producers to be included as "covered  
15 producers" engaged in the program;
- 16 (F) The metrics that should be utilized to determine  
17 the amount of fees collected from producers;
- 18 (G) The metrics that should be used to determine the  
19 baseline amount of packaging generated by each  
20 producer and for subsequent reporting, noting  
21 that weight alone shall not be considered a



1 sufficient metric since transitioning to single-  
2 use plastic to meet the requirements of reduction  
3 is not considered acceptable;

4 (H) The covered products to include in the program;

5 (I) The packaging material requirements that  
6 producers shall follow and the timeline for  
7 meeting such requirements;

8 (J) The state and county staffing needs to support a  
9 packaging reduction and reuse program;

10 (K) The administrator of the program; and

11 (L) The viable alternative packaging solutions for  
12 locally made and imported products;

13 (3) Be subject to section 26-34; and

14 (4) Perform any relevant analysis and make appropriate  
15 recommendations for the legislature, department,  
16 counties, and other stakeholders in developing  
17 criteria for reuse and refill programs.

18 The advisory council's recommendations shall include how to  
19 transition each county to develop and integrate new programming,  
20 or expansion of existing programming, to achieve the goals of



1 the packaging waste reduction and reuse program to be developed  
2 and implemented pursuant to section 342G-F.

3 (c) The advisory council shall consist of the following  
4 members:

5 (1) The director of health or the director's designee, who  
6 shall serve as the chair of the advisory council;

7 (2) The chairs of the standing committees in the senate  
8 and the house of representatives with primary subject  
9 matter jurisdiction over the environment or the  
10 chairs' designees;

11 (3) A representative from the city and county of Honolulu  
12 department of environmental services with experience  
13 in sustainable waste management;

14 (4) A representative from the county of Maui department of  
15 environmental management with experience in  
16 sustainable waste management;

17 (5) A representative from the county of Kauai department  
18 of public works with experience in sustainable waste  
19 management;



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- 1           (6) A representative from the county of Hawaii department  
2           of environmental management with experience in  
3           sustainable waste management;
- 4           (7) One representative of community organizations in each  
5           of the four counties that have focused on packaging  
6           waste reduction, selected by the chair;
- 7           (8) One expert in governmental activities regarding  
8           programs to achieve packaging waste reduction  
9           nationally and internationally, selected by the chair;
- 10          (9) Three representatives of large producers of packaging  
11          waste from consumer packaging goods in Hawaii,  
12          selected by the chair;
- 13          (10) One representative of Hawaii small businesses that  
14          manufacture products in the State, selected by the  
15          chair;
- 16          (11) Two national experts in reusable packaging who are not  
17          affiliated with any packaging producers in Hawaii,  
18          selected by the chair; and
- 19          (12) Two representatives from recycling and waste hauling  
20          businesses working in Hawaii, selected by the chair.



1           (d) The members of the advisory council shall serve for  
2 two-year terms and may be reappointed by the chair. The members  
3 shall serve without compensation but shall be reimbursed by the  
4 department for expenses, including travel expenses necessary for  
5 the performance of their duties.

6           (e) The chair shall determine how often the advisory  
7 council shall meet. The council meetings shall be open to the  
8 public and are subject to chapter 92. The department shall  
9 provide administrative support to the advisory council. The  
10 department may hire a facilitator to administer the advisory  
11 council.

12           **§342G-D Needs assessment.** (a) The department, with  
13 assistance from each county and advice and input from the  
14 advisory council, shall develop a statewide needs assessment,  
15 which shall detail the resources needed to reduce packaging  
16 waste from each respective county's baseline amount by seventy  
17 per cent by 2030; provided that for a county with a population  
18 greater than five hundred thousand:

19           (1) The needs assessment shall detail the resources needed  
20           to reduce its packaging waste that the county sends to



1 a landfill or to a power plant that burns municipal  
2 solid waste as a fuel; and

3 (2) The county shall categorize its resource needs by  
4 method of packaging waste disposal.

5 (b) The department shall compile the needs assessments and  
6 consolidate them along with any recommendations made by the  
7 counties and work with the advisory council to develop an  
8 implementation plan as described in section 342G-F; provided  
9 that priority shall be given to packaging reuse and refill  
10 programs.

11 **§342G-E Packaging waste special fund.** (a) There is  
12 established in the state treasury the packaging waste special  
13 fund into which shall be deposited:

14 (1) All fees, payments, and penalties collected by the  
15 department pursuant to this part;

16 (2) Any appropriation by the legislature into the special  
17 fund;

18 (3) Any grant or donation made to the special fund; and

19 (4) Any interest earned on the balance of the special  
20 fund.



1 (b) The packaging waste special fund shall be administered  
2 by the department.

3 **§342G-F Packaging waste reduction and reuse plan and**  
4 **program; implementation.** (a) The department shall develop a  
5 producer-funded waste reduction and reuse plan to achieve the  
6 goal of a seventy per cent reduction of the amount of packaging  
7 waste deposited in landfills or incinerated in the State by  
8 2030. The plan shall:

- 9 (1) Determine what producers and products shall be  
10 covered;
  - 11 (2) How fees shall be set;
  - 12 (3) How reduction shall be measured; and
  - 13 (4) Reporting requirements for the producers;
- 14 provided that reduction shall not be measured by reducing the  
15 weight of packaging as it is against the goals of the State to  
16 increase the use of single-use plastics.

17 (b) By July 1, 2025, the department shall issue a draft  
18 implementation plan designed to achieve a seventy per cent  
19 reduction of packaging waste deposited in landfills or  
20 incinerated in the State by 2030 for review and comment by the  
21 advisory council. Within sixty calendar days after receiving



1 the draft plan, the advisory council shall provide  
2 recommendations based on majority vote. Any advisory council  
3 member who does not endorse the recommendations of the council  
4 may submit a separate written recommendation to the department  
5 reflecting a minority opinion. The department shall consider  
6 the recommendations of the advisory council in developing the  
7 final draft for public review. By December 31, 2025, the  
8 department shall publish a final draft implementation plan for  
9 public review and comment pursuant to chapter 91. The public  
10 shall have ninety calendar days to provide written and oral  
11 comment. The department shall consider public input in  
12 developing a final plan.

13 (c) On or before July 1, 2026, the department shall  
14 publish a final packaging waste reduction and reuse  
15 implementation plan, including an implementation strategy  
16 designed to achieve a seventy per cent reduction of packaging  
17 waste deposited in landfills or incinerated in the State by  
18 2030, with funding in whole or in part from covered producers  
19 beginning on July 1, 2026.

20 **§342G-G Hiring process initiation.** The department and  
21 counties shall hire contractors or employees in order to be



1 ready to implement the packaging waste reduction and reuse  
2 program beginning July 1, 2026.

3 **§342G-H Rules.** The department may adopt rules pursuant to  
4 chapter 91 necessary to implement this part.

5 **§342G-I Annual report.** The department shall submit an  
6 annual report to the legislature no later than twenty days prior  
7 to the convening of each regular session, beginning one year  
8 after the establishment of the packaging waste reduction and  
9 reuse program. The report shall contain a summary of the  
10 following:

- 11 (1) Progress made toward achieving the seventy per cent  
12 packaging waste reduction goal, including the amount  
13 of packaging eliminated by weight and number of items;
- 14 (2) The needs assessments;
- 15 (3) Moneys deposited into the packaging waste special  
16 fund;
- 17 (4) The use of any moneys from the packaging waste special  
18 fund; and
- 19 (5) Any other findings and recommendations, including any  
20 proposed legislation.



1           **§342G-J Applicability.** This part shall not apply to any  
2 material that is regulated by the department as a deposit  
3 beverage or used in the packaging of a product that is regulated  
4 as a drug, medical device, or dietary supplement by the United  
5 States Food and Drug Administration under the Federal Food,  
6 Drug, and Cosmetic Act or the Dietary Supplement Health and  
7 Education Act of 1994."

8           SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$                    or so  
10 much thereof as may be necessary for fiscal year 2023-2024 and  
11 the same sum or so much thereof as may be necessary for fiscal  
12 year 2024-2025 to be deposited into the packaging waste special  
13 fund established pursuant to section 342G-E, Hawaii Revised  
14 Statutes.

15           SECTION 4. There is appropriated out of the packaging  
16 waste special fund established pursuant to section 342G-E,  
17 Hawaii Revised Statutes, the sum of \$                    or so much  
18 thereof as may be necessary for fiscal year 2023-2024 and the  
19 same sum or so much thereof as may be necessary for fiscal year  
20 2024-2025 for the department of health to fund contractors or  
21 two full-time equivalent (2.0 FTE) permanent packing reduction



1 coordinator positions; provided that one coordinator position  
2 shall administer the packaging reduction program and assist the  
3 counties and one coordinator position shall develop rules,  
4 oversee and manage goals and objectives related to packaging  
5 waste reduction, and develop reports.

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

8 SECTION 5. There is appropriated out of the packaging  
9 waste special fund established pursuant to section 342G-E,  
10 Hawaii Revised Statutes, the sum of \$ or so much  
11 thereof as may be necessary for fiscal year 2023-2024 and the  
12 same sum or so much thereof as may be necessary for fiscal year  
13 2024-2025 to fund and manage the packaging waste advisory  
14 council established pursuant to section 342G-C, Hawaii Revised  
15 Statutes, including any facilitator.

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

18 SECTION 6. This Act shall take effect on July 1, 2023.



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INTRODUCED BY: Wade E. Lowen  
JAN 25 2023



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**Report Title:**

Packaging Waste Reduction and Reuse Plan and Program; Department of Health; Producer; Appropriation

**Description:**

Establishes the Hawaii zero waste initiative program to, among other things, manage the State's transition to reduce and reuse solid waste. Establishes the packaging waste advisory council. Requires the department of health to develop an assessment of statewide needs to determine the resources required to reduce packaging waste by seventy percent from the baseline amount. Establishes a packaging waste reduction and reuse program. 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.*

