

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
HOUSE BILL NO. 2399, H.D. 1, S.D. 1

April 5, 2022
10:30 a.m.
Room 211 and Videoconference

RELATING TO WASTE MANAGEMENT

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2399, H.D. 1, S.D. 1, establishes an extended producer responsibility program (EPRP) which:

- Prohibits unregistered covered producers from selling or offering for sale any fast-moving consumer good beginning and ending on a date determined by administrative rule.
- Requires covered producers to register with the Department of Health (DOH) and pay a fee of \$150 for each metric ton of packaging placed in the market in the State.
- Establishes the Extended Producer Responsibility Special Fund (EPRSF).
- Requires each county to develop a countywide needs assessment for resources needed to reduce the amount of packaging waste sent to landfills.
- Requires DOH to submit an annual report to the Legislature that contains a summary of the county needs assessments and a summary of the EPRSF.
- Appropriates an unspecified amount in general funds in FY 23 for deposit into the EPRSF.

- Exempts any material that is used in the packaging of a product that is regulated as drug, medical device, or dietary supplement by the United States Food and Drug Administration from this act.
- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the counties to prepare countywide need assessments.
- Appropriates an unspecified amount in special funds from the EPRSF in FY 23 for the administration of the EPRP.
- Appropriates an unspecified amount in general funds in FY 23 to DOH for 1.00 full-time equivalent position for the EPRP.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

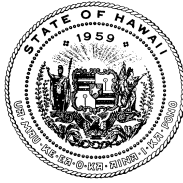
- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Additionally, as a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2399, H.D. 1, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.



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

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of HB2399 HD1 SD1
RELATING TO WASTE MANAGEMENT**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 4/5/2022

Room Number: Via Videoconference

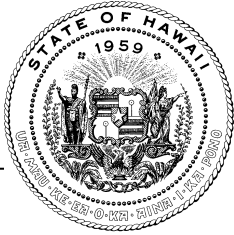
1 **Fiscal Implications:** Costs to implement this measure will impact the priorities identified in the
2 Governor's Executive Budget Request for the Department of Health's (Department)
3 appropriations and personnel priorities. The Department estimates that it will need to establish
4 three positions, one initially via appropriation by the State Legislature, and all three subsequently
5 funded by the extended producer responsibility (EPR) special fund created by this bill.

6 **Department Testimony:** Packaging waste is a significant pollutant and addressing packaging
7 waste will benefit the State and protect the environment, economy, and public health. Costs to
8 develop and implement solutions to address packaging waste is currently borne by taxpayers in
9 the State and counties, and HB2399 HD1 SD1 proposes an innovative solution to require
10 producers of excessive packaging waste to be accountable for their products.

11 The Department supports HB2399 HD1 SD1 to implement an EPR program to address
12 packaging waste through the counties. Each county is best suited to address its own solid waste
13 issues, and creating a mechanism where producers work directly with each county, supported by
14 State oversight and enforcement, can address longstanding issues due to population density and
15 shipping logistics on the neighbor islands.

16 **Offered Amendments:** None

17 Thank you for the opportunity to testify on this measure.



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
SENATE COMMITTEE ON WAYS AND MEANS

Tuesday, April 5, 2022
10:30 AM
State Capitol, Conference Room 211 & Videoconference

SUPPORT
HB 2399, HD1, SD1
RELATING TO WASTE MANAGEMENT.

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee, the Hawai'i State Energy Office (HSEO) supports HB 2399, HD1, SD1, which establishes an Extended Producer Responsibility Program; requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year; provides for the deposit of fees into an Extended Producer Responsibility Special Fund; provides for the expenditure of moneys from the Extended Producer Responsibility Special Fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule; and appropriates moneys.

HSEO's testimony is guided by its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy, decarbonized economy. HSEO is also mandated to support the state's zero emission clean economy target set forth in Chapter 225P, Hawai'i Revised Statutes (HRS). Section 196-72, HRS, directs the Chief Energy Officer to "... review proposed state actions that may have a significant effect on the State's energy and decarbonization

goals, ...to advocate for the State's decarbonization goals... and to support economic development and innovation initiatives.”

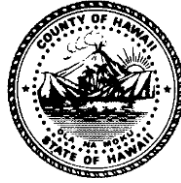
Requiring corporations that generate more than 10,000 metric tons of packaging waste, and sell more than \$500,000,000 worth of fast-moving consumer goods worldwide, to pay into a special Hawai'i Extended Producer Responsibility (EPR) fund will incentivize the reduction of packaging waste and the resulting greenhouse gas emissions from transporting them and burning them; and will incentivize innovative packaging alternatives. It will also reassign the disposal cost burden from local consumers to the packaging originators, while reducing pressure on Hawai'i's landfills and threats to ground water and other natural resources.

HSEO defers to the appropriate agencies for comment on the implementation and fiscal implications of the requirements of the bill.

Thank you for the opportunity to testify.

Mitchell D. Roth
Mayor

Lee Lord
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

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April 1, 2022

Sen. Donovan Dela Cruz, Chair, and
Members of the Committee on Ways and Means

Dear Chair Dela Cruz, and WAM Committee Members,

The County of Hawai'i Department of Environmental Management **supports HB 2399 HD1 SD1** to implement an EPR program to address packaging waste through the counties. Each county is best suited to address its own solid waste issues. Creating a mechanism where producers work directly with each county can address longstanding issues due to population density and shipping logistics on all islands.

Hawai'i's market share is small, but its low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

The corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, 16 of the top 20 are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable, or compostable.

Further, and perhaps most important, our national collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. This legislation compels the top producers to take the lead on developing reuse strategies by effectively partnering them with the County of Hawai'i and its community-driven zero waste movement.

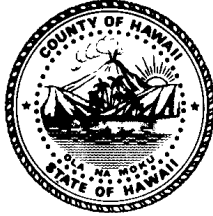
Sincerely

Ramzi Mansour, Director
Department of Environmental Management, County of Hawai'i

HEATHER L. KIMBALL

Council Member

*Chair, Committee on Governmental Operations,
Relations and Economic Development
Council District 1*



Contact Information

(808) 961-8828

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heather.kimball@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720*

TO: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

FROM: Heather L. Kimball
Council Member, District 1

A handwritten signature in cursive script that reads "Heather L. Kimball".

DATE: April 1, 2022

SUBJECT: **SUPPORT HB 2399, RELATING TO WASTE MANAGEMENT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to establish an extended producer responsibility program.

In this instance I am providing testimony in my capacity as an individual member of the Hawai'i County Council.

I **SUPPORT** this measure for the following reasons:

1. Reducing packaging waste benefits the state, the counties and our residents by protecting the environment and public health.
2. It shifts the cost of addressing packaging waste from the consumer to producers.
3. Corporations who produce the most consumer goods and associated packaging waste have the responsibility and the means to address this issue.
4. Places emphasis on reuse to address packaging waste.
5. Provides funding for mandated County needs assessments.
6. Positions the state to receive matching funds from the federal "Recycling is Infrastructure Too" initiative.

For these reasons, I **SUPPORT** HB 2399 Relating to Waste Management.

LATE

MICHAEL P. VICTORINO
Mayor

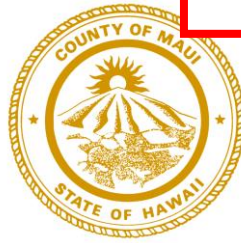
ERIC A. NAKAGAWA, P.E.
Director

ROBERT SCHMIDT
Deputy Director

MICHAEL KEHANO, P.E.
Solid Waste Division

SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division

TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793

April 5, 2022

TESTIMONY OF TAMARA L. FARNSWORTH
COUNTY OF MAUI, MANAGER OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY
DIVISION

BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS
Tuesday, April 5, 2022, 10:30 a.m.
Via Videoconference

In consideration of **HOUSE BILL 2399 HD1 SD1 RELATING TO WASTE MANAGEMENT**
Honorable Donovan M. Dela Cruz, Chair
Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Honorable Members of the Senate Committee on Ways and Means

The County of Maui Department of Environmental Management stands in **SUPPORT of HB2399 HD1 SD1** which would: establish an extended producer responsibility program within the Department of Health for large-scale manufacturers of “fast-moving consumer goods”; appropriate funds for one additional position to administer the program; and direct moneys to the four counties to conduct a baseline and needs assessment study in order to achieve an 80% reduction of packing waste.

Extended Producer Responsibility (EPR) programing is the next frontier in sustainable waste management—this is clear from the number of top producing companies standing behind and budgeting for the Global Commitment for a New Plastics Economy. As the County of Maui moves forward with adopting Zero Waste principles and practices as policy, EPR is recognized as one of the highest priorities to achieve these goals. This bill represents a “transitional EPR” model which will assist the counties in determining a baseline and needs to significantly reduce packaging waste. Currently, the burden of managing this waste falls on municipal systems, county agencies, and county taxpayers. EPR highlights and re-establishes the responsibility that product manufacturers should take for the full life cycles of the products they make. This will encourage innovation in packaging reuse and design for end of life and/or recycling for the products they manufacture, as well as financially providing for the circular economic model that will relieve some of the skewed disposal burden consumers and municipalities currently experience.

Due to the importance and extent of this program, we support funding for three (3) additional positions and additional time to implement the requirements, as identified by the Department of Health. Thank you for the opportunity to provide testimony **in support of HB 2399 HD1 SD1**.

HB-2399-SD-1

Submitted on: 3/31/2022 3:10:58 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Testifying for apollo kauai, zero waste kauai	Support	Written Testimony Only

Comments:

aloha house members,

As a founding member of Zero Waste Kaua'i, Producer Responsibility is just one more tool we have to lessen our waste stream. It's irresponsible to make this "stuff" our problem. HB2399 has received strong support, while also providing new green business opportunities.

HB2399 - Passing this bill is a smart move for Hawaii as it will positively benefit our local businesses and the environment.

Mahalo nui loa,

Pamela Burrell

Kilauea. Kaua'i

Chair Donovan M. Dela Cruz
Vice-Chair Gilbert S.C. Keith-Agaran
Senate Committee on Ways & Means
Tuesday, April 5, 2022
10:30 AM
Conference Room 221



RE: Support of HB2399 HD1SD1 with Amendments - Waste Management

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran & Committee Members,

Thank you for the opportunity to testify on behalf of the Chamber of Sustainable Commerce in strong support of HB2399 HD1SD1, urging amendments to remove the exemption for multinational corporations that produce pharmaceuticals, processed foods, medical devices or dietary supplements. Regardless of the “societal good” they may or may not provide, their packaging still fouls our biosphere. As business owners who believe in strengthening our economy without hurting employees, communities and the environment, we believe this committee should launch this narrowly tailored program without any overly broad exemptions.

As the larger community awakens to the environmental racism embedded in siting incinerators and landfills, opposition to these practices are growing. With that added attention, governments are looking for alternatives: reuse strategies are the most effective means for reducing packaging waste, which represents about 40% of the state's waste stream.

If passed into law, HB2399 HD1 will establish a model for extended producer responsibility (EPR) which is well suited to Hawaii's unique environmental, social and economic conditions. By engaging those producers with the means to distribute the cost of pilot reuse programs over a market share of at least \$500 million, this legislation puts the responsibility for underwriting these programs where it rightfully lies: on businesses that set global trends for design and marketing.

By directing those funds to cover the costs of reuse programs that include producers, county agencies and community groups (as project partners), this legislation gives rise to collaborations that can effectively reduce the volume of waste Hawaii sends to incinerators and/or landfills. While other EPR programs in the U.S. aim to create a layer of bureaucracy and vested interests that will permanently increase costs to consumers, the transitional nature of this proposed program places an appropriate degree of responsibility on the producers that can afford to invest in sweeping systemic change.

Hawaii Legislative Council	Kim Coco Iwamoto AQuA Rentals, LLC Honolulu	Elle Cochran Maui Surfboards Maui	Russel Ruderman Island Naturals Hilo / Kona	Joell Edwards Wainiha Country Market Kauai	Maile Meyer Na Mea Hawaii Honolulu
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Greg Maples, Chairman – Polynesian Cultural Center **Ryan Tanaka, Incoming Chair-** Giovanni Pastrami

Ave Kwok, Vice Chair- Jade Dynasty **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

Sheryl Matsuoka, Executive Director **Chivon Garcia**, Executive Assistant **Holly Kessler**, Director of Membership Relations

Date: March 31,2022

To: Senator Donovan m. Dela Cruz, Chair
 Senator Gilbert S>C> Keith-Agaran, Vice Chair
 Committee on Ways and Means

From: Victor Lim, Legislative Lead

Subj: HB 2399, HD1, SD1 Relating to Waste Management Fee

The Hawaii Restaurant Association representing 3,400+ restaurants stand in opposition to HB 2399, HD1, SD1 that in the name of Extended Producer Responsibility, establishes a state mandated fee or tax. After two years of Covid Pandemic that shut down many businesses here and left the ones that are still in business hanging on a shoe string, this will make our situation worse.

While we are facing a global supply chain crisis along with unprecedented inflation, we have a state budget with a surplus so why do we want to try and shut down more businesses.

The Hawaii Restaurant Association was a member of the Plastic Source Reduction Working Group that convened in 2020 per Act 254 as established by the Legislature. We engaged in extensive discussion about Extended Producer Responsibility and in the Final Report that was unanimously approved by the whole group, made the following recommendation (To Undertake A Fair And Careful Study Of Extended Producer Responsibility).

This Plastic Source Reduction Working Group understand that this is a very complicated challenge and needs further study because we are at least 2,500 miles from the mainland USA and other populated land mass.. Since we don't do any major manufacturing nor do we have composting and recycling facilities here in this state, the high cost of shipping in and out of this state in turn poses a major challenge.

Without doing further study on this very complicated issue and going straight to charging fees or tax as calls for by this bill at this point just doesn't make good logic.

Please hold this bill for all the above reasons. Thank you for giving us this opportunity to share our concerns..



HB-2399-SD-1

Submitted on: 4/1/2022 5:37:07 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Testifying for Recycle Hawaii and Clean the Pacific	Support	Written Testimony Only

Comments:

EPR, Extended Product Responsibility HB 2399

This Bill would require manufacturers to be responsible for reducing or eliminating packaging altogether, or packaging their product in a reusable package, or facilitate recycling if there's no other solution. This is our chance to all come together and create a whole new dynamic, a whole new way to visualize and structure our supply chain. It doesn't end at the cash register, currently it ends in the ocean, our streets, the landfill, the atmosphere. The world now produces 380 million tons of plastic each year. [<https://ourworldindata.org/plastic-pollution>] We can no longer ignore these facts. We can no longer continue with this behavior. The time has come to take responsibility for our actions, all of us, citizens, governments and corporations. Let's change that linear thinking and close the loop.

As you read this testimony, there's a good chance you're breathing plastic. On average, we consume about half a pound of plastic per year. "...the average American eats and drinks in about 45,000 plastic particles smaller than 130 microns annually, while breathing in roughly the same number." [<https://phys.org/news/2019-06-consume-credit-card-worth-plastic.html>] I know you've read about how plastics can take hundreds of years to break down in the environment, but in reality, it never breaks down. Plastics are made from oil and methane gas. Those substances have been decomposing for millions of years and they have already broken down into their lowest common denominator. All we've done is released them into our environment. Now we need to get control of these substances, because they are literally killing us and our children.

As I'm sure you remember, matter and energy cannot be created or destroyed, only transformed. That's why incineration, or "waste to energy" is an illusion. Yes, some of the energy in our rubbish is transformed into heat to make electricity, but much of it is just more waste, into the atmosphere. In the burning of rubbish releases tons of CO2 and thousands of different chemical compounds into the atmosphere. We like to pretend that fire destroys things, but it doesn't, it transforms things and those things end up poisoning our air, water and land. Also, incineration is a linear mindset. We cannot continue to extract materials from our natural world and then destroy them. We live on a finite sphere and we've used it all up, there's no place left for the other animals. We can't survive without those other animals. Capitalism competes with those animals for real estate and resources. Today 200 species of animals will go extinct, gone forever. Tomorrow 200 more will disappear. Everyday we lose 200 species of animals. We're losing animal species now at a rate that's faster than after the meteor hit 65

million years ago. The biggest driver of this extinction event is loss of habitat. We can't continue to destroy their habitat to maintain this linear economic model. We have to close the loop or they'll die and if they die, we'll die.

Please, there's no time to waste, we have to act now. Legislators before you have kicked this plastic bottle down the road, now you have to pick it up. It's not fair, and you can blame them, blame us, blame humanity, but at some point, someone has to do something to stop this insanity and that person is you, and the time is now.

April 5, 2022

Senator Donovan Dela Cruz
Chair, Committee on Ways and Means
Hawaii State Senate

Senator Gilbert Keith-Agaran
Vice Chair, Committee on Ways and Means
Hawaii State Senate

RE: HB 2399, HD1, SD1 – Relating to Waste Management – Extended Producer Responsibility

Thank you for the opportunity to share our perspective on House Bill 2399 which is being heard before your committee. The American Cleaning Institute® (ACI) is the trade association representing the \$60 billion U.S. cleaning products market. ACI members include the formulators of soaps, detergents and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers. ACI and its members are dedicated to improving the health and quality of life through sustainable cleaning products and practices. ACI's mission is to support the sustainability of the cleaning products industry through research, education, outreach and science-based advocacy.

The optimization of ACI member company product packaging is a priority to deliver the performance of the products ACI members produce. It is for this reason that we have established guiding principles that help us ensure our products which provide hygiene and cleanliness do so in a manner that is environmentally sound, socially responsible and economically viable without compromising the ability of future generations to meet their needs. Our members have collaborated on guidelines to help direct packaging design and manufacturing. And we have charted a roadmap to help us achieve 100% collection and reuse, recycling or composting of cleaning product packaging waste by 2040.

ACI appreciates that the Legislature is lending time to the issue of packaging recycling in the state. We recognize that industry has a role to play in ensuring a sustainable future. The proposed bill would place greater responsibility on consumer goods companies to finance the recovery of their packaging. ACI continues to deliberate what a producer responsibility organization should look like to garner the greatest results.

Today, many ACI members are actively participating in and funding initiatives to prevent plastic waste from entering the environment. Here are some of those projects.

- Several ACI members have partnered with [Plastic Bank](#), an award-winning social enterprise that aims to help prevent plastic reaching our oceans by monetizing waste while improving lives.
- [Loop](#) is a global circular shopping platform designed to eliminate the idea of waste by transforming the products and packaging of everyday items from single use to durable, multi-use designs.
- Alongside their recyclability commitments, our members are working to be more transparent about how people can recycle their products. The [How2Recycle](#) label is transforming this by providing clear on-package labels to help all of us understand what we should be placing in the recycle bin.
- The [Alliance to End Plastic Waste](#) aims to find solutions by bringing together people and organizations from across the value chain.
- The Ellen MacArthur Foundation's [Global Commitment for a New Plastic Economy](#) aims to eliminate problematic or unnecessary plastic packaging and ensure 100 percent of plastic packaging can be easily and safely reused, recycled or composted by 2025.

At this time ACI cannot support this legislation in its entirety, but sees a greater opportunity for the desired policy goal execution and incentives for product manufacturer packaging innovation through continued conversations between legislators and product manufacturers.

We hope the Legislature will take more time to contemplate ACI input on this policy. ACI looks forward to being a priority stakeholder to the development of such legislation, or providing necessary input regarding the performance of our products and packaging to achieve desired policy goals.

Sincerely,

Brennan Georgianni
Director, State Government Affairs
BGeorgianni@cleaninginstitute.org



**TESTIMONY OF RECYCLE HAWAII on HB2399-HD1-SD1
Submitted by Kristine Kubat, Executive Director IN SUPPORT**

Recycle Hawaii thanks Senator Dela Cruz for the opportunity to testify on this important and groundbreaking legislation. Our organization was involved in crafting HB2399; we can attest that a great deal of vetting on the bill concept occurred at the national level, not only with environmental organizations but also with producers who will be subject to its provisions.

Extended Producer Responsibility (EPR) is an idea whose time has come. On the most basic level, EPR is a movement that promotes a variety of approaches aimed at reducing the environmental impacts of consumerism and transferring some portion of waste handling costs from municipalities to producers. The justification for this is simple: Since manufacturers and brand owners control how their products are designed, made, and packaged, they alone control whether or not these items and materials can be safely managed when they are no longer useful.

Although EPR strategies are firmly in place throughout Europe, New Zealand and in even places like Russia and Brazil (which are not known for their progressive policies) the U.S. is just starting to catch up. HB2399 comes forward at a time when there is a great deal of movement aimed at reducing waste at the national level.

Creating a distinction between what happens upstream and downstream in the waste making cycle is the best way to ascertain where responsibility lies. While producers are solely responsible for upstream innovations like packaging design, the responsibility for what happens after products and packaging are no longer useful must be shared. It is neither fair nor practical to put that burden on producers alone. Consumers are the ones who discard unwanted materials, and municipalities receive significant quantities of taxpayer funding to handle them. These parts of the cycle cannot be ignored or discounted.

HB2399 evolved around the idea of shared responsibility within the context of Hawaii's unique geography, popularity among visitors and import-dependent economy. Its aim is to forge partnerships that rely on producer funding, not forever,

but over a transitional, 5-year period during which Hawaii can shift to a resource recovery model of waste management.

The bill is modeled after the state's existing e-waste program. It requires the top producers of fast moving consumer goods to register with the Department of Health and pay into a fund that will be used in the first year to develop needs assessments for the state's four counties; in subsequent years funds cover the costs of reuse pilot programs. The decision to prioritize reuse strategies is based on the fact that although they offer the greatest potential for waste reduction, these strategies typically go unfunded.

Opponents say that HB2399 is not a real EPR bill, and they are right that it is not the kind of EPR bill recently passed in Maine and Oregon, where every business that does more than \$1M in sales is subject to costly and rigorous regulations that certainly will drive up the cost of goods. As a piece of transitional EPR legislation, HB2399 represents a modest, cautious approach that allows the state to focus on reuse strategies while larger states, like California, take the lead on reforming labeling practices and requiring significant increases in recycled content. The need to comply with California mandates and EPR laws already in place in Maine and Oregon will lead to standardized packaging across the U.S. Once these standards are firmly in place, and once Hawaii's own reuse pilot programs go mainstream, the responsibility to manage discarded items in ways that preserve their value can be met at the municipal level without help from producers. Keeping decision making at this level is also the best way to assure that Hawaii's communities can capitalize on the value of recovered resources to build wealth.

Finally, we want to address claims being made by opponents that the bill will increase prices for local consumers and disrupt supply chains. There is absolutely no basis for these claims. I invite anyone making them to provide evidence to back them up. Developing reuse pilot programs in partnership with Hawaii government agencies, business and non-profits will fall to the market development and product research departments of these multi-national companies; costs will be expensed over their billion-dollar global market shares.

Sixteen of the top 20 producers of fast moving consumer goods have already made a public commitment to reduce waste through innovative reuse programs as part of the Global Commitment to a New Plastics Economy. These companies did not make these commitments thinking they would fulfill them for free. They have dedicated reuse pilot program budgets; HB2399 is Hawaii's way of ensuring that these budgets are spent in our state, in our economy to the benefit of residents and visitors alike, in ways that support our sustainability goals and the *Malama Ku`u Home* initiative.

Directing corporate funds for these programs for our state is a smart business move that will allow Hawaii to leverage its EPR pool of funding to attract federal grants set aside in the recently passed Bipartisan Infrastructure Legislation (BIL), which includes the \$275M Recycling Is Infrastructure Too (RIIT) initiative.

For these reasons Recycle Hawaii urges members of the committee for vote in favor of HB2399 HD1 SD2.

Having made the case for the bill, we offer the following amendments.

1) The first makes it clear that beverage containers covered by the state's Hi-5 program do not count towards the volume of packaging waste used to define covered producers.

"Covered material or product" means, regardless of recyclability:

(1) Any part of a package or container, including material that is used for the containment, protection, handling, delivery, and presentation of a product that is sold, offered for sale, imported, or distributed in the State; and

(2) Primary, secondary, and tertiary packaging intended for the consumer market; service packaging designed and intended to be filled at the point of sale, including carry-out bags and bulk goods bags; and beverage containers, provided that covered material or product does not include deposit beverage containers, as that term is defined in section 342G-101.

2) The second defines covered producers as those that meet both qualifications, rather than either.

(2) ~~Either:~~

(A) Sells, offers for sale, distributes, or imports a fast-moving consumer good as owner or licensee of a trademark or brand under which a fast-moving consumer good is sold or distributed in the State; and

B) Sells, offers for sale, or distributes a fast-moving consumer good in the State.

3) The third was recommended to us as we vetted the bill concept with the Sustainable Food Policy Alliance, an organization that includes Mars, Unilever, Nestle and Danone, all corporations that are among the world's top 20 producers of fast moving consumer goods, and all corporations that will be covered by this legislation.

These producers rightly pointed out that it would be burdensome to comply with a mandate to provide exact figures on the volume of products sold and the

volume of waste produced. The aim is to engage these producers quickly and efficiently in re-use pilot programs; estimates will adequately serve this purpose.

(d) The registration and each renewal shall include the covered producer's estimated sales volume for the preceding year and the corresponding estimated packaging volume placed in the market in the State by the covered producer's sales volume during that year. The packaging volume generated in the State shall be used to calculate the fee in subsection (e).

Thank you again for your consideration of this matter.

Kristine Kubat
Executive Director
Recycle Hawaii
808-747-426
admin@recyclehawaii.org

WHY SUPPORT HB2399?

As U.S. support for EPR builds, each state has a unique role to play in creating solutions. HB2399 is particularly suited to Hawaii.

Hawaii's market share is small, but its low resident population, remote location bounded by the Pacific Ocean, global image as a pristine environment, and steady influx of visitors makes it the perfect proving grounds for innovative reuse strategies.

HB2399 engages the producers best suited to eliminate packaging waste in a fair and balanced way.

Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399 positions the State to take full advantage of federal funding aimed at reducing waste.

The bipartisan Infrastructure Investment and Jobs Act of 2021, includes a \$350M "Recycling Is Infrastructure Too" initiative. The EPR fund established via SB3246 provides a pool of matching funds that will greatly increase Hawaii's chances of receiving federal grant awards aimed at reducing waste.

HB2399 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. HB2399 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii's community-driven, zero waste movement.

Questions about HB2399:

Will HB2399 result in higher prices for Hawaii consumers?

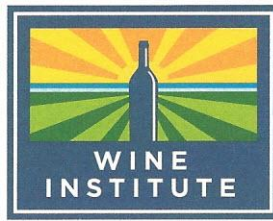
HB2399 is what's known as a "transitional EPR" strategy. This means that the producers it covers are only required to make an investment in Hawaii's waste reduction programs over a transitional period. The short time frame does not justify a permanent increase in prices, and even if producers insist on raising prices, any increase will be spread over a global marketshare valued at \$500,000,000 or more.

How will HB2399 impact Hawaii producers and retailers?

Only corporations that generate more than 10,000 metric tons of packaging waste and sell more than \$500,000,000-worth of fast moving consumer goods worldwide are required to pay into the Hawaii EPR fund. Not a single Hawaii-based producer or retailer meets these specifications. Hawaii businesses will benefit from the investment made by these top producers as they work with Hawaii's zero waste community to develop and implement reuse strategies that help the state achieve its sustainability goals. The bill's purpose aligns with the visitor industry's pivot towards regenerative tourism by reducing waste and satisfying visitor demands for a less-impactful experience.

How does the program mandated by HB2399 work?

Top producers register with the state and pay into an EPR fund over a 5-year period. In the first year, each county is required to assess the costs needed to significantly reduce the volume of packaging waste they handle. The EPR fund is used to cover the costs of developing those needs assessments in the first year. After that, the money is used to fund innovative reuse programs.



Sally H. Jefferson
Director, Western States

THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON WAYS AND MEANS
April 5, 2022

Testimony in Opposition to HB 2399 HD1 SD1

Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 2399 HD1 SD1 RELATING TO WASTE MANAGEMENT. Wine Institute is a public policy association representing more than 1000 California wineries who are committed to sustainability with an impressive 80% of California's total wine production certified under a statewide sustainable winegrowing program. This program encourages the use of products with recycled content, reusability, takeback or recyclable packaging, and non-toxic materials.

We are committed to participating in discussions regarding the development of efficient, cost-effective means for handling wine packaging. While we support the objective of recovering more wine packaging, we have concerns with HB 2399.

The legislation would require producers of covered materials and products to register with the state and pay a "fee", which is essentially a new tax, on each metric ton of packaging placed into commerce, that would be deposited into a new fund to be administered by the Department of Health.

HB 2399 HD1 SD1, as currently written, is unclear and vague on a number of fronts including what would be required of producers in terms of compliance obligations and the factors that would be considered for measuring recycling, reusability and waste diversion. We also believe that any needs assessment to reduce the volume of packaging waste must be comprehensive, not only evaluating the benefits but also the costs to consumers that may result in the form of higher prices and taxes and reduced product availability. It also must evaluate the costs to producers and local businesses, supply chain challenges, infrastructure needs and the projected market availability for recycled content.

We strongly encourage engaging in extensive dialogue with all producers, material suppliers and other stakeholders in developing an EPR program that is effective, feasible and efficient.

For the reasons stated above, Wine Institute respectfully urges you to hold this legislation. Thank you for your consideration of our views.



**Written Testimony of
David Thorp, American Beverage Association
Before the Senate Committee on Ways and Means
Opposition of H.B. 2399, HD1, SD 1: Relating to Waste Management
April 5, 2022**

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran and members of the committee. Thank you for the opportunity to comment in opposition of H.B. 2399, HD1, SD1 – relating to waste management.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). ABA is the trade association representing the non-alcoholic beverage industry across the country and here in Hawaii.

Beverage industry’s local impact on Hawaii’s economy

The beverage industry is an important part of Hawaii’s economy – and one of the few remaining industries still manufacturing in the state. Unlike most consumer products, many of our beverages, aluminum cans and plastic PET bottles are manufactured and distributed in Hawaii by local workers.

Non-alcoholic beverage companies in Hawaii provide 1,200 good-paying jobs across the state. The industry helps to support thousands more workers in businesses that rely in part on beverage sales for their livelihoods and, such as grocery stores, restaurants and theaters.

H.B. 2399, HD1, SD1 Is NOT Extended Producer Responsibility:

Legislation to create a real Extended Producer Responsibility (EPR) program in Hawaii (H.B. 1684) was introduced this session but failed to gain any support. This proposal does not create an EPR system and it does not resemble any other EPR legislation in the country or adhere to internationally accepted best practices.

Also, a state Plastic Source Reduction Working Group which consisted of representatives from business, environmental groups, counties and others acknowledged in its final 2020 report that the comprehensive and complicated nature of EPR programs should begin by first studying the issue.

H.B. 2399, HD1, SD1 Will Be a Tax on Local Companies and Customers:

H.B. 2399, HD1, SD1 imposes a \$150 per ton tax on companies that either have total annual gross sales above \$500 million OR total packaging of more than 10,000 metric tons.

Utilizing that criteria, some local beverage companies which employ hundreds of local employees across the state will be directly subject to the tax, not just a few large international companies.

The cost of this tax will not be spread across a company's portfolio across the country or across the world. This tax will be paid by companies which will then have to pass along that cost to local retailers and customers who are still working to recover from the business impacts of COVID.

The proposed "fee" in H.B. 2399, HD1, SD1 is simply an indiscriminate tax that will be paid by companies and passed on to local retailers and customers without actually implementing an EPR system.

Sincerely,

David Thorp

David Thorp
Vice President, State Government Affairs West

HB-2399-SD-1

Submitted on: 4/1/2022 4:01:54 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

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

Comments:

To: The Honorable Donovan Dela Cruz, Chair, The Honorable Gilbert Keith-Agaran, Vice Chair, and Members of the Senate Committee on Ways and Means

From: Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing **HB2399 HD1 SD1 RELATING TO WASTE MANAGEMENT.**

Hearing: Tuesday, April 5, 2022, 10:30 a.m., CR 211 and by videoconference

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means:

The Climate Protectors Hawai'i is a group focused on reversing the climate crisis and encouraging Hawai'i to lead the world towards a safe and sustainable climate and future. The Hawai'i Reef and Ocean Coalition is concerned with protecting corals and other ocean wildlife from ocean pollution, especially plastics. **The Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition STRONGLY SUPPORT HB2399 HD1 SD1.**

In order to reduce environmental degradation of our lands, ocean, and climate, Hawaii needs to **move from a linear waste disposal system to a more circular system, with less wasteful packaging design, greater reuse and, where appropriate, improved recycling of packaging materials.**

This bill marks a reasonable first step toward what is called "extended producer responsibility," where producers take on greater responsibility for the content and reuse of their packaging and reduce waste. The producers of bottles and other packaging materials need to take on a greater role, since they have great control over the content. The largest producers will also be asked to take on some of the accompanying costs of waste, rather than putting the costs all on taxpayers.

Hawai'i is a unique and isolated market regarding its waste, and so requires a system tailored for Hawai'i. There are currently opportunities to utilize federal funding dollars to begin the transition to a more circular waste system. This bill takes these concerns into consideration.

Please pass this excellent bill!

Mahalo!

Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Local Business Sign-on letter to support HB2399 – Extended Producer Responsibility bill for packaging!

This is a sign-on letter for local Hawaii businesses that are in support of HB2399. This letter was put together by Zero Waste Hawai'i Island because we know business owners are very busy people and have difficulty finding time to submit testimony. Businesses in support of HB2399 signed-on to this letter in person (signature gathering), via email, and via a google form.

To: The Honorable Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran and members of the Senate Ways and Means Committee

From: Local Hawaii Businesses

RE: Hearing HB2399 HD1 SD1 RELATING TO WASTE MANAGEMENT

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Ways and Means Committee,

We, the undersigned local Hawaii businesses (**40 signed-on**), write in support of HB2399 HD1 SD1, which establishes an extended producer responsibility (EPR) program for packaging. This program will: Collect fees from top producers of fast-moving consumer goods for 5 years and creates an EPR special fund to: (1) Conduct county needs assessments to determine the resources needed to reduce packaging waste by TBD targets and deadline (2) Establish reuse programs for packaging.

As eco-conscious business owners, we are dedicated to offering our customers products in sustainable packaging; however, we currently have few, if any, options that do not result in landfilling or incineration of waste.

“Green” compostable packaging options are largely false solutions that are still highly extractive of the planet, often contain toxins, and are also being landfilled due to lack of industrial composting facilities and collection systems.

We are eager to see Hawaii develop infrastructure that will enable reusable packaging systems that, in the long run, will lower packaging costs and reduce supply chain disruptions.

We envision a future where we eliminate much of our locally created packaging waste through bottle and jar refill programs, reusable to-go ware for food and beverages, and reusable packaging systems for locally produced food and agricultural products.

We believe the counties are in the best position to facilitate the development of this shared infrastructure that will prevent waste from being created.

Our Hawaii landfills are overflowing and plastic is washing up on our shores. It's time for government, business, and consumers to come together and find a way to get our products without all the waste. Please pass HB2399 to help Hawaii adopt a reuse system for packaging and reduce the scourge of waste on our 'āina through this “transitional” EPR program.

*Local Hawaii Businesses Community,
(See next page)*

Business Name	Name of Person	Business type
808 Sweets	Amy Gallero	Local made products (food)
Aloha Baskets and Balloons	Sharla Sare	Local made products (gifts)
Artful Cups By Lola	Sherry Dupaya	Local made products (art/décor)
Attainable Sustainable, LLC	Kris Bordessa	Self-reliance living education
Aunt Sue's Sugar Shack	Susan Diamenti	Local made products (food)
Auntie Lucinda's Bakery	Lucida	Local made products (food)
Big Island Empanadas	Midello Jennye	Prepared food vendor
Big Island Grindz	Josiri Hehuru	Prepared food vendor
Creative Mae Studio	Charity	Local crafted products
Eclectic Virgo	Lyla Rozett	Local crafted products (jewelry)
Grace Flowers Hawaii	Alison Higgins	Florist
Hana Hou	Shadi Faridi	Clothing and gift shop
Hana Hou Recycling	Nicholas Riznyk	Recycler/Waste Hauler
Hilo Food Hub	Zack Larsen	Commercial kitchen
Hilo Town Market	Ian Hatch	Market organizer
Into the Realms		Local made products (herbal/medicinal)
In Harmony Hawaii LLC	Monica Stone	Zero Waste Consulting
Island Motion Wear	Delia Silva	Clothing shop
Island Naturals Markets	Russell E. Ruderman	Grocery store
Kamuela Gourmet	Dorene Centeio	Food product producer
Koko Kai Foods LLC	Aline Steiner	Food product producer
Kolohe By Nature	Bre Lika	Local made products (art/décor)
Kuke Pule 'Ai	Michele	Local crafted products
Lotus Garden Hilo	Megan Isaac Magdalene	Eco lodging
Mother Felter Creations	Grace Dexter Jones	Local crafted products (textile crafts)
NAP Glass	Nash Adams	Local crafted products
Neapolitan Pizza	Mike Ui	Prepared Food vendor
Orig Media	Jeff Orig	Media production company
Palace Grounds Cafe	Tina Holt	Coffee shop
Pop Culture Artisan Pops	Justin Udom	Food product producer
Precision Palms LLC	Adam	Plant nursery
Simply Homesteady	Ashley Longakae	Local crafted products
The Locavore Store	Catarina Zaragoza	Grocery store
Upcycle Hawaii	Mattie Larson	Products made from recycled materials
Volcano Mushrooms		Local grown products
Volcano Precious Plastics		Products made from recycled materials
Whatta Waffle	Sharla Sare	Prepared food vendor (food truck)
Wild HeArtist	Mishi Clauberg	Art and gift store and coffee/tea shop
XLR8HI	Omar Sultan	Economic development agency
Vespucci Collective	Grant Overton	Renewable Energy



To: The Honorable Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran and members of the Senate Ways and Means Committee
From: Hilo Downtown Improvement Association (by Sharla Sare)
Re: Hearing HB2399 HD1 SD1 Relating to Waste Management
Tuesday April 5th, 2022, 10:30am

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and members of the Senate Ways and Means Committee,

The Hilo Downtown Improvement Association (DIA) is writing in support of HB2399 HD1 SD1 which would establish and extended producer responsibility program for packaging. The DIA was established in 1960 and is the only collaborative voice representing the interests of our downtown community. Our mission is to preserve and revitalize Hilo's historic waterfront district for all who visit, live, work and shop in downtown.

Within the last year the DIA formed a Sustainability committee composed of members from the community that are passionate about revitalizing our downtown economy. Our main idea of hosting zero waste events centered around educating the public on social and environmental issues affecting downtown never fully launched due to covid. However, we did conduct a waste audit at the grand opening of the Hilo Town Market in collaboration with Zero Waste Hawai'i Island. We will continue relationship building with local businesses to pilot use of reusable containers in the upcoming year.

Our interactions with residents and local business owners affirms the idea of a "Zero Waste Hilo" resonating within our community. Education around transitioning away from single-use service ware to reusable containers is ongoing, and we have identified a major hurdle to transitioning over to reuse of containers is lack of dishwashers in our community.

Due to supply chain issues many local businesses have seen disruptions in supply of glass containers and single-use to go ware. Supply chain disruptions have made the concept of reusable containers more attractive to businesses, but a service that redistributes and sanitizes containers will be necessary for businesses to transition away from single-use products. A pilot program to reuse glass beverage containers is underway and the DIA will partner to pilot reuse of other types of containers in the coming years.

Funding provided by the EPR special fund will be vital for businesses to transition away from single-use without increasing costs. In the long run, reuse of containers will save money but the cost to put such a system in place will require significant investment. Please pass HB2399 to make the transition from single-use to reuse possible.

Mahalo,

Sharla Sare
President

Hilo Downtown Improvement Association

PO Box 37Hilo, HI 96721

admin@downtownhilo.org

<https://www.downtownhilo.org>



Date: April, 1st 2022

To: The Honorable Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran and members of the Senate Ways and Means Committee

From: Zero Waste Hawai'i Island

Re: Hearing HB2399 HD1 SD1 RELATING TO WASTE MANAGEMENT

Tuesday April 5th, 2022 pm, by videoconference

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Ways and Means Committee,

Thank you for scheduling a hearing for HB2399 HD1 SD1. As this bill made its way through the House and a joint hearing with AEN and EET in the Senate, it received 208 supporting testimonies which included government agencies (6), a county council member (1), businesses and associations (18), individuals (151), and organizations (32). This pales in comparison to the 23 (mostly trade associations and some businesses) that have opposed this bill due to lack of understanding of what HB2399 would do and how it would benefit the economy and businesses in our state. This bill will take money from top producers (that can afford it), and invest it into reuse infrastructure that in the long run will save people, planet, and profit. Funds will also be used to divert packaging waste from landfilling and incineration as we transition towards more sustainable packaging processes.

HB2399 HD1 SD1 is a moderate and cautious first step to enacting EPR legislation for packaging in the state, and will not negatively impact or put any requirements on Hawai'i producers. Although the opposition is urging for a study, the working group that developed this bill, already did that "study", by looking at EPR legislation that has been passed in other states and countries, and coming up with this novel "transitional" EPR approach that will buy Hawaii time without wasting it as the direction of EPR legislation plays out in states with larger economies (as of last year only two states have passed EPR bills).

Those of us that have been engaging in the zero waste movement are aware of the challenges our counties are facing in the management of waste: budget shortfalls, understaffing, and long-term contracts locking up all funding that goes to the departments into landfilling and incineration of waste. This bill was designed to give our counties the funding to develop programs to start diverting packaging waste from landfilling and incineration in the near term, and to put in place infrastructure to transition Hawaii towards reusable packaging systems in the long term.

While the opposition continues to attack HB2399 as a "tax" that will be passed onto consumers through increased prices; there is no foundation on which that claim is based. In fact, 16 of the 20 top producers targeted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. They are clearly financially able to implement these programs, because no large company makes a public commitment without having a budget to do so. Likewise, fees will only be collected from top producers for five years; providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems, but avoiding the long-term outcome of producers passing on the cost through increased prices.

HB2399 is how we get top producers to spend the money they have budgeted for reuse programs here in Hawaii. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems.

With this funding we can realize a new vision of how we get our products and remove packaging from our homes, offices, and businesses. Imagine a future where there are two waste bins in every home: one for organic waste and another for reusable containers. Once a week a county service picks up your organic waste and reusable containers, or you drop them off at one of many convenient locations. Behind the scenes containers are tracked, sanitized and distributed back to manufactures; creating new green jobs in transportation, engineering, and information technology.

We could quickly transition to a circular system for packaging in Hawaii if government, businesses, and consumers put our minds to it. Environmental organizations and entrepreneurs are already taking the lead: Full Cycle Takeout on Oahu and Hui Zero on Maui are offering reusable takeout containers, while Liquid Life, Loved by the Sun, Koko Kai Coconut Yogurt, and Sky Kombucha are reusing glass containers that customers return for a deposit. An ever-growing list of sustainable minded businesses that ZWHI has connected with are seeking reusable packaging solutions.

This bill would provide vital seed funding to pilot reusable packaging systems in the state. Once established, reuse systems will lower packaging costs and reduce problems with supply chain disruptions (as many businesses are facing shortages of glass containers and to-go ware for their products). While there is often and expected resistance to change, we can not continue "business as usual" when it comes to the wasting of our resources. The time to change is NOW!

Our landfills on Oahu and Kaua'i are full and there is only one landfill open on Hawai'i Island requiring all waste to be trucked to the west side. Reducing the amount of waste we create is an urgent matter. Please vote for and pass HB2399 this session! It will pave the way and provide funding to transition to a new system that will eliminate packaging waste.

Mahalo nui loa,

Jennifer Navarra
Coordinator
Zero Waste Hawai'i Island

Zero Waste Hawai'i Island (ZWHI), is a community group whose mission is to promote equitable waste reduction through education, advocacy and system (re)design.

Zero Waste Hawai'i Island • PO Box 1773, Hilo, HI 96721
808.657.5972 • zerowastebigisland@gmail.com

HB-2399-SD-1

Submitted on: 4/2/2022 8:32:05 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Testifying for Kauai women's caucus	Support	Written Testimony Only

Comments:

the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy and they are clearly financially able to implement these programs.

Fees will only be collected from top producers for five years, providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems.

It's good business that will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

HB-2399-SD-1

Submitted on: 4/3/2022 1:30:29 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Knapp	Testifying for Urban Ore, Inc.	Support	Written Testimony Only

Comments:

I have built a material recovery enterprise, Urban Ore, based on reuse. Recycling is a fallback option. Reuse is highly profitable. We process and sell about 8,000 tons per year of formerly wasted resources. We are not subsidized. HB2399 wisely concentrates on reuse over recycling. This is a winning formula for job creation because reuse is labor-intensive compared to recycling. Also, selling reusable goods generates sales taxes. Urban Ore collects around \$28,000 each month and sends it to Sacramento. Some money returns to support Berkeley and Alameda County. Our starting wage is around \$20.85. Current reuse applications financed by this fund could include bottle washing and return to bottlers, and sanitizing services for reusable foodware for restaurants mandated to use in place of throw away plastic foodware.

HB-2399-SD-1

Submitted on: 4/3/2022 8:26:56 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Testifying for Big Island 'Reef Keepers' Hui	Support	Written Testimony Only

Comments:

Aloha Senators!

Hawaii, the 'ocean state', can set a practical example of waste reduction by passing this trend setting bill!

It's time to make the producers of plastic packaging and single use throw away items begin to bear the responsibility for trashing these islands.

Make it easier for us to just say 'no thanks!'

R A Culbertson

for the Big Island "Reef Keeper" Hui



Hawai'i Wildlife Fund

PO Box 1801, Kealahou HI 96750 (Hawai'i) & PO Box 790637, Paia HI 96779 (Maui)

Celebrating 25+ years of protecting Hawai'i's native wildlife
through research, education and conservation.

3 April 2022

Re: House Bill 2399 HD1 SD1

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means (WAM),

On behalf of Hawai'i Wildlife Fund (HWF), we are writing this **letter of full SUPPORT for HB 2399 HD1 SD1** relating to waste management and establishing an Extended Producer Responsibility (EPR) Program for the state. This forward-thinking legislation will help us reduce plastic waste reaching Hawai'i and will create a program that places responsibility on big corporations and producers (with gross sales over \$500M) for the end-of-life disposal of their products. HB 2399 also encourages producers to use more circular designs, and shifts responsibility away from taxpayers, local businesses, and individual consumers (i.e., blaming the "litterbug" versus the producers). In concert with the various County-level and Statewide bans on single-use plastic products, this EPR measure and its funding mechanisms will drastically improve the way (plastic) waste is managed and accounted for in the islands, and will demonstrate how the state of Hawai'i is taking the exemplary lead towards sustainability.

Plastics (production, transport, disposal) are contributing significantly to global carbon emissions with a [new report](#) even calling plastics "the new coal". Yet the plastics industry is large and growing at an unprecedented rate to meet global plastics demand, owing to convenience and rapid urbanization. Many post-consumer and end-of-life plastics end up in priceless natural landscapes or the ocean, which not only causes visual pollution but also creates significant direct and indirect ecosystem impacts. HWF has seen evidence of these detrimental impacts over the decades with our collective efforts to remove trash from beaches throughout Hawai'i Nei, and we have documented hundreds of brand-name products from afar washing up on our remote and ecologically-sensitive coastal ecosystems. See our November 2020 blog, "[Hidden Meanings: What brand names reveal about marine debris along our southern shorelines](#)" for more details. This EPR bill (HB 2399) and its companion (SB 3246) are steps in the right direction to curb this rising tide of trash and to protect Hawaiian coastal ecosystems and our global climate crisis. ***We hope that WAM Committee members pass this measure so it can proceed through the Legislature this session.***

Hawai'i Wildlife Fund (HWF) is a small nonprofit organization that has been working to conserve native species in Hawai'i since 1996. During that time, we have been actively involved in research, education, restoration and advocacy projects related to the protection of coastal and nearshore habitats. We are *not* in the waste management business, however we began community-based cleanup events in the 1990s because of the direct and indirect impacts that plastic pollution has had on our native wildlife. Since that time, we have removed over 360 tons from the shores of Hawai'i Island, Maui and Midway, and collaboratively on the French Frigate Shoals. It's time to start reducing the influx of plastic waste to our shorelines. *Many thanks for your time and consideration on this matter!*

Me ka mahalo pumehana,

Megan Lamson, M. Sc. | HWF President & Program Director (megan@wildhawaii.org)

Hannah Bernard | HWF Co-founder & Executive Director (wild@aloha.net)



Environmental Caucus of The Democratic Party of Hawai'i

Tuesday, April 5, 2022, 10:30 am

House Committee on Ways and Means

HOUSE BILL 2399 – RELATING TO WASTE MANAGEMENT

Position: Strong Support

Me ke Aloha, Chair Delacruz, Vice-Chair Keith-Agaran, and Members of the Committee on Ways and Means:

HB2399 establishes an Extended Producer Responsibility program, aimed at reducing wasteful packaging that is filling our landfills and polluting our atmosphere with greenhouse gases. A waste system that relies on landfills and/or trash burning is not a good solution. We need to transition to more reuse and waste reduction, as some counties are beginning to do with their plans.

Most producers have made The Global Commitment for a New Plastics Economy – which covers a major portion of our packaging waste. They have already made the commitment in their current budgets and are actively transforming production to solve this problem. It is not necessary for local representatives to fish with the familiar scare tactics of excess taxation and fees, as this is not supported by facts. Our conversations with national producers and consultants tell us that this is a plus in marketing, to their advantage. Excess packaging is a serious problem that we absolutely must solve with all hands on deck while we still can.

HB2399 creates no new bureaucratic burdens, but incentivizes new strategies that save our landfills and avoid combusting more greenhouse gases into the atmosphere. This is win-win-win.

We still have businesses disinforming the public and our elected officials about handling waste through landfills and incineration, and making money from our subsidies, “energy credits”, expedited approvals, etc., as they pursue these more expensive and inefficient strategies, as though this is the appropriate end of the pipe to be addressing the problems. We should not fall for wasting energy to add more greenhouse gases to the atmosphere, while generating more toxic additions to our landfills - a three-fold mistake.

Meanwhile, rather than subsidizing corporate profits, a more intelligent look at this end of the pipe would offer the more positive subsidizing of reuse and recycling, and to maximize composting, which boosts our own efforts at food security and greenhouse gas sequestration. These have more positive, multiple, direct benefits to the people of Hawaii.

We strongly encourage your approval of HB2399, as an early response to the widening efforts to pare back our dependence on wasteful practices that are drowning us and costing us excessive remediative alternatives. This bill has been carefully developed with industry participation. Business is adaptive, innovative, and resilient, and the public will pay for bad practices until we curtail and eliminate them.

Mahalo for the opportunity to address this matter.

/s/ Melodie Aduja & Alan Burdick, Co-Chairs, Environmental Caucus of the Democratic Party

Charley Ice & Ted Bohlen, Co-Chairs, Energy and Climate Action Committee, Environmental Caucus



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Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: April 5, 2022
TIME: 10:30am
PLACE: Via Videoconference

RE: HB2399 HD1 SD1 Relating to Waste Management

Position: Oppose

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

HFIA is in opposition to this measure. We are currently in the midst of a global supply chain crisis. Hawaii is the most isolated population center on our planet. Keeping over 1 million Hawaii residents and visitors fed and supplied with essential items is an extreme logistical challenge even in the best of times. Our member businesses continue to meet that challenge every day without fail. To create an additional burden for the businesses that feed out state is not the right choice for Hawaii, especially during an ongoing global pandemic and ongoing global supply chain disruptions.

We believe it is important for the Committees to understand that this measure is not an example of the intent or practice of Extended Producer Responsibility. As written this measure would simply be a state mandated fee, i.e. an additional tax, on certain products. A tax which would by necessity be passed along to consumers. Hawaii is already one of only a handful of states that tax groceries. We cannot see a justification for the state to add another tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis, when the state budget has a surplus.

HFIA was a part of the Plastic Source Reduction Working Group (PSRWG) that convened in 2020 per Act 254, the group also included representatives from the Department of Health, The

Department of Land and Natural Resources, the Hawaii Tourism Authority, representatives from each County, other industry representatives, and representatives from leading environmental groups.

The PSRWG engaged in extensive discussion about Extended Producer Responsibility or EPR. The PSRWG's Final Report¹ was unanimously approved and made the following recommendation:

Undertake a fair and careful study of Extended Producer Responsibility (EPR)

Discussion EPR is a policy approach to waste reduction that encourages manufacturers to design environmentally friendly products by holding them responsible for the costs of managing their products at the end of life. EPR shifts the economic burden of the cost of disposal, recycling, and cleanup from the government to the producer of the product. According to the Organization for Economic Co-operation and Development, assigning such responsibility could in principle provide incentives to prevent wastes at the source, promote product redesign for environmental protection, and support public recycling and materials management goals. The study should include a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawai'i. This study should incorporate lessons learned and discussions from other states and the federal government that have been pursuing parallel efforts to implement EPR.

The study should analyze the following two specific scenarios:

- (1) EPR in Hawai'i independent of other state and federal packaging EPR initiatives; and
- (2) packaging EPR in Hawai'i in conjunction or synchronicity with other state and federal initiatives.

The study should evaluate:

- the best science available;
- costs and benefits to all stakeholders (i.e. environment, consumers, taxpayers, government, and businesses, etc.);
- the pros and cons; as well as • feasibility.

As this recommendation notes, any EPR policy is going to have a range of potential costs in addition to any benefits. These costs could include price increases for consumers, decreased product availability, tax increases, and costs to businesses, including local businesses.

We believe that it would be imprudent to pass this measure or genuine EPR legislation in Hawaii without first understanding the costs and benefits. HFIA is in support of conducting a study of EPR.

We would also like to highlight the fact that this measure would not simply raise prices on products made outside of Hawaii. Many of the products that would be impacted by this measure are made in our state. Beverages bottled here on Oahu in Kapolei would be subject to this added tax. As a result this bill may not only raise prices on food and drinks for Hawaii consumers, it could also cost jobs for Hawaii workers.

¹ <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf>

This measure also has a range of practical problems. Packaging weight is not a metric that is tracked in food and consumer package good industries. It's unclear when, how, by whom, and at what stage of the supply chain this information would be gathered. If companies were able to get this information and somehow compelled to register to pay the added tax, the bill does not give any indication of what the enforcement mechanisms or agencies would be.

For all these reasons this measure is not the right choice for our state, and we ask that it be held. Thank you for the opportunity to testify.



To: The Senate Committee on Ways and Means
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Tuesday, April 5, 2022, 10:30am

In strong support of HB2399 HD1 SD1

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee members of Ways and Means,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org is in **strong support of HB2399 HD1 SD1**.

HB2399 HD1 SD1 establishes an extended producer responsibility (EPR) program. More and more consumers are rightfully demanding environmentally friendly products that reduce waste and are manufactured with fewer toxic materials. By reducing waste, we are reducing greenhouse gas emissions that contribute to global climate breakdown. When we reduce waste, we help sustain the environment for future generations. However, product stewardship is needed. Product manufacturers must take responsibility to reduce the environmental footprint of their products. Establishing an EPR program is an important step forward in that effort.

It is important to take note that most of the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. They are clearly financially able to implement these programs, because no large company makes a public commitment without having a budget to do so.

As the State strives to fulfill its commitments to reduce waste and effectively mitigate the impacts of climate change, EPR policies offer an effective pathway forward towards a safe and sustainable climate and future.

Thank you for the opportunity to testify on this important measure.

Sherry Pollack
Co-Founder, 350Hawaii.org

April 4, 2022

Senator Dela Cruz, Chair
Senator Keith-Agaran, Vice Chair
Senate Committee on Ways & Means
Hawaii State Capitol
Honolulu, HI 96813

RE: HB 2399 (Waste Management) - OPPOSE

Chair Dela Cruz, Chair, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means:

The Household and Commercial Products Association (HCPA)¹ appreciates the opportunity to provide testimony on House Bill 2399. HCPA is respectfully opposed to the measure in its current form.

Household Products Industry is Committed to a Circular Economy

HCPA has worked with legislatures across the nation in response to these proposals. As an industry, we have made packaging sustainability commitments to reduce plastics in our environment. We support materials management policies that improve fractured recycling systems, and programs that embrace a shared responsibility across the packaging value chain to reach a circular system harmonized across state lines. For example, HCPA is a member of the Recycling Leadership Council (RLC) where we joined other consumer facing industry partners and NGOs in a call for action to address plastics in our landfills and the environment. The RLC is striving for circular supply chains that cycle materials through the economy and recently released a Blueprint for America's Recycling System. Many companies are leading the way on plastic waste reduction and responding to consumers' desire for environmentally friendly products. Other manufacturers have joined together with organizations like the Alliance to End Plastic Waste with real investments in reducing plastics in our landfills.

A Consumer Product Tax Does Not Represent Extended Producer Responsibility

Extended Producer Responsibility (EPR) is a policy model proposed in a number of states. Common elements include empowering a Producer Responsibility Organization (PRO) which is comprised of and managed by producers. Under EPR, funds are managed by a PRO, as producers are paying fees into the EPR program and have the fiduciary responsibility to meet program goals. Moreover, proposals include state-wide needs assessments necessary to determine fees and targeted infrastructure investments. Accordingly, PROs may be authorized to set "eco-modulated" fees as incentives for producers to meet

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$180 billion annually in the U.S. of trusted and familiar consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

EPR program environmental goals, while the state maintains responsibility for oversight, including compliance enforcement.

Under EPR programs, state and local governments, waste management entities, producers, and consumers should be accountable for building a robust and effective recycling system that builds on existing infrastructure through policy that is consistent across state lines. Furthermore, programs define the scope of packaging and materials covered, as well as clearly defined goals for those materials, and ensure funds are not syphoned into redundant or unrelated state expenditures.

Without these elements, among others, HB 2399 will not improve the system and move us closer to a circular economy. Simply taxing product packaging will not support a durable EPR program as represented around the world today. As we face historic inflationary pressure and supply chain challenges, costs for consumers, businesses, and the tourist industry will only continue to grow under this proposal.

Last year, the Hawaii legislature considered a proposal² to study EPR including the following elements:

- Synchronicity with other state and federal initiatives;
- The best science available relating to extended producer responsibility;
- The costs and benefits to all stakeholders, including but not limited to the environment, consumers, taxpayers, government, and businesses;
- The potential benefits and drawbacks of implementing EPR in Hawaii;
- The feasibility of implementing EPR in Hawaii;
- The expected savings, if any, for the State and counties in costs related to EPR.

It is clear HB 2399 is not a reflection of these important considerations. HCPA is committed to being a resource to your committee and members of the Legislature on how EPR programs function and the key elements to ensure they are as successful as possible.

For these reasons and more, HCPA is opposed to HB 2399 and welcomes any opportunity to discuss these concerns in greater detail. Once again, thank you for the opportunity to provide testimony on this important matter.

Sincerely,



Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region

² House Bill 1316 (2021)



April 5, 2022

TO: Senator Donovan M. Dela Cruz, Chair
Members of the Senate Committee on Ways and Means

FR: Tim Shestek
Senior Director, State Affairs

RE: HB2399 HD1 SD1 Relating to Waste Management. – **OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose **HB2399 HD1 SD1**. While we understand the intent of this legislation is to create an extended producer responsibility program (EPR) for packaging materials, HB 2399 is inconsistent with traditional EPR programs. Instead, HB 2399 would essentially create a new tax on select food and grocery products. As highlighted by the Hawaii Food Industry Association in prior testimony on this legislation, HB 2399 would add “another tax on groceries and other essential items at a time of unprecedented inflation, during a global supply chain crisis, and when the state budget has a surplus.”

HB2399 HD1 SD1 would require certain producers of covered products to register with the Dept. of Health and pay an initial registration fee, based on each metric ton of packaging placed into commerce. Each county is then tasked with developing a countywide needs assessment that would detail the resources needed to reduce by 50% the volume of packaging waste landfilled by 2026 and by 80% by 2030.

It is not clear from the language what would be required of producers in terms of their compliance obligations, if any or what factors will be considered in how recycling and waste diversion will be measured. It is not clear how revenue raised would be disbursed, nor is there a clear understanding of the potential fiscal impact this measure may have on consumer goods.

ACC and its member companies support a variety of policies that aim to reduce plastic waste in the environment, increase the collection and processing of plastic material and create new market demand for recovered plastics. We have established industry targets that 100% of plastic packaging be recyclable or recoverable by 2030 and that plastic packaging contain a minimum of 30% post-consumer recycled material by that same date.

In addition, efforts to modernize and expand the nation’s recycling infrastructure have significantly increased. In the last three years, 64 projects in mechanical and advanced recycling¹ in the U.S have been announced, valued at \$6 billion. Together, these projects have the potential to divert approximately 8.9 billion pounds of waste from landfills each year.

While we are opposed to HB2399 HD1 SD1 in its current form, ACC believes an effective EPR system for consumer packaging can improve the collection and recycling of packaging materials. At its core, an EPR system should do the following:

Improve the recycling system overall by increasing access and modernizing the collection of all materials, including metals, paper, glass, and plastic.

- Increase the types and volumes of materials that are currently recycled through increased access, collection and sortation infrastructure investment.

¹ <https://www.americanchemistry.com/better-policy-regulation/plastics/advanced-recycling>



- Improve education for consumers and residents to increase participation and reduce confusion and contamination.
- Encourage new business initiatives and entrepreneurs focused on developing local solutions that promote circularity.

Provide funding to help improve recycling access, collection, sorting and outreach by investing all money collected through fees on consumer-packaged goods back into the system.

- Companies that manufacture consumer packaged goods could provide additional resources to support existing government and subscriber funding to improve recovery and recycling for all packaging materials.
- All packaging materials should be covered by the program to ensure specific packaging does not disproportionately shoulder the funding support required for the overall system.
- Funds collected through the program should be reinvested solely to help expand efficient collection and sorting and enable recycling systems, while capitalizing on existing infrastructure.
- Systems should provide disincentives to landfilling waste with the objective of encouraging recycling.

Consider and incentivize the use of packaging materials with better environmental performance.

- Recognize key sustainability attributes such as source reduction, weight, energy and water use, greenhouse gas emissions and food waste reduction.
- Consider the circularity traits of all materials such as recycled content, recyclability and composting.
- Support initiatives that use environmentally sustainable recycling technologies and packaging.

Support innovation in recycling technologies via the private and public sectors to ensure more used plastic is reused and not treated as waste.

- Support a competitive marketplace for increased investment in improved sortation and mechanical recycling.
- Recognize the role of advanced recycling in recovering more plastic waste and in producing recycled plastics and other recycled products.

Maintain and promote a competitive, free market approach to strengthen manufacturing supply chains and to develop recycling infrastructure and new circular markets for recycled plastics through appropriate collaboration across the plastics value chain.

- Maintain the important roles of local government and waste management companies, including operation and management of community and municipal waste management programs to avoid single-source providers and stranded assets.
- Allow companies to freely compete for materials.
- Allow use of new technologies and processes for materials to be remanufactured into new products.
- Reward efficiency and innovation and, where possible, help build on existing infrastructure.

Thank you in advance for considering our views. If you have any questions, please do not hesitate to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC's Hawaii based representative Ross Yamasaki at 808-531-4551 or via email at ryamasaki@808cch.com

HB-2399-SD-1

Submitted on: 4/4/2022 7:56:08 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl King	Testifying for SHARKastics	Support	Written Testimony Only

Comments:

Aloha!

We're in support of HB2399. Supporting these types of extended producer responsibility programs that hold the companies responsible for their creations is the only way that the current unsustainable situation is going to change. Alternatives do exist, with more to come as positive shifts are made.

Mahalo,

~Cheryl King

SHARKastics Founder

www.SHARKastics.org



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII**

April 5, 2022

Re: HB 2399 HD1 SD1 RELATING TO WASTE MANAGEMENT

Good morning, Chairperson Dela Cruz and members of the Senate Committee on Ways and Means. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership represents small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are **opposed** to HB 2399 HD1 SD1 Relating to Waste Management. This measure establishes an Extended Producer Responsibility Program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an Extended Producer Responsibility Special Fund. Provides for the expenditure of moneys from the Extended Producer Responsibility Special Fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule. Appropriates moneys. Effective 7/1/2100.

Retailers continue to be concerned about our aina and have supported many initiatives that preserve and protect our environment. However, this measure is not an extended producer responsibility policy but rather another mandated fee this time to be used for another special fund.

According to this measure, the sole burden of this **NEW TAX** would be placed on business. **It is also unclear as to exactly what is the compliance obligations that is being required as well as how will the recycling and waste diversion be measured?**

Packaging over the years have been changing. Manufacturers are using materials that are safer for the environment. However, we must also note that while packing materials are evolving due to technological advancements. Manufacturers and retailers want to be sure the items that are purchased are damage free when the customer receives them. While most general commercial trash is disposed of at H-POWER, many of our larger retailers ship a lot of their packing materials out of state.

The cost incurred with measurers like this would be passed on to the customer – especially our locally owned businesses who will not be able to absorb this additional cost. As a result, the cost of living in Hawaii will increase and customers will turn to other online vendors who do not have Hawaii ties. More stores will close and more of our friends, family and neighbors will no longer be employed.

This measure would also see many goods no longer being offered in Hawaii. Our residents would then have a limited choice, or the alternative is to order online with companies that have no ties to Hawaii. Many of our retailers are still trying to survive and recover from the effects of this ongoing pandemic that has put many of them in debt.

Unlike the mainland, Hawaii does not have a recycling facility to process packaging and other types of materials to be reused. Hawaii is unique in its location and we must ship out most goods like these to recycling plants on the mainland or in foreign countries at a cost to the taxpayers/customers.

This added cost is something our struggling industry cannot afford. Retail has been one of the hardest hit industries in the state due to the pandemic. Many businesses have not recovered from the pandemic with soft sales, huge debt and the high spending international visitor has not returned. In addition, retailers are also currently continually being hit with supply chain disruption, higher cost in materials and products, shipping delays and shipping costs being raised from 300% - 1000%, and a recession in which inflation rose 7.9% in the last 12 months (the largest gain since 1982 according to the US Labor Department) and we are expected to see it continue to raise in the months to come. In addition, we are also very much aware that the legislature is also considering raising the minimum wage and that the war between the Soviet Union and the Ukraine is also having an impact on not only the raising prices but the limited supply of various goods. We just cannot afford anymore operational cost increases.

Mahalo again for this opportunity to testify.



HAWAII CROP IMPROVEMENT ASSOCIATION

In Opposition to HB2399 HD1 SD1
Relating to Waste Management

Senate Committee on Ways and Means

Date: Tuesday, April 5, 2022

Time: 10:30am

Place: Conference Room 211 & Videoconference

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in opposition to HB2399 HD1 SD1, which establishes an extended producer responsibility program; requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year; provides for the deposit of fees into an extended producer responsibility special fund; and provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

Though well-intentioned, this measure will increase the cost of products in the midst of an existing supply chain crisis and overall economic uncertainty. HCIA respectfully requests that the Legislature require a two-year study before enacting these measures to ensure that the state and counties have a plan to implement the program and take stakeholder input into consideration.

Mahalo for this opportunity to testify in opposition to HB2399 HD1 SD1. If you have any questions, please contact me at your convenience.

Sincerely,

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the Senate Committee on Ways and Means
Tuesday, April 5, 2022, at 10:30 A.M.
Conference Room 211 & Videoconference**

RE: HB 2399 HD1, SD1 Relating to Waste Management

Chair, Vice Chair, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 2399 HD1, SD1, which Establishes an Extended Producer Responsibility Program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an Extended Producer Responsibility Special Fund. Provides for the expenditure of moneys from the Extended Producer Responsibility Special Fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

With the effects of the pandemic on the economy, including the global supply chain crisis, the Chamber cannot support this measure that would be an additional tax on our businesses. This would overall hurt not only our small businesses, but the consumer because the added costs would ultimately be passed on to them.

Hawaii is also already one of the few states that tax groceries. We do not see the justification for the state to add another tax on groceries and other essential items when inflation is reaching record levels, and the state budget has a surplus.

Thank you for the opportunity to testify.



Senate Committee on Ways & Means

Tuesday, April 5th 2022, 10:30a.m. Conference Room 211

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB2399 HD1 SD1

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of HB2399 HD1 SD1.

HB2399 HD1 SD1 establishes an Extended Producer Responsibility (EPR) program. Requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year. Provides for the deposit of fees into an extended producer responsibility special fund. Provides for the expenditure of moneys from the extended producer responsibility special fund for the creation of a report that assesses the resources needed to reduce the volume of packaging waste sent to landfills or power plants that burn municipal solid waste as a fuel by fifty per cent and eighty per cent by a date to be determined by rule.

HB2399 HD1 SD1 requires some top waste producers to take the lead on developing reuse strategies by effectively partnering with counties and their community-driven zero waste movements.

Programs that target Extended Producer Responsibility (EPR) is the responsible path forward to move toward sustainable waste management. As our counties move to adopt Zero Waste goals and practices, EPR is part of the solution to reaching these goals.

HB2399 HD1 SD1 assists the counties to determine a baseline and needs to significantly reduce packaging waste specifically. Right now the burden of managing product packaging waste falls onto municipal systems, and county taxpayers. EPR programs place responsibility instead onto the product manufacturers to address the full life cycles of the products they make. Pressures such as this spawn innovation and will encourage reuse and designing for the fate of the packaging of the products they manufacture. This measure therefore will relieve some of the burden of disposal on consumers and municipalities.

HAPA supports funding for three (3) additional positions, as requested by the Department of Health.

Please pass HB2399 HD1 SD1.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized, cursive script.

Anne Frederick
Executive Director

To: Chair Dela Cruz, and Members of the Senate Way and Means Committee

Re: Hearing HB 2399

April 5th 2022, 10:30 AM.

Position: **Support**

Aloha Chair Dela Cruz and WAM committee members,

My name is Rafael Bergstrom, the Executive Director of Sustainable Coastlines Hawai'i (SCH), a member of the State's Plastic Source Reduction Working Group (PSRWG), and a participant in the City and County of Honolulu integrated solid waste management plan. SCH is in support of HB 2399, an effort to build stronger extended producer responsibility laws in Hawai'i. SCH is thrilled to see work being done that aims to "turn off the tap" on plastic pollution. We use this phrase as an educational terminology piece to explain to our communities that while we will always do the hard work of cleaning plastic from our coastlines, the real work is to combat the problem before it starts. The convenience culture of throwaway plastic is a design failure at the highest levels – we are using vast amounts of energy to extract fossil fuels from the earth, using more energy to create products and move them across the world, and then discarding them, often times after a single use. We have been sold lies by the plastic industry regarding recycling in order to perpetuate a destructive money-making venture. It is well beyond time to hold the producers, who have profited off of the demise of our oceans and natural world, accountable to the products that they produce.

Over the past 10 years SCH has removed 625,000 lbs. of debris from our coastlines, united 40,000 volunteers, educated 42,000 students, and waded through a destructive mess of plastic pollution. We are experts on plastic pollution, the consequences of inaction, and the solutions we have at our fingertips. Our citizens produce more than double per capita plastic waste of China and five times that of Indonesia, while (with Europe), housing 95% of the companies, lobbyists, and industries in the plastic economy (WEF 2016). Hawai'i beaches are inundated with the Pacific Gyre's rapidly increasing plastic pollution (CNN 2016).

As our ocean fills with more plastic by weight than fish (Washington Post 2016) by 2050, as we have seen a 610% increase in raw plastic production since 1975 (Jambeck 2015), and as 95% of plastic packaging globally (resulting in \$80-120 billion annual cost) is lost after a single-use (WEF 2016), the solutions must be more geared towards a shift away from the fossil fuel based, greenhouse gas creating industry of plastics. The proliferation of plastic production will account for 20% of the global fossil fuel budget by 2050 (United Nations 2018). A recent study from UH Mānoa researchers, illustrates that plastics are also releasing methane as they degrade in water and sunlight.

The detrimental effects of these materials are no longer a questionable issue – in fact, the casual observer can now take note of plastic infesting nearly every corner of the earth, from the bottom of the ocean to the top of the Himalayan mountains. Sadly, the industry of plastic has known for decades the detrimental nature of their product. The market thus has never corrected

itself as many claim that it will always do. Instead the burden of cleanup and cost of an intentionally failed product design has been left to nonprofits, governments, and tax payers. Plastic is expensive. Plastic is costing cities, counties, states, & countries millions of dollars and our global economy billions. Costs are passed to the taxpayers by burdening our stormwater management systems with the need for expensive best management practices and the costs of cleanups. Hawai'i State Department of Transportation (HDOT) has produced a trash plan that shows polystyrene foam and plastic bags as the top two contributors to the waste stream, while in California, the Natural Resource Defense Council (NRDC) created a plastic cleanup valuation study for 90+ counties in California. The study concluded that CA taxpayers are paying \$428 million per year to clean up plastic through storm drain management, street sweeping, and marine cleanups. San Diego County (with population of 1.3 million – equivalent to Hawai'i) spends \$14 million alone on plastic cleanup.

A recent waste accumulation study that Honolulu Facilities Management department conducted that indicated that 28% of the debris in stormdrains, detention basins, etc. was plastic & styrofoam. The city is charged with cutting waste in these systems by 50% by 2023 and 100% by 2034 in order to meet requirements for pollution discharge permitting.

“The economic damage caused by plastic waste is vast. Plastic litter in the Asia-Pacific region alone costs its tourism, fishing and shipping industries \$1.3 billion per year. In Europe, cleaning plastic waste from coasts and beaches costs about €630 million per year. Studies suggest that the total economic damage to the world's marine ecosystem caused by plastic amounts to at least \$13 billion every year. The economic, health and environmental reasons to act are clear.” (UNEP 2018)

Our work now is to find solutions for source reduction to clean up this mess. The criteria outlined in HB 2399 is the path to more accountability. Some of the biggest problems in the plastic industry are mixed streams and items designed for single use. This doesn't have to be the case. The biggest investments should be in looking to programs and products that return us to patterns of reuse. This should always be considered the number one option even over recycling or composting, but when reuse has been exhausted as an option, we should hold companies to the highest standards for making sure that their items have a traceable and equitable pathway to recycling or composting. This will require a move away from the status quo and willingness to not only test alternatives, but an embracing of the necessity of dynamic change.

Mahalo for considering this important step forward.

With Aloha,



Rafael Bergstrom
Executive Director
Sustainable Coastlines Hawai'i



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Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

April 5, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON HB 2399, HD1, SD1
RELATING TO WASTE MANAGEMENT

Conference Room 211 & Videoconference
10:15 AM

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau opposes HB 2399, HD1, SD1, which establishes an extended producer responsibility program and requires certain producers of fast-moving consumer goods to register with the Department of Health and pay an annual fee based on the amount of packaging volume the covered producer places on the market each calendar year.

Though well-intentioned, this measure may increase the cost of the items that farmers and ranchers use for their agricultural products. This additional increase in the cost of production, especially with the current supply chain disruption and overall economic uncertainty, may result in higher prices for consumers for locally grown agriculture products. HFB respectfully requests that the Legislature require a two-year study before enacting these measures to ensure that the state and counties have a plan to implement the program and take stakeholder input into consideration.

Thank you for this opportunity to testify.

Nicole Chatterson
Executive Director, Zero Waste O‘ahu
oahu.zerowaste@gmail.com
808.561.7730



Testimony in **SUPPORT** of **HB 2399: RELATING TO WASTE MANAGEMENT**

To the Committee Hearing of WAM

April 5, 2022 at 10:30 AM, Conference Room 211 & Videoconference

To: Chair Dela Cruz and Members of the WAM Committees

Date: April 4, 2022

Aloha Chair Dela Cruz and Committee Members,

As the Executive Director of Zero Waste O‘ahu, a local non-profit working to rebuild an equitable and waste-free Hawai‘i, I am testifying in **strong support of HB 2399 HD1**. This bill establishes an extended producer responsibility program that will enable us to develop local reuse and refill infrastructure and minimize packaging waste. This will have enormous benefits for our communities, for our climate, for our ecosystems, and for our economy. HB2399 is a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

As we are **faced with siting a new landfill on O‘ahu**, the importance of **reducing the amount of waste we burn or bury is top of mind**. All of the counties will face the same tough conversations O‘ahu residents are having today. Of the several **new landfill sites** up for consideration, **all are above O‘ahu’s drinking water** and **many are located on prime agricultural lands**. These are unacceptable decisions for our communities to have to make, **especially considering that we have the power to dramatically minimize our waste footprint through policies like what is proposed in HB 2399, HD1**.

The majority of Hawai‘i’s waste is generated within the City and County of Honolulu. In the recent update to the [County’s Integrated Solid Waste Management Plan](#) (ISWMP), the City Dept. of Environmental Services dedicated an entire chapter to mapping out waste reduction strategies and acknowledges the numerous positive community and ecosystem benefits of minimizing waste.

The County’s strategy to achieve waste reduction specifically highlights supporting EPR legislation like HB 2399 and includes measurable waste reduction goals, which I have recapped below (see p. 3-1 of the ISWMP to read them in full):

Nicole Chatterson
Executive Director, Zero Waste O‘ahu
oahu.zerowaste@gmail.com
808.561.7730

“To move beyond its past commitments to source reduction, the City has established the following source reduction and landfill diversion goals:

- Reduce per-capita waste generation 25 percent by 2030, from 6.5 pounds per day to 4.9 pounds per day.*
- Reduce carbon emissions from the waste stream by reducing or eliminating carbon-based single-use plastics and polystyrene from the waste stream. Specifically, the City has established a goal of reducing plastic waste going to H-POWER and landfill by 1 percentage point (from 10 percent to 9 percent) by 2030.”*

In addition to what I have discussed above, it is important to consider that local taxpayers foot the bill to dispose of the excessive amounts of packaging waste produced by fast-moving goods companies.

Currently, the **producers of these goods take no financial responsibility for the packaging waste they import to our islands.** This bill encourages large producers to change the way they package their goods, or, to contribute to the cost of the waste they are generating for our islands to manage.

We can see the impact of these fast-moving goods and their packaging on our waste stream already. **"Plastic film", much of which is product packaging, is one of the 10 most prevalent items in each county's waste stream** according to their respective waste characterization studies (here is [O'ahu's recent waste study](#) for reference).

The fiscal, environmental and social benefits of reducing our waste stream are profound. We owe it to taxpayers and our community to pass this measure that will build reuse and refill infrastructure in Hawai‘i while tamping down the excessive amount of packaging waste imported to our islands.

Mahalo for your time and consideration,



Nicole Chatterson, Executive Director, Zero Waste O‘ahu





4/5/2022

WAM Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means,

Position: Support HB2399 HD1 SD1

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider Foundation maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment including coastal protection and plastic pollution.

Extended Producer Responsibility (or EPR) is a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of post-consumer products. With EPR for Packaging, producers are incentivized to consider sustainability and the costs of managing waste when designing packaging for their products.

HB2399 is modeled after the state's existing e-waste program. It is also a "transitional EPR" model that will assist the counties to determine a baseline and needs to significantly reduce packaging waste. This bill requires the top producers of fast moving consumer goods to register with the Department of Health and pay into a fund that will be used to develop needs assessments for the state's four counties and to also cover the costs of reuse pilot programs. The decision to prioritize reuse strategies is based on the fact that although they afford the greatest potential for waste reduction, these strategies seldom receive the attention and resources needed to implement them.

Our recycling and solid waste management systems **currently place the burden on consumers, tax payers, and local municipalities - not the large-scale corporations who are responsible for unnecessary packaging waste.** EPR bills help address these inequities and ensure that producers are doing their fair share to reduce waste upstream. This bill, for example, **collects fees from only the top producers** (e.g. Nestlé, Procter & Gamble, Unilever, PepsiCo and the Coca-Cola Company) of fast-moving consumer goods based on the volume of packaging placed on the market each year from 2023 to 2027. This in turn lessens the strain on downstream systems, including our local solid waste management divisions. We need to shift our focus to reuse and to support bills like HB2399 that allow for innovation to address our current solid waste crisis.

In addition, the bill has many **benefits to the local economy and small businesses**, such as:

- Paving the way for adoption of reuse and refill packaging systems in Hawaii
- Reducing packaging costs and supply chain disruptions
- Giving local businesses the power to offer customers products in sustainable packaging that does not eat into already small profit margins
- Supporting a shift toward a more sustainable local based food system
- Creating new green industries and jobs

Thank you for your consideration of this testimony in support of HB2399, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members..

Sincerely,

Camile Cleveland
Volunteer Policy Coordinator
Surfrider Foundation, O'ahu Chapter



FOODSERVICE PACKAGING
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April 4, 2022

Senate Committee on Ways and Means
Submitted via online portal

Written Testimony: House Bill 2399 – Oppose Unless Amended

Dear Senate Committee on Ways and Means,

Thank you for the opportunity to provide written testimony to express our respectful opposition to House Bill 2399 (HB 2399).

Founded in 1933, the Foodservice Packaging Institute (FPI) is the leading authority on foodservice packaging in North America. FPI supports the responsible use of all foodservice packaging, while advocating for an open and fair marketplace for all materials. Our members include: raw material and machinery suppliers, manufacturers, distributors and purchasers of foodservice packaging. FPI represents approximately 90 percent of the industry.

The foodservice packaging industry is committed to reducing the impact of its products on the environment and is dedicated to increasing their recovery. FPI has several special interest groups that bring together the supply chain to develop and promote economically viable and sustainable recovery solutions for foodservice packaging. These special interest groups include the Paper Recovery Alliance, Plastic Recovery Group, Paper Cup Alliance and Foam Recycling Coalition. More information on these groups and their efforts can be found [here](#).

As part of our commitment to increasing the recovery of foodservice packaging, we are supportive of policy approaches that advance this effort through systems such as recycling and composting. With respect to extended producer responsibility (EPR) programs, it is our view that programs should be based on the principles of shared responsibility, fairness and system effectiveness and efficiency. It is based on these principles that we oppose HB 2399, in its current form, as it does not reflect EPR but rather a new tax burden on packaging.

As drafted, the funds collected from producers and placed in the “EPR Special Fund” would be managed by the Hawaii Department of Health, and distributed to counties and cities. These funds may then be used for initiatives unrelated to increased recovery rates and improved diversion infrastructure for packaging. In our view, EPR programs cannot solely be a financial obligation for producers. Producers need a role in program development, implementation and overall decision making to improve the recovery and diversion of packaging.

It is also FPI’s position that there are a number of additional concerns with HB 2399. These include the problematic definitions of “covered materials and products” and “covered producer”, as well as the lack of caps on the annual administrative fees.

As a first step to developing an EPR program, we suggest amending HB 2399 to reflect the recommendation from the [Plastic Source Reduction Working Group](#) that an EPR study be conducted that includes a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawaii.

For the reasons outlined above, we are opposed to HB 2399 unless amended to an EPR study bill. FPI would be pleased to discuss these comments with you further and partner with you and other stakeholders to develop of an EPR program for Hawaii. We thank you for your consideration of this feedback.

Sincerely,

A handwritten signature in blue ink that reads "CAROL PATTERSON".

Carol Patterson
Vice President, Government Relations
cpatterson@fpi.org

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 2:48:53 PM
Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel Nellis	Testifying for Dole Food Co. Hawaii	Oppose	Written Testimony Only

Comments:

Dole Food Company Hawaii opposes HB 2399. We are a member of Hawaii Food Industry Association (HFIA) and we are in consensus with the testimony previously submitted by HFIA. As a local farm producer of pineapples and a marketer of Dole Bananas and Dole Vegetables we package our products in recyclable corrugated paper cartons. Farm producers already are being crushed by inflation for fertilizer, fuel, and packaging material. Additional fees based on volume of production are unnecessary and unfair. We strongly oppose this bill.

Daniel Nellis, General Manager, Dole Food Company Hawaii

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 3:31:24 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori	Testifying for Protea Zero Waste Store	Support	Written Testimony Only

Comments:

WAM Committee,

As the founder of the first zero waste refill store in Hawaii, I know the importance of reducing our waste in regards to packaging of products we consume. My entire business is created around this concept. We have been successful because there is a NEED and WANT for less packaging. Unfortunately we are a minority in the world of companies and many are not reducing their waste or packaging and its costing us all to deal with it financially and environmentally. There needs to be some responsibility on the top producers of the waste we end up with and that is why I support this bill.

Kindly,

Lori Mallini

Protea Zero Waste Store



LATE

April 4, 2022

SENATE COMMITTEE ON WAYS & MEANS
Senator Donovan Dela Cruz, Chair

RE: Testimony in Opposition of HB2399 HD1 SD1

Aloha Chair Dela Cruz, and members of the Committee

Thank you for the opportunity to express Hawaiian Host Group's concern about HB2399 HD1 SD1 relating to a proposed Extended Producer Responsibility Program.

Hawaiian Host Group is one of the largest food manufacturers in the State, employing over 300 people locally including over 100 union manufacturing jobs since 1927.

Although the bill is being sponsored as a waste management solution based on sound policies elsewhere, HB2399 is actually a regressive tax with no real solution to non-recyclable packaging, which is still many years away in the food industry. Local consumers will end up bearing the brunt of this tax.

The bill does not resemble ERP programs elsewhere that many producers have now endorsed. Well run ERP programs involve high levels of involvement by producers including managing their own fees and funding. HB2399 excludes producers and sets fees into statutes. Hawaiian Host Group believes working together that we can create a different bill that addresses the concern of the Legislature, consumers and our employees. Hawaiian Host Group has over 1.5Mw of solar power, operates an upcycled biomass boiler and is committed to finding green solutions to packaging.

HB 2399 mandates participation in government-run programs that will simply shift the cost of the current recycling system to producers of packaging goods to support county governments, but does nothing improve recycling, which is the end goal of well run ERP programs in other states. HB2399 as current drafted, would be managed by the Dept of Health and then direct funds for the counties to decide for themselves on what the monies will be spent on. This is not a good solution.

We all share a responsibility to reduce waste in Hawaii and are committed to finding solutions. HB2399 is not a solution, it is a tax! The state should instead begin a comprehensive study of EPR and related systems best practices for packaging and solid waste solutions.

Aloha,

A handwritten signature in black ink that reads "Ed Schultz".

Ed Schultz
President & CEO



April 5, 2022

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Testimony in Opposition to H.B. 2399, SD1, HD1

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members of Committee:

On behalf of the Glass Packaging Institute (GPI), I offer the following **testimony in opposition to H.B. 2399, SD1, HD1**, which would establish a \$150 per ton weight-based fee on packaging imported into Hawaii.

GPI is the North American trade association for the glass container manufacturers, glass recyclers and suppliers to the industry. Our member companies produce the vast majority of US food and beverage glass containers purchased in grocery stores and retail outlets.

Glass is an environmentally friendly, endlessly recyclable and sustainable package with a recycled content rate nationwide of about 30%. Its recovery rate of 60% in Hawaii's bottle bill program is more than twice the national recycling average.

Our member companies consistently purchase glass containers collected from Hawaii's beverage container deposit recycling program, which are re-melted to make new bottles and jars for food and beverages. Covered beverage containers sold into the state should be exempted from the legislation's proposed importer fee entirely, as we discuss later in our testimony.

For every 10% of recycled glass included in the manufacturing process, energy costs can be reduced 2-3 percent, with additional corresponding reductions in greenhouse gas emissions for every 10 percent recycled glass remelted to make new containers.

Primary Concerns with H.B. 2399, SD1, HD1

As amended, the legislation establishes a weight-based fee structure for larger importers and brands of “fast moving consumer goods”. For glass customers (brands) who like many, have multiple packaging options for their food and beverage products, a financial incentive would be provided to switch their packaging choice away from glass. Packaging is a high-volume, tighter-margin industry, and these economics cannot be overlooked or dismissed.

Per the legislation’s findings (italicized below), this outcome appears counter to the intent of the legislation.

“The failure of recycling programs and the multiple crises created by plastic pollution, which fouls air, water, and biological systems worldwide, are the primary drivers leading to the call for such innovative solutions.”

GPI’s internal estimates find a 30-35 percent per unit, per ton, advantage provided to non-glass food and beverage packaging formats, potentially creating more packaging material to be recycled or in many instances, simply landfilled.

Package weight has nothing to do with either recyclability, or waste management issues. It also has no impact on whether or not a package or container can be recycled. In fact, the majority of beverage container glass sold into Hawaii is already part of the state’s container deposit law, which has helped managed waste challenges by creating clean streams of materials, diverting them from landfill disposal.

The legislation also provides no defined process or path forward to create an extended producer responsibility (EPR) program for Hawaii. While EPR programs can be constructed in an effective and fair manner, they require

considerable legislative, regulatory and stakeholder input before being put into place.

Oregon, one of two states to pass EPR for consumer packaging and paper in 2021, spent several years developing their EPR program objectives and framework. This work is in addition to the post-passage 5 year “path forward” regulatory efforts required to put all elements of the legislation into place.

GPI and its member companies look forward to additional opportunities to engage with the legislature and stakeholders on all recycling-related issues.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott DeFife".

Scott DeFife
President

HB-2399-SD-1

Submitted on: 4/5/2022 5:09:13 AM

Testimony for WAM on 4/5/2022 10:30:00 AM



Submitted By	Organization	Testifier Position	Testify
Scott Dahlman	Testifying for CropLife America	Oppose	Written Testimony Only

Comments:

CropLife America (CLA) is the national association representing manufacturers, formulators, and distributors of pesticides products used in agriculture production. We support and promote scientific-based policy in the regulation of pesticide products at both the state and federal level.

We are in opposition to HB 2399. CLA and our manufacturers of agricultural crop improvement products provide recycling opportunities for our farmers which helps lower the cost of doing business. Farmers already struggle to remain viable. This bill will have unintended consequences on agricultural operations and the ability of farmers to grow food affordably.



The power of packaging in balance.™

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AMERIPEN
American Institute for Packaging and the Environment

Opposition – Hawaii House Bill 2399
Senate Ways and Means Committee

April 4, 2022

Chair Dela Cruz, Vice-Chair Keith-Agaran and Members of the Senate Ways and Means Committee:

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to provide written testimony on House Bill 2399 that purports to establish an extended producer responsibility (EPR) program for packaging and printed material. In reality, HB 2399 does not represent EPR and is nothing more than a regressive tax on packaging. While AMERIPEN is willing to support certain legislation to implement packaging producer responsibility, we cannot support HB 2399 in its current form and encourage the Committees to not advance it. Furthermore, we encourage consideration of legislation that would credibly study how true packaging producer responsibility could be implemented in Hawaii and AMERIPEN would be supportive of that approach.

AMERIPEN is a coalition of stakeholders dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging and efficient recycling policies. The packaging industry supports more than 2,500 jobs and accounts for more than \$728 million in total economic output in Hawaii.

New economic impact research conducted by York University in Toronto estimates that the packaging tax proposed in HB 2399 could increase the cost of consumer products by as much as \$188 million a year initially, leading to a potential cost increase for a Hawaii household of more than \$33 per month or \$402 annually. This research indicates that within five years the annual impact could grow to more than \$220 million, or \$470 per Hawaii household. The economic impact analysis is based on an average annual recycling rate in Hawaii of 48%, a projected annual growth rate of tons of materials recycled of 3%, and an annual inflation adjustment of 4%.

Packaging plays a vital role in Hawaii, ensuring the quality of consumer goods as they are manufactured, shipped, stored, and consumed, protecting the health and safety of Hawaiians, who consume, use, and handle those products. 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 for better environmental performance to boost recycling and evolve the recycling infrastructure.

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.

HB 2399 does not meet these principles and we are therefore opposed to it as drafted. It will establish a mandate for packaging producers to participate in government-run programs that will simply shift the cost of the current recycling system to producers of packaged goods to support county and municipal governments but will do nothing to actually improve recycling.

AMERIPEN supports Hawaii's efforts to evaluate their solid-waste plan and improve the management of packaging materials in the municipal waste stream and we continue to support efforts to improve recycling. We support the recommendation from the Plastic Source Reduction Working Group¹ that there be an EPR study conducted that includes a comprehensive legislation and literature review on the impacts of a possible EPR law for packaging in Hawaii. HB 2399 should be amended to be a study that would incorporate lessons learned and discussions from other states that have been pursuing parallel efforts to implement EPR, like the study in the Plastic Source Reduction Working group or Senate Resolution 73 from Senator Gabbard. SR 73² has the Department of Health working with other states and the federal government to synchronize on extended producer responsibility systems for packaging. It also requires the state to look into the best packaging practices, cost benefits to all stakeholders, and the feasibility of the state of Hawaii implementing EPR. AMERIPEN has had extensive and productive discussions with different states over many years on EPR legislation for packaging and believes a study in Hawaii is the correct and critical first step in determining what is needed in Hawaii and how to create a true EPR system for packaging.

Following are our key concerns with HB 2399 that must be addressed to move towards creating a truly workable EPR program in Hawaii.

1. **Problematic Definition of “Covered materials and products”** – *“Covered materials and products” means, regardless of recyclability: (1) Any part of a package or container, including material that is used for the containment, protection, handling, delivery, and presentation of a product that is sold, offered for sale, imported, or distributed in the State; and (2) Primary, secondary, and tertiary packaging intended for the consumer market; service packaging designed and intended to be filled at the point of sale, including carry-out bags, bulk goods bags; and beverage containers.*

¹ <https://health.hawaii.gov/shwb/files/2021/01/Final-PSRWG-Report-to-Leg.pdf>

² https://www.capitol.hawaii.gov/session2021/bills/SR73_.htm

The definition of packaging creates a critical standard for the implementation of the program. Currently, the definition includes secondary packaging, as well as tertiary packaging that could be interpreted to capture business to business transactions. We would prefer that the definition only addresses packaging that is consumer facing: **materials used for the containment, protection, delivery, presentation or distribution of a product at the time that the product leaves a point of sale or is received by the consumer of the product.**

- 2. Problematic Definition of Covered Producer:** (1) Produces a packaging volume of more than ten thousand metric tons internationally; or (2) Has international gross sales of fast-moving consumer goods of more than \$500,000,000.

The definition of producer is a key part in determining how an EPR structure will work in a state and the definition in HB 2399 needs to be more specific. Otherwise, determining who is the producer vs brand owner vs supplier could become an issue. We prefer a definition that has been used in other state EPR proposals.

If the item is sold in packaging under the manufacturer's own brand or is sold in packaging that lacks identification of a brand, the producer of the packaging is the person that manufactures the packaged item; B: If the item is manufactured by a person other than the brand owner, the producer of the packaging is the person that is the licensee of a brand or trademark under which a packaged item is used in a commercial enterprise, sold, offered for sale or distributed in or into this state, whether or not the trademark is registered in this state

- 3. EPR Special Fund:** EPR funds are traditionally managed by a producer responsibility organization (PRO) made up of the producers paying fees into the EPR program to meet the goals set out in the EPR program. However, in HB 2399 as currently drafted, the funds would be managed by the Hawaii Department of Health and then given to the counties for them to decide on what the monies will be spent. This is not acceptable, and consistent with existing packaging EPR programs throughout the world, producer funds should be managed by the producers themselves.
- 4. Unknown Administration and Producer Fees –** The producer registration and material fees required to be paid to the Department are unknown. Administration fees that go to the Department must be more clearly defined and capped annually. The producer material fees should be determined and collected from producers by a registered PRO, rather than by the Department or in statute as is the case right now in HB 2399 (\$150 per ton of covered material placed in the market by that producer).
- 5. Needs Assessment:** We agree that a needs assessment is always a critical part of creating an EPR system for packaging. The needs assessments required in HB 2399 will only detail the “resources needed” in each county to meet the reduction of materials going to landfill or being incinerated, rather than determining several factors, including what the costs might be to producers. An effective needs assessment must contemplate far more, including an analysis of existing solid waste management data collection; reporting and analysis mandates and practices; the amount of

recyclable materials that have historically been collected and processed; the availability and performance of collection, transport, and processing capacity and infrastructure relative to the management of recyclable materials; current barriers affecting equitable access to recycling, composting or reuse programs across the state; and an assessment of consumer education regarding recycling, reuse and source reduction and recommendations for improving consumer awareness and practices.

In conclusion, AMERIPEN recognizes and supports the need to reduce waste in Hawaii through a shared responsibility program and we would like to partner with you and other stakeholders to work on a reasonable path forward that would create a true EPR program in Hawaii. HB 2399 does NOT do this and rather is a regressive tax on packaging for which consumers will likely ultimately bear the brunt of the tax through increased prices for the goods they purchase. We recommend that HB 2399 be amended to an EPR study, preferably the one that was recommended by the Plastic Source Reduction Group or in Senate Resolution 73 by Senator Gabbard.

HB-2399-SD-1

Submitted on: 3/31/2022 1:17:12 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

The Governments are saposd to provied these services they are all ready funded for this. Why Rip the people of for more Money to the job that you are already rsonceible for.!!

HB-2399-SD-1

Submitted on: 3/31/2022 2:31:18 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

HB2399 is overdue recognition that recycling has failed in Hawaii, and that we are at the endpoint of a vast stream of bulky, and often toxic, waste coming here from the rest of the world, and threatening to overwhelm our small island mass with all the residue of the consumer culture into which we have been drawn. Extended producer responsibility seems to be our last and best chance to turn waste into resources, limit waste volume, and push back the timeline of when these beautiful lands will consist of more plastic than earth and rock. Please pass HB2399 for our keiki and their keiki!

HB-2399-SD-1

Submitted on: 3/31/2022 5:48:40 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Mermel	Individual	Support	Written Testimony Only

Comments:

Aloha.....I write IN SUPPORT of SB 2399. As head of a family that tries to reduce our the amount of items we have to put in the landfill, I/we are distressed about the excessive packing that accompanies much of the products we purchase.....I feel that the producers of such packaging should bare more of the responsibility for much of the plastics that are ending up in landfills AND the ocean. We need ACTION on this, not just another study.

HB-2399-SD-1

Submitted on: 4/1/2022 8:50:49 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeannette DePriest	Individual	Support	Written Testimony Only

Comments:

2100??? Why not this century. You are very very optimistic but if these changes are not made now, the Earth won't be herein 2100. My crew and I do beach clean ups and the single use plastics thrown into the sea is more than alarming. I always encourage places to go 100% recyclable. I think the fees are a great way to reduce some of this, but 100% should pushed.

Mahalo nui loa!

Jeannette DePriest MALAMA KAI PROTECTORS

HB-2399-SD-1

Submitted on: 4/1/2022 10:32:02 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Severine Busquet	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB2399 HD1 SD1 engages the producers best suited to eliminate packaging waste in a fair and balanced way. Corporations that produce the greatest volume of consumer goods have the resources needed to address the environmental crises caused by excess packaging waste. Among these corporations, sixteen of the top twenty are signatories to the Global Commitment for a New Plastics Economy. This means they have already pledged to reduce packaging waste and ensure that whatever remains is either reusable, recyclable or compostable.

HB2399 HD1 SD1 prioritizes reuse strategies as the most effective way to reduce waste.

Reduce, reuse, recycle. Our collective failure to reduce waste stems from an overemphasis on recycling. The 2021 Global Commitment Report highlights the fact that, although its signatories have made measurable progress on reducing their combined total of packaging waste, no progress has been made on their reuse goals. HB2399 HD1 SD1 compels the top producers to take the lead on developing reuse strategies by effectively partnering them with Hawaii's community-driven, zero waste movement.

For these reasons, I strongly support HB2399 HD1 SD1.

Thanks for your attention

Severine Busquet

Hawaii Kai, Honolulu 96825

HB-2399-SD-1

Submitted on: 4/1/2022 10:52:45 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melody Euaparadorn	Individual	Support	Written Testimony Only

Comments:

Please support HB2399 relating to waste management and establishes an Extended Producer Responsibility Program for the state. Let's make product manufactures responsible for reducing the increasing amount of consumer waste on our island!

HB-2399-SD-1

Submitted on: 4/1/2022 3:46:29 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Support	Written Testimony Only

Comments:

Chair Dela Cruz,

I am writing again **in support of HB2399**, related to waste management. This bill has received strong support and would help to reduce packaging waste in the state while also providing new green business opportunities. **HB2399 is good for business!**

Most of the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. **They are clearly financially able to implement these programs**, because no large company makes a public commitment without having a budget to do so.

The claim that top producers are going to react by putting the cost of these programs on the people of Hawaii by increasing the costs of goods they ship here **has no foundation.**

Fees will only be collected from top producers for five years, providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems.

HB2399 is how we get top producers to spend the money they have budgeted for reuse programs here in Hawaii. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

Once established, circular systems for packaging will reduce costs for businesses and cut down on supply chain disruptions that have been created by the pandemic. **Passing this bill is a smart move for Hawaii as it will positively benefit our local businesses and the environment.**

Please vote to support sending HB2399 along to Gov. Ige.

Mahalo for the opportunity to submit testimony in strong favor of HB2399.

Sincerely,

Marsha Hee

Volcano Hawaii

Sen, District 2

HB-2399-SD-1

Submitted on: 4/1/2022 3:52:27 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherie McMillan	Individual	Support	Written Testimony Only

Comments:

We desperately need to find viable solutions to our waste management problems. This is a good start in holding producers responsible.

Thank you

HB-2399-SD-1

Submitted on: 4/1/2022 4:18:12 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad Cooper	Individual	Support	Written Testimony Only

Comments:

As a daily coffee drinker and purchaser of prepared to-go foods, I would very much appreciate the ability to consumer these products without creating so much waste in the process. I would love to see a transition to reusable to-go ware for the products I consume on a daily basis. I rather support local businesses without the waste related guilt associated with the purchase. Please pass HB2399 to give eco minded consumers like myself and the non-eco minded alike the ability to reduce waste through reusable packaging.

HB-2399-SD-1

Submitted on: 4/1/2022 4:30:01 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Please pass Bill HB2399 HD1 SD1, the Extended Producer Responsibility (EPR) for packaging. This is a great incentive to help us to get to a sustainable, green economy.

Several states have passed these kinds of bills, and I believe this is a great way to begin a state of accountability of how much non-biodegradable packaging actually costs. I hope that there will be more incentives to actually recycle these products if and when they get to the consumer's table, although I am aware with the crackdowns from various markets it can be hard to resell the packaging. I do think any way the municipal government can make it easier for people in urban and rural areas to recycle is a big plus, and I hope that this bill can provide this service as well in its final stages.

This bill has really great provisions which include the creation of an EPR program, one which collects fees from producers of toiletries and packaged foods, requiring them to register with the state. These fees are based on the volume of packaged material on the market from the year 2023, through 2027. These fees will be placed in a special fund for each county to create a plan to reduce packaging waste by 80 percent by a set deadline, and in subsequent years after 2027 used towards packaging reuse programs.

In anticipation of the 2028 benchmark, I also would like to suggest the implementations for more plans to create packaging reusing programs now, so that in 2028 these programs are at the minimum shovel ready or more ideally already in use. Our landfills can't afford the debris from this packaging, and if we can't recycle this stuff readily we need to at least find a constructive means for this debris, such as perhaps some kind of capped fuel or building materials.

Mahalo for considering this bill, and please do what you can to ensure it is codified into law.

HB-2399-SD-1

Submitted on: 4/1/2022 5:55:47 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth Block	Individual	Support	Written Testimony Only

Comments:

As a Hawaii voter I strongly support HB2399. It's time that those who package in plastic take responsibility for the cost, both financially and environmentally. We can't keep using single use plastic without a way to recycle it and there are many more ecologically beneficial methods to package food.

HB-2399-SD-1

Submitted on: 4/1/2022 6:43:47 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Hopp	Individual	Support	Written Testimony Only

Comments:

As a U.S. citizen, as a representative of a grass roots organization (PlasticFree Marin County) dedicated to eliminating single-use foodware, plastic or otherwise, and a lover of Hawaii, I urge you to take this powerful step and support passage of HB2399, a first step toward Extended Producer Responsibility (EPR). Hawaii needs to safeguard its natural ecosystems, the ocean which is the basis for all life, and its economy from the ravages of trash. Thank you for taking leadership and holding corporations accountable - we must stop the privatization of profits (benefiting corporations) and the socialization of costs (making the public pay).

HB-2399-SD-1

Submitted on: 4/1/2022 6:47:14 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Strong	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill; please pass it to become law. Thank you.

HB-2399-SD-1

Submitted on: 4/1/2022 7:56:29 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Weisenborn	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-2399-SD-1

Submitted on: 4/1/2022 9:41:05 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
janice palma-glennie	Individual	Support	Written Testimony Only

Comments:

aloha,

for all of the great, reasonable reasons to support this bill, i ask that you use your integrity, wisdom and power to help protect our planet and our people thought this simple, love overdue but appreciated legislation.

mahalo and sincerely,

janice palma-glennie

kailua-kona

HB-2399-SD-1

Submitted on: 4/2/2022 7:32:46 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Howard Shapiro	Individual	Support	Written Testimony Only

Comments:

I'm in favor of HB2399. We need to protect our island's environment and have manufacturers have the responsibility of dealing with the cost of solid waste that they generate.

Thank you.

Howard Shapiro

Senate District Two

HB-2399-SD-1

Submitted on: 4/2/2022 8:01:10 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

HB-2399-SD-1

Submitted on: 4/2/2022 9:00:21 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Selah levine	Individual	Support	Written Testimony Only

Comments:

I support this bill and hope it is a step forward to more sustainable recycling practices in Hawaii and encourages producers to reduce packaging waste.

HB-2399-SD-1

Submitted on: 4/2/2022 11:01:28 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Georjean Adams	Individual	Oppose	Written Testimony Only

Comments:

HB 2399 is not ready for passage this year. It is naive, at best, and not deserving of the time it will demand from state DOH and county environmental management resources.

The focus on multinational "fast-moving" consumer product companies and their packaging marketed in Hawaii has high public visibility and emotional appeal, but the bill addresses only a small proportion of the volume of wastes going to Hawaii landfills or HPower. Furthermore, Hawaii is not the state that will drive redesign of products, packaging and business models for these companies. **I recommend letting other states work out the complexities of packaging EPR before we pile on Hawaii's unique challenges.**

Each county has prepared an Integrated Solid Waste Management Plan with recommendations to reduce overall waste generation and disposal. The state should be looking instead for ways to sustainably help fund implementation of those plans.

Below are comments I submitted to the AEN/EET Committees' hearing 3/20/22:

If this bill passes, there will need to be significant discussion during rulemaking with all stakeholders to determine how it can be practically and fairly implemented. Furthermore, I believe it is naïve in thinking quick development of county “needs assessments” will get anywhere near the packaging reduction goals of 50 and 80%. Expected shortcomings per the purposes stated in the bill:

“Is particularly suited to Hawaii.” There is very little industry to achieve collection, processing, reuse or recycling in the state such that the transportation, infrastructure and life cycle [\[1\]](#) management costs will be overwhelming.

“Engages the producers best suited to eliminate packaging waste in a fair and balanced way.” No “covered producers” are based in the state. There will be high transaction costs and challenges for investment in local infrastructure, not to mention extensive recordkeeping for international companies’ small Hawaiian markets.

“Positions the State to take full advantage of federal funding aimed at reducing waste.” EPR should be part of a national effort to influence rethinking and redesign of packaging and distribution business models. In addition, county and state agencies need talented grant writers on staff to be able to get this money.

“Prioritizes reuse strategies as the most effective way to accomplish this goal.” It should not be assumed that reuse is THE solution. Priority should be given to the waste diversion methods with the least net life cycle adverse impacts - which may or may not mean reuse. It will depend on the nature of the product.

Other issues that would have to be dealt with during DOH rulemaking, especially for the neighboring islands, include e.g.:

- How the counties are to determine how much of their waste is composed of packaging, much less how much of that packaging comes from “fastmoving consumer goods” made by large companies.
- Better defining “fastmoving consumer goods” and “nondurable” (nontrivial).
- Clarifying who is a “covered producer” in a way that avoids duplicate obligations by the distribution chain.
- How the law would be enforceable insofar as it relies on international corporate data.
- The potential impact on Hawaii’s consumers who may find many products are no longer available to them or could become very difficult to economically and/or safely acquire.

I recommend further dialog with stakeholders and close attention to the implementation successes and failures of mainland state programs before Hawaii begins this effort.

[\[1\]](#) *By **life cycle**, I mean the net health, environmental, safety and economic impacts and risk management costs*

- *at every stage of the product life: acquisition of raw materials, manufacture, distribution, use and disposition and*
- *to everyone who may encounter or are stakeholders of the product at each stage: government, business, workers, neighbors, users, and NGOs*

HB 2399 HD 1 SD 1 TESTIMONY

To: Senate Committee on Ways and Means
Hearing on April 5, 2022 at 10:30 a.m.

From: John Kawamoto

Position: Support

The Earth is being overwhelmed by waste, and much of it is material used to package the myriad of products sold in a container of some sort. This bill makes the producers of fast-moving consumer goods responsible for the costs associated with the disposal of the packaging material. In that way, it helps to ensure accountability.

HB-2399-SD-1

Submitted on: 4/2/2022 1:17:32 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Robison	Individual	Support	Written Testimony Only

Comments:

I live in Hilo town. I recycle whatever I can and compost in my own yard. Since Hawaii County no longer accepts plastic or paper for recycling, these are most of the materials I put into our solid waste transfer station, which is then trucked to the landfill on the other side of the island. This is just dumb. We need to prevent these unrecyclable, problem plastics from coming to our islands in the first place. HB2399 is a giant step toward doing that.

Most of the greatest producers of plastic packaging impacted by this bill have already joined the “Global Commitment for a New Plastics Economy,” which is jointly led by the Ellen MacArthur Foundation and the UN Environment Programme. It has united more than 500 organizations behind a common vision of a circular economy for plastics, driven by the goal of tackling plastic pollution at its source.

HB2399 will create the infrastructure so that top producers of plastic packaging will spend the money they have budgeted for reuse programs here in Hawaii. It will also allow federal dollars budgeted for this purpose to come to our state. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

Please take the crucial step of passing HB2399 and stop the tsunami of plastic coming into our islands and never leaving.

Thank you for the opportunity to provide testimony.

HB-2399-SD-1

Submitted on: 4/2/2022 2:34:48 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristine Kubat	Individual	Support	Written Testimony Only

Comments:

I am sharing this testimony as a private citizen, to report on a conversation I had as the executive director of Recycle HawaiiI with Brennan Georgianni who serves as the Director of State Government Affairs for the American Cleaning Institute. During this conversation, Mr. Georgianni admitted that he submitted testimony against HB2399 without fully understanding it. His testimony relies on the mistaken belief that HB2399 mandates reductions in the volumes of waste generated in Hawaii; in fact, these waste reduction targets are included in the bill only to establish reference points for the needs assessments the counties will conduct. The bill does not in any way mandate the counties to meet these waste reduction targets; it simply requires the counties to use them as goal posts as they assess what resources are be needed to significantly reduce waste.

Mr. Georgianni did NOT indicate that he would have changed his testimony had he truly understood how HB2399 will work, however he did say that if the bill passes his organization would do all it can to engage with state and county agencies here in Hawaii to make it successful. This kind of bottomline commitment to make the program work matters far more than the knee-jerk opposition we are seeing from trade associations, especially those that represent producers who will not even be covered by its provisions.

HB2399 is a smart business move. It draws the investments these major mulitnational corporations are prepared to make in innovative reuse programs to our state where they can be used to leverage funding from the federal government and private foundations. The reuse strategies supported by it will provide visitor experiences that align with the state's pivot towards regenerative tourism. We can be assured that the relationships forged between Hawaii counties, non-profit organizations actively engaged in waste reduction and these top producers as a result will serve our state, the environment and these corporations quite well.

HB-2399-SD-1

Submitted on: 4/2/2022 10:43:14 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Kunitake	Individual	Support	Written Testimony Only

Comments:

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Committee on Ways and Means,

I support HB2399 HD1 SD1. Please support HB2399 HD1 SD1.

Most of the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. They are clearly financially able to implement these programs, because no large company makes a public commitment without having a budget to do so.

The opposition's baseless claim that top producers are going to react by putting the cost of these programs on the people of Hawaii by increasing the costs of goods they ship here has no foundation.

Fees will only be collected from top producers for five years, providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems.

HB2399 HD1 SD1 is how we get top producers to spend the money they have budgeted for reuse programs here in Hawaii. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

I appreciate the opportunity to support this bill. Thank you for your time to review this issue.

Mahalo,

Caroline Kunitake

HB-2399-SD-1

Submitted on: 4/3/2022 8:38:09 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kahi Pacarro	Individual	Support	Written Testimony Only

Comments:

As the founder of Sustainable Coastlines Hawaii and as the current director of Parley Hawaii, two leading global plastic pollution and climate change advocacy groups, I've seen the power of extended producer responsibility and feel that the State of Hawaii can leverage the power of EPR to improve our environmental sustainability and long term economic goals.

The only people against EPR are the same people making money at the expense of the environment and human health. Let's be proactive in our solutions approach and utilize EPR as a way to stop pollution and environmental degradation at the source.

HB-2399-SD-1

Submitted on: 4/3/2022 10:08:11 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha WAM Chair, Vice Chair and Committee,

In 2017 Hawaii became the first state to enact a law that aligned with the Paris agreement. In 2021 Hawaii became the first state to enact a Climate Emergency Resolution. BUT where are our bold climate resolutions we need passed in 2022 to meet our lofty laws and resolutions? We need to back up these proposed laws and resolutions with bills that will move us in the right direction.

I support and who you support [HB2399 HD1 SD1](#) because it will get top producers to spend the money they have budgeted for reuse programs here in Hawaii. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste

By reducing packaging waste, we are reducing pollution in the state and greenhouse gas emissions that contribute to global climate breakdown.

Most of the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. They are clearly financially able to implement these programs, because no large company makes a public commitment without having a budget to do so.

The opposition's baseless claim that top producers are going to react by putting the cost of these programs on the people of Hawaii by increasing the costs of goods they ship here has no foundation.

Fees will only be collected from top producers for five years, providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems.

Mahalo for your consideration

Tlaloc Tokuda

Kailua Kona, HI 96740

In light of the decline in recycling opportunities (mixed paper, glass, non-HI5 plastics) offered at our County of Hawai`i solid waste transfer station since the loss and reduction of Asian recycling markets beginning around 2018, Extended Producer Responsibility (EPR) programs are needed to divert packaging waste from the County's landfill as well as encourage use of more sustainable packaging methods.

An EPR program, not only for Hawai`i Island but statewide, is listed as one of the community-driven consensus recommendations made within the most recent 2018-20 Hawai`i County's Integrated Solid Waste Management Plan.



This photo is of a residential household solid waste bin where recycling opportunities have been severely curtailed over the past several years due in part by the loss of Asian recycling markets. Note the recyclable plastic water jugs at bottom left. Photo made April 2, 2022 – Volcano Transfer Station.

Non-HI5 glass has not been collected at this station for the past two years. Residents must make a 30-mile round trip in order to recycle non-HI5 glass containers.

Paul J. & Arlene L. Buklarewicz – Volcano, Hawai`i

HB-2399-SD-1

Submitted on: 4/3/2022 11:58:35 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carl J. Berg	Individual	Support	Written Testimony Only

Comments:

Extended producer responsibility is good for business and great for the environemnet, especially here in Hawaii where most everything gets shipped in.

HB-2399-SD-1

Submitted on: 4/3/2022 1:37:08 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebecca Corby	Individual	Support	Written Testimony Only

Comments:

Please pass this bill about packaging. We DESPERATELY need to reduce the amount of non biodegradable waste coming into Hawaii. Our landfills are overflowing and trash is everywhere....especially the worst kind of trash, things like plastic bags and other plastics, styrofoam and excess packaging materials. They end up all over the land, in the oceans and even leach plastic in our water supply. And its unnecessary. We know we and companies have access to compostable packaging that breaks down and doesn't harm the environment. We need to do everything we can to make big companies switch to compostable packaging to save the environment. Thank you

HB-2399-SD-1

Submitted on: 4/3/2022 2:00:51 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louise G. Mann	Individual	Support	Written Testimony Only

Comments:

As someone living in a region with lots of tourists I so appreciate Hawaii taking the lead in waste reduction efforts. REUSE is the way to go! If you follow the lead of Urban ORE you'll be creating good jobs at good salaries. The top producers will help create the infrastructure over the next five years. That's a great investment. And the citizens of Hawaii will not be picking up the tab for these new programs. Smart business move Hawaii!

Louise Mann

Signal Mountain, TN 37377

HB-2399-SD-1

Submitted on: 4/3/2022 4:00:52 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Emily Garland	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support HB2399. This bill is good for business.

HB2399 is how we get top producers to spend the money they have budgeted for reuse programs here in Hawaii. It's a smart business move for the state and will lead to the creation of a new green industry and jobs in circular packaging systems that do not create waste.

Most of the top producers impacted by this bill have already committed to develop reuse programs via the Global Commitment for a New Plastics Economy. They are clearly financially able to implement these programs, because no large company makes a public commitment without having a budget to do so.

Fees will only be collected from top producers for five years, providing funding for Hawaii to put in place the infrastructure necessary to transition to reusable packaging systems.

Mahalo,

Emily Garland

Hilo

HB-2399-SD-1

Submitted on: 4/3/2022 11:45:51 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Brandt	Individual	Support	Written Testimony Only

Comments:

Strong support!

HB-2399-SD-1

Submitted on: 4/4/2022 2:38:46 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Bayly	Individual	Support	Written Testimony Only

Comments:

If we don't do something about waste management soon, we're going to be in big trouble. As you know, our landfill is full, China isn't accepting recyclables anymore, and our environmental impact due to the production of this waste is detrimental to our island and our planet. We cannot just wait for capitalism to "do it's thing" hoping for competition to result in a reduction in waste. Regulations must be put into place to insure corporations have incentive to reduce waste on their own. Please pass this bill and many others so our keiki have somewhere to grow up.

HB-2399-SD-1

Submitted on: 4/4/2022 3:23:13 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dean C. Young	Individual	Support	Written Testimony Only

Comments:

Making top producers more responsible for their waste will end up being a win win situation. I support any ways that will help the environment.

HB-2399-SD-1

Submitted on: 4/4/2022 7:48:16 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear WAM Chair and Committee Members,

I strongly support this bill. I am sick and tired of all the plastics I must accept to stay alive in this world. Furthermore there is little recycling on Hawai'i island and all this packaging becomes trash and toxics in landfills. I urge you to take action for responsibility and incentives to change the system.

Respectfully,

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785

HB-2399-SD-1

Submitted on: 4/4/2022 8:36:58 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Dolbier	Individual	Support	Written Testimony Only

Comments:

I support HB2399 because we need to reduce the amount of packaging materials we use. A lot of plastic pollution is made up of packaging materials.

HB-2399-SD-1

Submitted on: 4/4/2022 8:40:40 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristen Kelly	Individual	Support	Written Testimony Only

Comments:

Allowing permits for compost on agricultural zoned land benefits farmers, supplements food security goals and aids in sustainability needs for Hawai'i.

HB-2399-SD-1

Submitted on: 4/4/2022 8:56:27 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hayley Hina Barcia	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am from Kea'au, Hawai'i. I passionately support bill HB2399. I am a surfer and spend a lot of time at rivermouths and beaches. I see way too much plastic rubbish associated with snacks, drinks, and restaurant waste. It is unacceptable, we are not respecting the 'āina, our ancestors or our future children. When I see all the various plastic rubbish on the beach that has floated in from sea I wonder- who was drinking that bottle of water, that's cap journeyed around the ocean and ended up, covered in barnacles here? What company profited off of the bottle that is full of kai at the ocean floor slowly degrading into another creature's ecosystem? I have been passionate about keeping the coasts clean since I was young and always do small individual beach clean ups. I feel like every year I see more and more trash and I think it is essential that producers have some sort of longer responsibility program! I also appreciate that this bill is looking forward to the future at reducing wastes and setting goals for 50% AND 80% reduction.

Mahalo to all those in active work to support this bill and care Hawai'i Nei's environmental future NOT just that of tourism and economy but the vital division of waste management,

Hayley Hina Barcia

PO Box 2079

Kea'au, HI 96749

HB-2399-SD-1

Submitted on: 4/4/2022 9:07:38 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kenneth Ka'imi Gryde	Individual	Support	Written Testimony Only

Comments:

Good morning,

I support HB2399 and hope that all of you will also. Managing consumer product waste is an important effort everywhere, but no more so than here in Hawaii. As you know, we do not have any of the easy options open to communities elsewhere. We cannot create more and more distant landfills and any unsecured waste immediately becomes a hazard to our islands and more importantly to the ocean that surrounds, nurtures, and protects us.

We must find ways to reuse as much of our waste stream as physically possible, and the waste that cannot be diverted locally must be responsibly gathered, packaged, and shipped to other locations, hopefully there to be aggregated with waste from other locations, where economies of scale make recycling or at least proper disposal possible.

All producers and manufacturers of this waste must be made to become part of the process of reducing, recycling, and responsibly disposing of the immense amounts of 'disposable' packaging, products, and other material that they import to our beautiful islands.

We can no longer view the economic feasibility of programs such as these in a vacuum. We must take into account all of the local environmental and social costs of this unregulated importation of waste, and we must make it part of the cost of doing business here.

Thank you all for your attention to this helpful first start on addressing the urgent need to involve all of the participants in this problem to all become parties in the search for and implementation of responsible solutions.

Mahalo,

Kenneth Ka'imi Gryde

HB-2399-SD-1

Submitted on: 4/4/2022 9:09:04 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Lee	Individual	Support	Written Testimony Only

Comments:

I support HB2399 as we need to start building out a foundation for a circular economy. Big producer companies already have sustainability initiatives budgeted into their agendas and this bill can help them to spend the money they have budgeted for reuse programs here in Hawaii.

The future requires a circular economy to be sustainable, which includes new jobs in circular packaging systems that do not create waste. This bill could help Hawai'i get a headstart to build that workforce and economy.

I'm happy to see the legislature start to recognize and implement ways to tackle our waste management system, because the current system is unsustainable for our island communities, and it will require a diverse set of solutions working simultaneously together.

Mahalo for the opportunity to submit testimony.

HB-2399-SD-1

Submitted on: 4/4/2022 9:14:26 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Max Towey	Individual	Support	Written Testimony Only

Comments:

I support reducing packaging waste!

HB-2399-SD-1

Submitted on: 4/4/2022 9:31:55 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
A Wilkie	Individual	Support	Written Testimony Only

Comments:

Please help us all reduce packaging waste here in Hawaii, by passing this bill. Thank you

HB-2399-SD-1

Submitted on: 4/4/2022 9:36:00 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Hallett	Individual	Support	Written Testimony Only

Comments:

Aloha WAM Chair Dela Cruz and committee members:

Thank you so much for supporting this Bill. I love that most large producers affected are In support of this bill too! It is a wonderful way for them to be giving back to the state, funds they have budgeted for reuse programs It's a akamai business move for the state and will lead to the creation of a new GREEN industry and JOBS in circular packaging systems that do not create waste. Proud moment for Hawaii nei.

HB-2399-SD-1

Submitted on: 4/4/2022 9:36:31 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
laurie boyle	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support HB2399 for the simple reason that Oil-rich, environmentally toxic, universally unhealthy Plastic needs a re-wrap and a five-year top producer tax is a first step toward financing research for a better solution, like mushrooms, for example.

Mahalo for your time.

HB-2399-SD-1

Submitted on: 4/4/2022 9:37:36 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Max Lee	Individual	Support	Written Testimony Only

Comments:

I support the bill HB2399

HB-2399-SD-1

Submitted on: 4/4/2022 9:39:49 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Individual	Support	Written Testimony Only

Comments:

Our Hawaii bill HB2399 seems to be one of the few in the U.S. that will work together directly with businesses to improve the packaging waste situation, rather than having a nonprofit or business run organization in the middle. It will allow each County to address packaging waste issues and the current county resources, to determine the best way for each to promote reuse or recycling. Very direct and straight to the point. Good job!

HB-2399-SD-1

Submitted on: 4/4/2022 9:59:57 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Asta Miklius	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2399, which would establish a much-needed extended producer responsibility program for Hawai'i. Packaging waste is a huge pollutant, impacting the environment, economy, and public health. I think this bill is a great step towards making producers of packaging waste responsible for their products as well as bearing the financial responsibility to develop and implement solutions to address the problem of packaging waste. Please support this bill. Thank you.

HB-2399-SD-1

Submitted on: 4/4/2022 10:16:01 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David J. Swatland	Individual	Support	Written Testimony Only

Comments:

Strongly support this bill.

Most of the top producers impacted by this bill have already committed to develop reuse programs and are making enough money to implement these programs. If some producers decide to pass along the cost to HI consumers then consumers will go elsewhere and buy products that are engaged in reuseable and recyclable packaging. Anyone who has bought anything or has driven along our roads or has walked on our beaches or swum in our water knows that packaging is out of control and that excess packaging is ruining our environment. This bill is a win/win all the way around.

HB-2399-SD-1

Submitted on: 4/4/2022 10:21:43 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Dela Cruz and Committee members,

I support HB2399 because it is a necessary strategy for the long-term economic, health and environmental sustainability of our state.

During this time of economic uncertainty, it is also good for business. Many of the top producers impacted by this bill have **already** committed to develop reuse programs via the Global Commitment for a New Plastics Economy. The concern about the impact on prices to consumers has been addressed by the bill's collection of fees from only the top producers for five years. This protects smaller and local businesses, and will raise funding to put in place the infrastructure needed to transition to reusable packaging systems.

HB2399 will also contribute to the creation of a new green industry and jobs that protect our environment and resources, which are so easily endangered and which are also central to the hospitality industry.

Thank you for the opportunity to express **my support of HB2399**.

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 11:10:30 AM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Krista Joan Donaldson	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to urge you to pass this important legislation. Help Hawaii's citizens and businesses hold producers at least partially responsible for the toxic, permanent, useless items they employ to maximize their own profits at our community's expense. Thank you.

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 12:47:12 PM
Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members,

My name is Stuart Coleman, and I'm writing in strong support of HB2399. I worked on legislative efforts to reduce plastic pollution for ten years, and I can tell you that this bill will save the state, counties and tax-payers money in excessive cleanup costs. For too long, big international corporations have passed the burden of litter reduction on to the public, but this bill creates a Extended Producer Responsibility Special Fund, which asks them to take a miniscule amount of their huge profits, to create a Report on the amount of waste they generate and set goals for reduction of those amounts over time. Mahalo for your consideration of this important bill.

Aloha, Stuart Coleman, 2927 Hibiscus Pl., Hon., HI 96815

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 1:09:03 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Winter	Individual	Support	Written Testimony Only

Comments:

Dear Legislator:

We urge you to approve HB 2399 as a first step for developing reusable packaging systems, and thereby reduce waste in our landfills in Hawaii.

Sustainable Kohala has worked hard for years to help our community create Zero Waste public events. We have buried compostable materials, collected food waste for pigs, and reduced the volume of waste from our events to our local landfill by 80%.

But we have been dismayed by the fact that there has been no incentive to reduce packaging waste, and no way to deal with it without taking it to our transfer station. The recent shutdown of recycling plastic in Asia has intensified this problem.

We have been hoping for legislation that would offer a way of to reduce packaging that winds up as trash in our increasingly full landfills.

Creating an Extended Producer Responsibility fund will begin the imperative process of letting big producers know that we are serious about reducing packaging waste, while funding efforts to transition to re-usable packaging systems.

Please support efforts to retain the beauty and health of our precious Hawai'i ecosystems by reducing packaging waste.

Sincerely,

The Steering Committee of Sustainable Kohala

Valerie Barnes

John Enloe

Mellanie Lee

Richard Liebmann

Michael Menchetti

Deborah Winter

John Winter

Natalie Young

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 5:17:47 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet L Pappas	Individual	Support	Written Testimony Only

Comments:

Dear WAM Chair Delacruz and committee members,

I strongly support HB2399, the extended producer responsibility bill, to cut down on waste, lower packaging costs, help clean up the environment, create green jobs and keep trash out of the ocean. In addition, smaller companies will follow suit with smaller, more sustainable packaging because of the reduced costs.

Bill HB2399 will cost Hawaii nothing and bring many benefits.

Please pass this bill.

Thank you for your consideration.

Sincerely,

Jan Pappas

Aiea, Hawaii

LATE

HB-2399-SD-1

Submitted on: 4/4/2022 7:03:02 PM

Testimony for WAM on 4/5/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hoʻouluhū Erika Perry	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am submitting testimony in support of HB2399. This bill will help Hawai‘i take important steps towards a zero waste future.

Mahalo nui a mālama pono,

Hoʻouluhū Erika Perry