

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that plastic marine  
2 debris is fouling Hawaii's iconic beaches and the ocean, harming  
3 recreation and the State's largest industry: tourism. Most of  
4 this debris comes not from Hawaii, but from around the world,  
5 transported by ocean currents and accumulated in the State from  
6 the North Pacific Gyre, also known as the Great Pacific Garbage  
7 Patch. Plastic marine debris is essentially indestructible. It  
8 does not go away over time but breaks down into smaller and  
9 smaller fragments, especially on beaches where it is exposed to  
10 sunlight and wave action. Both larger and smaller pieces of  
11 plastic marine debris have significant negative impacts on the  
12 environment and contribute to the potential death of marine  
13 animals and bird populations through ingestion. The smaller  
14 fragments, referred to as microplastics (less than five  
15 millimeters, or about the size of a sesame seed and smaller),  
16 are much more difficult to remove. Therefore, it is important,



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1 where feasible, to remove plastic marine debris before it breaks  
2 down into smaller fragments.

3 Harmful substances attached to plastic marine debris pose a  
4 risk to the marine environment and humans. Persistent  
5 bioaccumulative and toxic ("PBTs") chemicals or substances  
6 resist degradation and are biomagnified up the food web, leading  
7 to toxic effects. PBTs include persistent organic pollutants  
8 ("POPs"), such DDT dioxins and PCBs, which are essentially  
9 persistent, bioaccumulative, and toxic. This poisonous plastic  
10 food chain impacts many ocean species, including birds, whales,  
11 turtles, seals, corals, small organisms, the fish that form the  
12 foundation of the local fishing industry, and potentially even  
13 humans that eat fish. It is estimated that by 2050, there will  
14 be more plastic than fish by weight in the world's oceans.

15 Removal of plastic marine debris from beaches is critical  
16 to Hawaii's economy and environment. However, the legislature  
17 finds that removal has been hampered by disagreement over which  
18 agencies have responsibility and jurisdiction. Hawaii's counties  
19 are charged with "removing and clearing all seaweed, limu, and  
20 debris which are likely to create an unsanitary condition or to  
21 otherwise become a public nuisance from the shores and beaches



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1 situated within the respective counties", per section 46-12,  
2 Hawaii Revised Statutes. However, despite this mandate, the  
3 counties to date generally have not been removing and clearing  
4 plastic marine debris from their beaches and shorelines.

5 The legislature finds that plastic marine debris is  
6 creating unsanitary conditions and public nuisances and that the  
7 counties shall develop plans for collecting plastic marine  
8 debris from their beaches and shorelines and promptly  
9 transporting that debris to permitted solid waste management  
10 systems. Each county should annually report to the legislature  
11 its plan to meet this mandate in the future, annual estimated  
12 cost of compliance, and how each county intends to coordinate  
13 with and facilitate the efforts of volunteer groups that conduct  
14 beach cleanups to dispose promptly of the collected debris.

15 The purpose of this Act is to enhance Hawaii's environment  
16 and economy by ensuring that in the future, the counties protect  
17 their beaches and shorelines from the unsanitary conditions and  
18 public nuisances caused by plastic marine debris.

19 SECTION 2. Section 46-12, Hawaii Revised Statutes, is  
20 amended to read as follows:



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1           "§46-12   Cleaning shores and beaches of seaweed, limu, and  
2   debris.   (a)   The various counties shall be responsible for  
3   removing and clearing all seaweed, limu, and debris, including  
4   plastic marine debris, which are likely to create an unsanitary  
5   condition or to otherwise become a public nuisance from the  
6   shores and beaches situated within the respective counties[+],  
7   and dispose of any debris and plastic marine debris collected by  
8   the county or by volunteers at permitted solid waste management  
9   systems; provided that to the extent any of the foregoing work  
10   is a private responsibility, the responsibility may be enforced  
11   by the county in lieu of the work being done at public expense.

12           (b)   The county shall employ best practices to remove  
13   plastic marine debris from beaches frequently.

14           (c)   In determining the best practices for removing plastic  
15   marine debris, the county shall consult and coordinate with  
16   experts from the National Oceanic and Atmospheric Administration  
17   Marine Debris Program, and may consult with other coastal states  
18   and non-profit organizations regarding the most efficient and  
19   effective practices, equipment, and technologies. Each county  
20   shall submit a report of their respective findings, including  
21   how it plans to collect plastic marine debris from their beaches



1 and shores, transport the debris promptly to solid waste  
2 management systems, and the amount of plastic marine debris  
3 removed in the prior year to the legislature no later than  
4 twenty days prior to the convening of each regular session,  
5 beginning with the regular session of 2020. Each county's  
6 report shall also estimate what compliance will cost annually  
7 and how the county intends to coordinate with and facilitate the  
8 efforts of volunteer clean up groups who notify the county that  
9 they are conducting beach cleanups.

10 For purposes of this section, "plastic marine debris" means  
11 any discarded or abandoned plastic found on any shore, beach, or  
12 any beach access right-of-way."

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                    or so  
15 much thereof as may be necessary for fiscal year 2019-2020 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2020-2021 as a grant to the counties of Maui, Hawaii, and  
18 Kauai, and the city and county of Honolulu for the operating  
19 expenses necessary to employ best practices to remove plastic  
20 marine debris from beaches frequently and transporting the  
21 debris promptly to solid waste management systems.



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1 The sums appropriated shall be expended by the department  
2 of land and natural resources for the purposes of this Act.

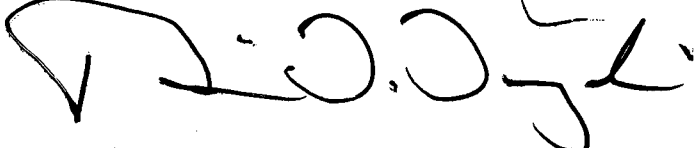
3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval;  
6 provided that section 3 shall take effect on July 1, 2019.

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**Report Title:**

Plastic Marine Debris; Counties; Appropriation

**Description:**

Requires counties to collect and dispose plastic marine debris and to report to the legislature. Appropriates funds.

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

