

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, January 31, 2023
8:30 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 229

In consideration of
HOUSE BILL 87
RELATING TO PLASTIC BOTTLES

House Bill 87 proposes to prohibit the retail sale or offer for retail sale of single-use plastic bottles designed to hold less than two liters of liquid for oral consumption, unless the liquid is to be used for a medical purpose, effective January 1, 2024. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill and offers the following comments.**

The Department recognizes the deleterious impacts of marine debris (including single-use plastics) on wildlife and their habitats as a critical natural resource issue throughout the State. Plastic in the environment degrades both land and ocean-based habitat and impacts wildlife (aquatic and terrestrial) through ingestion, entanglement, smothering, and transport of invasive species. In addition, each step involved in the manufacturing, distribution, and ultimate disposal of single-use plastic products (e.g., bottles and containers) produces greenhouse gas emissions and will increase the current impacts of climate change on our aquatic and terrestrial ecosystems.

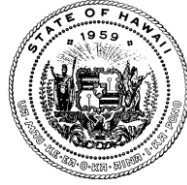
Hawai'i already has some of the highest reported debris accumulation rates in the USA. This measure would help reduce the plastic debris load entering the environment and will contribute to the improved health of our wildlife and their habitats. While the majority of marine debris may arrive from the ocean, it is our responsibility as a State to reduce the amount of plastic debris entering our ocean and the environment from local sources. House Bill 87 would help reduce the amount of plastic debris load entering Hawai'i's

DAWN N.S. CHANG
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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LAURA H.E. KAAKUA
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CONSERVATION AND RESOURCES
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

cultural sites, forests, waters and coastlines, and contribute to the improved health of our wildlife and their habitats.

The Department however has concerns that the Bill, as written, would adversely affect critical departmental operations, where bottled water is the only practical option in emergency situations. The Department suggests that the Legislature consider amending the bill to accommodate emergency response and public health and safety interests of the Department and other agencies.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII
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In reply, please refer to:
File:

**Testimony COMMENTING on HB0087
RELATING TO PLASTIC BOTTLES**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 1/31/2023 Room Number: 325

1 **Fiscal Implications:** This measure will not impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities.

4 **Department Testimony:** HB0087 prohibits the sale of plastic bottles designed to hold less than
5 two liters of liquid for oral consumption, unless used strictly for a medical purpose, effective on
6 or after January 1, 2024. Plastic waste poses a threat to the environment and reducing the number
7 of plastic bottles entering the State has the potential to benefit our environment. However, the
8 Department is concerned about potential unintended consequences that may arise with enacting
9 this bill.

10 The Department respectfully offers the following comments regarding HB0087:

11 1) The Department is concerned that there is no exemption for plastic containers in the
12 event of a natural disaster or other instances where sanitation is necessary for public health but
13 does not rise to the definition of "medical purpose" as defined in this bill.

14 2) Bottles or containers that are made with other materials like aluminum or glass cost
15 more to manufacture and ship to the State. Manufacturers select container materials in part based
16 on product compatibility, structural integrity, and weight. The Department is concerned that due
17 to the State's small market size, this proposal may harm local consumers due to increased
18 manufacturing costs that will be passed on to the consumer, and reduced choice as some
19 manufacturers elect to exit the State's market.

1 3) By prohibiting plastic bottles under two liters that contain liquids for oral
2 consumption, the Department is concerned that this bill could also potentially increase food
3 waste. If, for example, condiment manufacturers elect to only supply the State with two-liter
4 plastic bottles of their products, perishable items like mayonnaise may need to be discarded
5 before the consumer can use all of the product. The consumer would then need to purchase
6 another two-liter bottle, increasing their costs and potentially contributing to more plastic bottle
7 waste than this bill anticipates.

8 4) This bill prohibits all plastic bottles under two liters, which would include a
9 prohibition on plastic bottles that can be recycled by the consumer after its initial, intended
10 purpose. The Department is concerned that shifting from one container material to another may
11 potentially have no effect on the overall solid waste stream, where recycling is a preferable
12 solution to reduce the amount of solid waste in the State.

13 The Department strongly believes that addressing plastic waste, and its impact on the
14 environment, is vitally important. However, the Department respectfully requests that the
15 Legislature consider our comments regarding HB0087.

16 Thank you for the opportunity to testify.

17 **Offered Amendments:** None.

HB-87

Submitted on: 1/29/2023 5:08:49 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Suzanne Frazer	Beach Environmental Awareness Campaign Hawaii (BEACH)	Comments	Written Testimony Only

Comments:

Dear EEP Committee,

This is a flawed bill and needs correcting. To begin with plastic bottles are **not** single-use. Single-use means one time use only. Meaning that there is no possibility of using that item again. To be single-use means that the item is torn, ripped, broken or can't possibly be cleaned and refilled and used again. This does not apply to plastic bottles. They can easily be cleaned and refilled and used again. Therefore they are "disposable" but not "single-use". If they are referred to as "single-use" then this bill will fail as that provides a loophole. In addition, it's unclear why there is that whole section requiring the labelling of bottles with triangles and the resin identification code..?? The resin identification code system came into effect decades ago so why is such a dated thing being put in a bill in 2023 when it's already in effect? And what is in the bill about it is incorrect. Number 3 plastic is not vinyl - it's polyvinyl chloride and should be labelled PVC not "V" as in the bill. I've never seen this in a bill before or anywhere - the V for number 3 plastic. Lastly, what should be in this bill as to the best reason why plastic bottles should be banned for liquids that are consumed is because they are hot filled, because the chemicals in the bottle leach into the liquid and cause endocrine disruption. In other words people are being poisoned without their knowledge.

Regards,

Suzanne Frazer.

BEACH Co-Founder.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
January 31, 2023
HB 87 RELATING TO PLASTIC BOTTLES**

Good morning, Chairperson Lowen and members of the House Committee on Energy and Environmental Protection. 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 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

The Retail Merchants of Hawaii opposes HB 87 Relating to Plastic Bottles. This measure would prohibit the retail sale or offer for retail sale of single-use plastic bottles designed to hold less than two liters of liquid for oral consumption, unless the liquid is to be used for a medical purpose and is effective January 1, 2024.

Bans are not the simple answer. We need to maintain a fair balance regarding plastic bottles and containers and look at a coordinated litter reduction program.

Eliminating the ability of businesses to sell single serving drinks like bottled water, teas, energy, and hydration drinks that are in high demand is not the simple answer. Businesses respond to the wants of the customers that patronize their establishments all while operating on a very thin profit margin. Many of our local businesses are continuing to struggle because of the debt incurred due to COVID and government mandates. It will take many businesses years to recover if at all. We will see that consumer favorite grab and go drinks will no longer be available in single serving unless they are already found in cans or bottles. As a result, people of Hawaii would just order these single serving beverages online from stores that have no ties to Hawaii.

In addition, the effective date of this measure would not give retailers enough time to sell their products unless they do it at a deep discount and lose money on the sales or have to dump the products. This is especially true for locally owned and operated business who are not able to send back product to a sister store on the mainland. Furthermore, many of our local establishments have contracts with the distributors to purchase and sell these items. In some cases, there is a termination fee involved that the retailers would have to pay. This may close some local business who cannot afford the loss.

Alternative packaging products like that of glass bottles and cans often create more waste in volume and energy as well as increase air and water pollution – in the manufacturing of and in the transportation to the business. And as we been experiencing this from non-foam takeout containers – they are also a lot more expensive and harder to obtain due to some manufactures going bankrupt, supply and shipping issues to name a few.

We also wonder what would Hawaii do if we encounter some type of disaster and tap water is not drinkable? Bottled beverages would be a necessary replacement. During recent disasters like Hurricane warnings, volcano eruptions and heavy rains, RMH and our members are constantly being contacted for bottled water and drinks – especially for those in the individual serving size for not only those affected but also for responders and volunteers.

Hawaii is so depended on tourism and many who visit are not used to our hot and humid weather and need to hydrate. We are quite sure than when on vacation, visitors don't want to lug around 2 liter drink as they sight see, shop or walk around in the resort areas.

We need to be looking into a comprehensive litter reduction program that not only considers educating the public, but also looking for alternative solutions like public trash cans that are designed so that it will keep its content from flying out.

We urge you to hold this measure. Mahalo again for this opportunity to testify.



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**Hawaii State Legislature
House Committee on Energy and Environmental Protection
Public Hearing on House Bill 87
January 31, 2023**

Written Testimony

**James P. Toner, Jr.
Director of Government Relations
International Bottled Water Association**

Chair Lowen, and members of the Committee, thank you for this opportunity to submit written testimony on House Bill 87, which would, prohibit the sale any plastic bottle designed to hold less than two liters of liquid for oral consumption.

The International Bottled Water Association (IBWA)¹ strongly opposes HB 87. This legislation is not in the public interest and IBWA would urge the committee not to support it. IBWA opposes this legislation because:

- plastic water bottles are the best option for consumers, the environment, and recycling
- efforts to ban or restrict access to bottled water, no matter what the material, hinder individuals searching for a healthier beverage alternative
- bottled water in plastic containers has the lowest environmental footprint of any packaged beverage
- being strictly regulated by the U.S. Food and Drug Administration as a food product makes bottled water a safe choice for consumers
- it puts citizens at extreme high risk should there be a failure of a public water system
- it would greatly impact existing recycling streams in the state since polyethylene terephthalate (PET) is one of the most sought after materials in resource recovery markets
- the bottled water industry has a strong presence and commitment to Hawaii

¹ IBWA is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA represents bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium and large-size companies doing business in Hawaii. IBWA's stated mission is to serve the members and the public, by championing bottled water as an important choice for healthy hydration and lifestyle, and promoting an environmentally responsible and sustainable industry.

Bottled Water in Plastic is the Best Option

A 2021 life cycle assessment (LCA) conducted by the product sustainability consulting firm Trayak compared the impact on the environment for the following 16.9 oz packaging options: PET water bottle, aluminum can, beverage carton, and glass bottle. The study also included an assessment of the PET soda bottle. The LCA results of the comparison between the five industry average beverage containers shows the PET water bottle as the least environmentally impactful option, and therefore the preferred container for packaged water. It produces the lowest environmental impact across the seven indicators measured, including fossil fuel use, greenhouse gas (GHG) emissions, and water use.

A report from the American Chemistry Council (ACC) – *Life Cycle Impacts of Plastic Packaging Compared to Substitutes in the United States and Canada* – looked at the overall impact of plastics on the environment compared to other materials to answer the following question: If we weren't using plastic for the container, what would we be using instead, and what would be the impact of those alternatives? ACC's report concluded that, when comparing materials throughout the entire life cycle of a package, plastics leave a much smaller environmental footprint than alternatives, such as glass, aluminum cans, and paperboard cartons. Perhaps the most significant finding from the ACC report is that alternatives to plastic beverage containers would produce about 60 percent more greenhouse gas emissions.

A 2002 report from McKinsey & Company echoes the findings in the ACC study. Stating that plastics have a lower total greenhouse contribution than alternatives in most applications. The report, *Climate Impact of Plastics*, summarizes “among applications for which nonplastic alternatives are used at scale, the plastics examined in this paper offer a lower total greenhouse gas (GHG) emissions contribution compared with alternatives in 13 of 14 cases. GHG savings range from 10 to 90 percent, considering both product life cycle and impact of use. In addition, in many applications, particularly those concentrated in food packaging, there are few alternatives to plastics today. In fact, plastics adoption in the near term can help decarbonization efforts in these areas, particularly in terms of food spoilage and energy efficiency, given their lower GHG footprint.”

Plastic food and beverage containers (which includes bottled water) are not a significant contributor to ocean waste. Oxford University's Our World in Data website reports that of all the plastic waste in the ocean, only 0.95 percent comes from Central and North America. The Oxford website says, “If we aim to address the ocean plastic problem, an understanding of this global picture is important . . . whilst countries across North America and Europe generate significant quantities of plastic waste (particularly on a per capita basis), well-managed waste streams mean that very little of this is at risk of ocean pollution. In fact, if North America and Europe were to completely eliminate plastic use, global mismanaged plastic would decline by less than 5 percent.”

Published research from the Helmholtz Centre for Environmental Research – UFZ identifies the largest sources of ocean plastic pollution: 90 percent of it originates from 10 major river systems in developing regions. Eight of these rivers are in Asia, and two are in Africa. This research by Christian Schmidt, a hydrogeologist, supports IBWA's view that restricting the sale of bottled

water in North America — which has both waste management and recycling systems — will have little or no impact on the ocean plastic issue. Supporting research by University of Georgia Professor Jenna Jambeck found that approximately 83 percent of ocean plastic waste comes from just 20 countries, with China being the highest contributor, at 2.43 million metric tons of plastic waste per year. The United States is responsible for 0.07 million metric tons per year.

A Harris Poll conducting by IBWA found that of the bottled water drinkers who have a packaging preference (86 percent), nearly 8 out of 10 (79 percent), prefer it packaged in plastic bottles. Fifteen percent said glass, 4 percent said metal cans, and 2 percent said paper cartons or box. When it comes to environmental concerns, 91 percent of Americans agreed that it's important to recycle all recyclable consumer packaging, with 75 percent agreeing that plastic is a valuable resource because it can be recycled over and over again, and 89 percent agreeing that making new products from recycled material is better for the environment than using virgin (never before used) material. Nearly 7 out of 10 (69 percent) said consumers are primarily responsible for recycling water bottles, compared to companies (61 percent), government (31 percent) and a combination of all three (20 percent).

Bottled Water Industry is a Very Good Environmental Steward

Just like the bottled water industry, Hawaii prides itself on being proactive when it comes to environmental stewardship and recycling. The state's mandatory bottle deposit program (Act 176 - Deposit Beverage Container Law), in effect for 18 years, was specifically implemented to address the recycling of a wide array of beverage containers, including those for bottled water. According to the Hawaii Office of Solid Waste Management, the 2021 overall redemption rate for the program was 63 percent, while PET containers, most commonly used for single-serve beverages, including bottled water, achieved a nearly 58 percent redemption rate.

Bottled water has the smallest environmental footprint of all packaged beverages. All bottled water containers are 100% recyclable, and, as an industry, we support strong community recycling initiatives and recognize that a continued focus on increased recycling is important for everyone. In addition, bottled water containers are the most common item in curbside recycling programs, recycled at a rate of approximately 55 percent. The industry is always looking for ways to strengthen existing recycling programs and help to expand recycling efforts ever further. However, even when they are not properly recycled, bottled water containers make up only 3.3 percent of all drink packaging in U.S. landfills. By comparison, aluminum cans make up 7.9 percent. Bottled water also has the lowest water- and energy-use ratios of all packaged beverages. On average, it takes only 1.39 liters of water to produce 1 liter of finished bottled water (including the liter of water consumed), which is the lowest water-use ratio of any packaged beverage product. And on average, only 0.21 mega joules of energy are used to produce 1 liter of bottle of water.

While bottled water is just one of thousands of consumer items packaged in plastic, the bottled water industry has also gone to great lengths to reduce the environmental impact of its packaging, including developing new technologies in product packaging such as the use of recycled content, reduction of plastic used in caps and shrink-wrapping, and reduction of paper used in labels and shipping cardboard. IBWA member companies are increasing their use of

recycled PET (rPET) and many bottled water companies already use bottles made from 50, 75, and, in some cases, 100 percent rPET. Furthermore, the bottled water industry is continually developing additional ways to reduce its environmental footprint, from production to distribution to consumption. This includes development of “green” bottling facilities, as well as utilization of more fuel-efficient means of producing and transporting product to market.

In 2017, IBWA published a life cycle inventory (LCI) by Quantis to determine the environmental footprint of the United States bottled water industry. The results indicate that bottled water has a very small environmental footprint. In fact, the PET small pack and Home Office Delivery (HOD) bottled water industries combined emit 7.49 million metric tonnes of CO₂-eq., which is equivalent to 0.1 percent of total United States emissions. In 2015, the total non-renewable energy consumption by the bottled water industry was 0.247 trillion MJ. The energy used by the bottled water industry (considering only direct energy use by the industry – i.e., bottling plant operations and distribution of bottled water) compared to the U.S. total energy use is 0.3 percent. The LCI also states that the total bottled water industry generated 0.288 million metric tonnes of solid waste. The amount of solid waste generated by the bottled water industry compared to the U.S. total solid waste generation is 0.1 percent.

Bottled Water is a Safe Choice

Bottled water companies produce a safe, healthy, and convenient packaged food product that is comprehensively and stringently regulated by the U.S. Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 301 et seq., and applicable sections of Title 21 of the Code of Federal Regulations (CFR). Bottled water must meet the FDA’s general food regulations, as well as standards of identity, standards of quality, good manufacturing practices and labeling requirements specifically promulgated for bottled water. By federal law, the FDA regulations governing the safety and quality of bottled water must be as stringent as the EPA regulations governing tap water. And, in some very important cases like coliform bacteria and E. coli, bottled water regulations are substantially more stringent.

All bottled water products – whether from groundwater or public water sources – are produced utilizing a multi-barrier approach. From source to finished product, a multi-barrier approach helps prevent possible harmful contamination to the finished product as well as storage, production, and transportation equipment. Measures in a multi-barrier approach may include one or more of the following: source protection, source monitoring, reverse osmosis, distillation, micro-filtration, carbon filtration, ozonation, and ultraviolet (UV) light.

Claims regarding chemicals leaching from plastic water bottles are inaccurate, misleading and only serve to create unnecessary alarm among consumers. Bottled water containers, as with all food packaging materials, must be made from substances approved by the FDA for food contact. Plastic containers that are used for bottled water products (which are made from the same materials used in other food product containers) have undergone FDA scrutiny prior to being available for use in the marketplace. The FDA has determined that the containers used by the bottled water industry are safe for use and do not pose a health risk to consumers.

Bottled Water's Role in Healthy Hydration

For those who want to eliminate or moderate calories, sugar, caffeine, artificial flavors or colors, and other ingredients from their diet, or simply wish to opt for a convenient beverage with refreshing taste, reliable quality, and zero calories, choosing water is the right choice – no matter what the delivery method. Bottled water is a smart decision and a healthy choice when it comes to beverage options. Efforts to eliminate or reduce access to bottled water, such as this legislation, only hinder attempts to encourage people to choose healthier drink options.

In fact, since 2010, approximately 44 percent of the growth in bottled water consumption has come from people switching from carbonated soft drinks, juices, and milk to bottled water. It is the major factor that has made bottled water the number one packaged beverage in the United States. One of the simplest changes a person can make is to switch to drinking water instead of other beverages that are heavy with sugar and calories. According to the Institute of Medicine and the American Journal of Preventative Medicine, two-thirds of American adults are overweight with one-third of those individuals being obese, and over the last 30 years, children's obesity rates have climbed from 5 percent to 22.4 percent. Drinking zero-calorie beverages, such as water, instead of sugary drinks is regularly cited as a key component of a more healthful lifestyle, and promoting greater consumption of water from all sources, including from bottled water, can only benefit those efforts.

In today's on-the-go society, most of what we drink comes in a package. Attacks on bottled water only help to promote less healthy options among other beverages. Research shows that if bottled water isn't available, 74 percent of people will choose soda or another sugared drink – not tap water.

Bottled Water is Always There When You Need It

The bottled water industry has always been at the forefront of relief efforts during natural disasters and other catastrophic events. Clean, safe water is a critical need for citizens and first responders immediately following a natural disaster or other catastrophic event. Unfortunately, the availability of water from public water systems is often compromised in the aftermath of such an event (e.g., hurricanes, floods, wildfires, boil alerts). During these times, bottled water is the best option to deliver clean safe drinking water quickly into affected areas.

Removing all access to bottled water during times of need could result in an extremely dangerous situation for citizens at need and have a drastic effect on the state's ability to respond in a timely and efficient manner. The bottled water industry would not be able to provide safe, clean drinking water to Hawaii citizens when their public water systems are compromised without a viable commercial market. This provides the industry with the capital and resources to respond quickly when needed. The bottled industry cannot, and should not, exist only for disaster responses – something some critics of the bottled water industry desire. We urge committee members to remember that the bottled water industry is called upon every year to provide drinking water during critical times throughout Hawaii.

Bottled Water is an Important Economic Force in Hawaii

Companies in Hawaii that manufacture, distribute and sell bottled water employ as many as 1,170 people in the state and generate an additional 2,104 jobs in supplier and ancillary industries. These include jobs in companies supplying goods and services to manufacturers, distributors and retailers, as well as those that depend on sales to workers in the bottled water industry. The jobs currently generated by the bottled water industry in Hawaii are good jobs, paying an average of \$47,800 in wages and benefits. These jobs would be at risk should HB 1706 pass as it may force bottlers in the state to shutter their doors.

Not only does the manufacture and sale of bottled water create good jobs in Hawaii, but the industry also contributes to the economy as a whole. In fact, the bottled water industry is responsible for as much as \$693.87 million in total economic activity in the state. The bottled water industry generates sizeable tax revenues in the state. In Hawaii, the industry and its employees pay over \$36 million in taxes including property, income, and sales-based levies.

On top of these everyday economic numbers, the state receives a large sum of dollars from the existing bottle deposit program. And this money goes beyond what the state takes from unclaimed deposits but impacts money generated and received by businesses through the handling fee and the non-refundable container fee. With a substantial amount of that money being produced by the purchase and return on single-use plastic beverage containers, the state and businesses tied to the deposit program can expect a significant reduction in monies delivered.

Thank you for your consideration of IBWA's opposition to HB 87, and please do not hesitate to contact IBWA with any concerns or questions.

**HAWAII LIQUOR WHOLESALERS ASSOCIATION
FIVE WATERFRONT PLAZA
500 ALA MOANA BLVD STE 400
HONOLULU, Hawaii 96813**

January 30, 2023

House Committee on Energy & Environmental Protection
Conference Room 325
State Capitol
415 S. Beretania St.
Honolulu, Hi 96813

Re: HB 87 - RELATING TO PLASTIC BOTTLES
Hearing Date: January 31, 2023

Dear Chair Nicole Lowen, Vice Chair Elle Cochran, and Committee Members:

The Hawaii Liquor Wholesalers Association respectfully submits the following written testimony in **opposition** to HB 87 Relating to Plastic Bottles.

This bill would amend Chapter 342H-42 to prohibit the sale or offer of sale of any plastic bottles holding less than two liters of liquid for oral consumption, unless the liquid is to be used strictly for medical purpose.

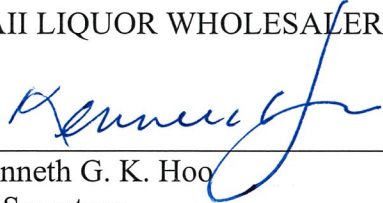
Water and many other liquids, that are needed for the well-being of the general public, are sold in plastic bottles holding less than two liters. Prohibiting plastic would make the cost and distribution of such liquids cost prohibitive and would only harm the people of Hawaii.

Based on the above, we respectfully oppose HB 87. Thank you for your consideration of the foregoing.

Very truly yours,

HAWAII LIQUOR WHOLESALERS ASSOCIATION

By: _____


Kenneth G. K. Hoo
Its Secretary



**Written Testimony of
David Thorp, American Beverage Association
Before the House Committee Energy & Environmental Protection
Opposition of H.B. 87: Relating to Plastic Bottles
January 31, 2023**

Good morning Chair Lowen, Vice Chair Cochran and members of the committee. Thank you for the opportunity to comment in opposition of H.B. 87 – relating to plastic bottles.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). The American Beverage Association 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 on the Islands. Unlike most consumer products, many of our beverages, aluminum cans and plastic 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.

What is PET?

Polyethylene terephthalate, also called PET, is the name of a type of clear, strong, lightweight and fully recyclable plastic. Unlike other types of plastic, PET is not single use but is made to be remade. PET is fully recyclable, versatile and is made to be remade. That's why America's beverage companies use it to make our beverage bottles.

Even the Encyclopedia Britannica notes how unique and valuable PET is - "*PET is the most widely recycled plastic. PET bottles and containers are commonly melted down and spun into fibres for fibrefill or carpets. When collected in a suitably pure state, PET can be recycled into its original uses, and methods have been devised for breaking the polymer down into its chemical precursors for resynthesizing into PET. The recycling code number for PET is #1.*"

Setting the record straight about plastic bottles in the environment

Let's be clear. There's a lot of misinformation about the value of our fully recyclable plastic bottles. Here are seven things you may not know.

1. We want our oceans free of plastic. We share in Americans' frustration when they see plastic bottles wind up as litter in oceans, beaches, parks or roadways. We recognize the serious need to reduce new plastic and keep our bottles out of the environment.

2. Our plastic bottles are not intended for single use but are made to be remade. Not all plastics are created equal. America's leading beverage companies are proud to use a valuable and versatile plastic, known as polyethylene terephthalate (PET), for their beverage bottles. PET is the most recycled plastic in the world.
3. We're committed to reducing new plastic. Our bottles are carefully designed to be fully recyclable (including the caps) - they are made to be remade into new bottles. Through Every Bottle Back, we are making investments to reduce our industry's use of new plastic by strengthening recycling infrastructure, modernizing technology, boosting collection rates and providing greater access to recycling collection at home.

In addition, PET beverage containers are collected under the state's HI-5 program, Honolulu's curbside recycling and drop-off recycling programs on all islands.

4. Our recycled bottles are in high demand. More than 1,570 million pounds of recycled PET is used annually to make new products as varied as carpet, playgrounds, clothing and shoes. This means less new plastic in the environment.
5. Our industry is taking action. Our industry is leading to educate consumers on the value of our plastic bottles. That's why we are placing a uniform message on bottle caps so consumers understand that our bottles are fully recyclable: "Recycle bottle...with cap on." This message will help consumers recycle better and increase recycling rates of our valuable bottles.

Our commitments on plastic are meant to serve as a catalyst for others to do more. We are eager to work with those who share the goal of using less new plastic. None of us can do it alone. Together, government, industry, environmental groups and consumers should come together to develop new, innovative ideas that will help us use less new plastic and ensure our bottles and caps don't wind up in places they shouldn't.

Sincerely,

David Thorp

David Thorp
American Beverage Association
Vice President, State Government Affairs West

HB-87

Submitted on: 1/30/2023 8:49:51 AM

Testimony for EEP on 1/31/2023 8:30:00 AM

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

Comments:

Support!



January 31, 2023

TO: Chair Nicole E. Lowen
Members of the House Committee on Energy and Environmental Protection

FR: Tim Shestek
Senior Director, State Affairs

RE: **HB87 Relating to Plastic Bottles – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HB87, legislation that would ban for retail sale any plastic bottle beginning January 1, 2024, designed to hold less than two liters of liquid for oral consumption. ACC and its members support efforts to reduce plastic waste and increase recycling; however, HB 87 would severely limit packaging options available to brand companies, likely resulting in increased production and transportation costs to manufacturers and further raise grocery prices for consumers. Furthermore, the bill would have significant environmental consequences, including important impacts on climate.

Multiple environmental factors must be considered when crafting packaging policy. For example, the Oregon Department of Environmental Quality (DEQ)¹ notes that “all packaging materials come from raw materials that have to be grown and harvested or extracted from the earth. Energy is required for electricity production, and fuels are used to manufacture and transport all kinds of packaging materials.” DEQ goes on to say “packaging serves several essential roles, including protecting products from damage. Taken to extremes, packaging waste prevention can lead to insufficient protection and product damage – and waste. Ideally, packaging waste prevention should reduce packaging waste without increasing waste (financial or environmental) elsewhere in the system.”

Plastic bottles and containers contribute to sustainability by reducing material use, energy use, waste, and greenhouse gas emissions (GHG). A 2022 McKinsey & Company report² examined the GHG contribution of plastics versus its alternatives and concluded “the plastics examined in this paper offer a lower total GHG contribution compared with alternatives in 13 of 14 cases. GHG savings range from 10 to 90 percent, considering both product life cycle and impact of use.” For soft drink containers “PET bottles have the lowest emissions because of their lightweight properties and the low amount of energy required to produce them.”

Additionally, plastic beverage bottles are fully recyclable and are the single most recycled item nationwide in curbside collection programs. Manufacturers of plastic beverage bottles are continually exploring opportunities to lighten their environmental footprint by reducing the raw materials used through light weighting, redesign, and use of post-consumer recycled materials.

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. ACC members are also

¹ [State of Oregon: Production and Design - Packaging](#)

² <https://www.mckinsey.com/industries/chemicals/our-insights/climate-impact-of-plastics>



investing significantly in new, “advanced recycling”³ technologies so that more recycled plastic can be used to make new packaging, thereby reducing our use of virgin materials.

ACC believes there is an opportunity to craft comprehensive packaging recycling policy that takes into account the necessary role packaging plays in shipping and protecting products and assesses the multitude of environmental attributes (e.g. recyclability, waste prevention, material efficiency, greenhouse gas emissions, etc.) of various packaging materials. Combined, these considerations will help arrive at a solution that makes sense environmentally and provides the business community with practical and implementable compliance obligations. We welcome the opportunity to work on legislation to achieve this objective.

Unfortunately, for these reasons stated we cannot support HB87 in its current form. 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

³ <https://plasticmakers.org/our-solutions/advanced-recycling-technologies/>



January 30, 2023

TO: The Honorable Nicole Lowen, Chair
Members, House Committee on Energy and Environmental Protection

From: Kris Quigley, Regional Director, State Government Affairs
Plastics Industry Association

Re: HB 87 - OPPOSE

The Plastics Industry Association (PLASTICS) must respectfully oppose HB 87, legislation that would ban for retail sale any plastic bottle beginning January 1, 2024, designed to hold less than two liters of liquid for oral consumption. Members of PLASTICS produce the plastic resin, equipment, and containers used to bottle water and other beverages. Our membership also consists of companies that buy collected bottles and recycle them into new products. As the industry responsible for manufacturing this packaging, we have a personal stake in making sure this product is designed with all economic, environmental, and consumer needs in mind.

Bottled water and bottled beverages are part of the state's bottle deposit program. Disallowing this material, which feeds into a successful recycling program that provides for the manufacturing of numerous new products, would be detrimental. Further, plastic bottles, made from polyethylene terephthalate (PET), are the most efficient packaging for drinking water and other beverages. This includes everything from the upstream manufacturing of these containers to the ease of use and delivery to the consumer. Cartons emit 87% more CO₂ emissions, cans 197% and glass bottles 846% more than some plastic PET bottles. Likewise, alternative packages require more water and extract more fossil fuels in their production.ⁱ

The PET recycling supply chain has made significant strides in becoming one of the most successful recovery operations in the nation. Just like virgin PET, recycled PET offers a number of environmental benefits by keeping this material in circulation instead of disposing of it and requiring the production of new materials. Recycled PET offers a reduction of 60% in greenhouse gas emissions, 75% lower energy demand and 40% less process and transportation energy expended.ⁱⁱ

New capabilities to capture this packaging continually come to market as the demand for this material increases. Removing this material from the recycling stream would be detrimental to the downstream manufacturers who are replacing virgin material with recycled material to create a sustainable future. This would be particularly detrimental to those who rely on this high-quality feedstock to meet the stringent requirements for using recycled resin in food packaging applications.

PLASTICS 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. As your committee works to address litter and waste problems while ensuring a sustainable economy, we stand by to work together to find a solution that address the needs of the business community while making environmental sense. We welcome the opportunity to work together on legislation that would achieve this objective. If you have questions, please contact me at kquigley@plasticsindustry.org or 916-607-0035.

Sincerely,

Kris Quigley
Regional Director, State Government Affairs
Plastics Industry Association

ⁱ [Mission & Partners | Niagara Bottling \(niagarawater.com\)](#)

ⁱⁱ [UPDATED PET RESIN LCA & CALCULATOR - NAPCOR](#)



**Environmental Caucus of
The Democratic Party of Hawai'i**

To: The Honorable Nicole E. Lowen, Chair,
The Honorable Elle Cochran, Vice Chair, and
Members of the Committee on Energy & Environmental Protection

Re: **HB 87 – RELATING TO PLASTIC BOTTLES**

Hearing: Tuesday, January 31, 2023, 8:30 a.m., Conference 325, via videoconference

Position: **Strong Support**

Aloha, Chair Lowen, Vice Chair Cochran and Members of the Committee on Energy & Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i stands in strong support of HB 87. This measure prohibits the retail sale or offer for retail sale of single-use plastic bottles designed to hold less than two liters of liquid for oral consumption, unless the liquid is to be used for a medical purpose, effective January 1, 2024.

The Platform environmental policies of the Democratic Party of Hawai'i are to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine of [Article XI, Section 1 of the] Hawai'i State Constitution. We support policy that incorporates indigenous resource-management practices and technologies such as the Ahupua'a System in modern urban planning and development to create an ecologically sustainable balance between the needs of the people and the rights of nature.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](https://www.hawaiidemocrats.org/our-platform)

Prohibiting the retail sale or offer for retail sale of single-use plastic bottles designed to hold less than two liters of liquid for oral consumption, unless the liquid is to be used for a medical purpose, is consistent with the Public Trust Doctrine and supported by the environmental policies of the Democratic Party of Hawaii as it will create a more sustainable society by supporting the restoration, preservation, and protection of our native ecosystems, oceans, and beaches.

Thank you very much for this opportunity to testify.

/s/ Melodie Aduja and Alan Burdick
Co-Chairs, DPH Environmental Caucus

January 31, 2023

Dear Chair Lowen, Vice Chair Cochran, and members of the committee,

Thank you for your time and the opportunity to provide comments on H.B. 87: Relating to Plastic Bottles. We respectfully request that our comments be incorporated into the hearing proceedings and record.

[The Association of Plastic Recyclers](#) (APR) is a US-based international trade organization and the only organization focused exclusively on growing and sustaining the plastics recycling industry. APR members are the entirety of the plastics recycling industry from design to collection to recovery to remanufacturing. We represent hundreds of US companies working every day to recycle plastic bottles, milk jugs, yogurt tubs, and more into new products and packaging. We know the challenges facing the industry and the solutions needed to effectively scale recycling as a key solution to reduce plastic waste and move toward a more sustainable, circular economy.

We strongly support state and federal policies to reduce unnecessary plastics and improve plastics recycling. We believe there is a path forward to both using less plastic and recycling more across the US economy. However, plastic bottles can be the most effectively recycled of all plastic packaging, and more work can and should be done to improve recycling in Hawaii for this and all consumer packaging. APR's members have the capacity to recycle nearly twice as much plastic as we do now. Our greatest challenge is that we are not collecting enough bottles, milk jugs, and other common plastics from households and businesses.

For those reasons, while we support the intent of this policy to reduce plastic waste, we are in opposition to the bill.

We would suggest the committee consider more proven, effective policy solutions to improve recycling of plastic containers and reduce their environmental impact. Specifically, we recommend:

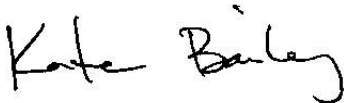
1. Eliminate problematic and unnecessary plastics that cannot be recyclable at scale. APR supports the [US Plastics Pact's list of 11 plastics to eliminate by 2025](#).
2. Improve beverage deposit systems by increasing deposit to 10 cents. [The Oregon beverage container deposit system](#) recycles 80-90% of containers and is a model for other states.
3. Adopt Producer Responsibility for Packaging policy to fund more effective curbside and drop-off center programs for residents and businesses. We support [Colorado HB22-1355 as a replicable EPR policy for other states](#).

4. Increase the use of post-consumer recycled plastic to reduce the environmental impact of containers and improve recycling. [A meta-analysis from the Oregon Department of Environmental Quality](#) found more recycled content yields lower environmental impacts for all packaging types. [Washington S5022 is a leading model for recycled content policies.](#)

Last year, in my previous role, I wrote and passed the producer responsibility law in Colorado. I know there is a path forward to building strong stakeholder support to transform recycling. The Colorado law was supported by a [broad coalition of NGOs, consumer goods companies, local governments, and many others](#). It has been heralded as a model for an industry-run solution to improve recycling and reduce costs for local governments. I urge you to look to this and other proven, pragmatic policy solutions as the model for Hawaii to reduce plastic waste and move toward a circular economy.

Please let me know if we can provide further information on these recommended state policies or any background on plastics recycling.

Yours for the planet,



Kate Bailey
Chief Policy Officer
Association of Plastics Recyclers

HB-87

Submitted on: 1/30/2023 3:53:57 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Randal Iijima	Toell USA	Oppose	Written Testimony Only

Comments:

Thank you for the opportunity to submit testimony on HB87.

We strongly oppose HB87 prohibiting the sale and manufacture of single use plastic bottles.

The proposed bill will have *no* impact in reducing the number of plastics found on beaches and is seriously flawed for the following reasons.

1. The majority of plastic waste (90%) originates from Asian and developing countries. Prohibiting the sale and manufacture will not stop the flow of plastics to our beaches.
2. Banning the sale and manufacture places an increased burden on businesses that are already stressed by inflationary pressures. Businesses will close as there are no alternative materials that will work with existing manufacturing equipment.
3. Placement of the recycling symbol on the label is unnecessary as all plastic bottles have the emblem imprinted on the bottom of the bottle.
4. Alternative materials such as Aluminum lined paper cartons and Aluminum cans are not a cost-effective alternative. The prohibition of selling and manufacturing plastic bottles will only result in substituting one form of pollution for another.
5. There is no statistical or science-based evidence to support HB87. The prohibition to sell and manufacture of plastic bottles will have no impact to reduce the plastic pollution washing up on our beaches.

Respectfully,

Randal Iijima

General Manager

Toell USA.

701 North Nimitz Hwy.

Honolulu, HI.. 96817

808-545-7676



Hawaii State Capitol
House Committee on Energy & Environmental Protection
415 South Beretania Street
Honolulu, Hawaii 96813

January 31, 2023

Dear Committee Members,

Animal Policy Group (APG) represents over 90,000 veterinary professionals, as well as clients in animal health and pet care services.

We had one recommendation should the committee decide to support HB87, which prohibits the sale of any plastic bottle designed to hold less than two liters of liquid for consumption. The exemption for medical purposes is defined as *“reasonably necessary for treatment of a person’s illness, injury, or physical or mental health and may include over-the-counter and prescription liquids.”*

We recommend expanding this definition to include drugs for animal health. *“reasonably necessary for treatment of a person’s or animal’s illness, injury, or physical or mental health and may include over-the-counter and prescription liquids.”*

There is also a standard exemption being used around the country for plastic recycling stewardship bills, like CA SB54, which was passed in July. This would all be covered by a more general exemption, but if the committee prefers more specificity, then we would recommend the following language.

- (i) Medical products and products defined as devices or prescription drugs, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)).*
- (ii) Drugs that are used for animal medicines, including, but not limited to, parasiticide products for animals.*
- (iii) Products intended for animals that are regulated as animal drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), the federal Virus-Serum-Toxin Act (21 U.S.C. Sec. 151 et seq.), or the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).*
- (iv) Infant formula, as defined in Section 321(z) of Title 21 of the United States Code.*
- (v) Medical food, as defined in Section 360ee(b)(3) of Title 21 of the United States Code.*
- (vi) Fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by the International Classification of Diseases, Tenth Revision, or other medical conditions as determined by the department.*
- (vii) Packaging used to contain products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).*
- (viii) Plastic packaging containers that are used to contain and ship products that are classified for transportation as dangerous goods or hazardous materials under Part 178 (commencing with Section 178.0) of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations.*
(additional exemptions follow)

Thank you very much for your time and please let us know if you have any questions.

Sincerely,

Scott Young
Vice President, Legislative and Regulatory Affairs
(202) 744-5190
scott@animalpolicygroup.com

HB-87

Submitted on: 1/30/2023 6:18:02 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
RONALD FLORMATA	Randolph Sheppard Vendors of Hawaii	Oppose	Written Testimony Only

Comments:

Aloha,

There are about 50 blind vendors in Hawaii and all of them sell water and soda bottles 20 oz and bigger. If this bill is enacted into law, it will be a grave impact, if not fatal, on the lives of these blind vendors and also their employees. I understand the negative effect of single use plastic bottles to our environment but maybe there is another solution to the problem instead of a total ban. We are already paying 6 cents (HI-5) to the State for each bottle we purchase for resale. Is it working? Perhaps the State can be more persuasive in encouraging or even force Hawaii residents and visitors to comply with the proper disposal of single use plastic bottles. Please let us find a better solution instead of a total ban.

HB-87

Submitted on: 1/27/2023 4:14:42 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Slater	Individual	Support	Written Testimony Only

Comments:

I strongly support HB87 and the ban of smaller single-use plastic bottles. This ban will go a long way to reduce plastics use in Hawaii.

HB-87

Submitted on: 1/27/2023 9:50:31 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

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

Comments:

Stop trying to Control the People. This will not work. You neck is on the line. Stop rippig the people of Hawaii OFF!!!!

HB-87

Submitted on: 1/28/2023 5:54:39 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Comments	Written Testimony Only

Comments:

Comment: We should be eliminating all plastic bottles because most people and areas do not recycle them nor do we see positive affects from the current laws. In addition, I would like to add that if RED HILL has not been resolved yet, most likely ALL of O`ahu will be drinking water (hopefully, the ships will bring it in)from less than 2 liter bottles because our aquifer will be contaminated. Something to think about.

HB-87

Submitted on: 1/29/2023 5:42:14 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Teo Mocnik	Individual	Oppose	Written Testimony Only

Comments:

A typical one-person household does not consume 2 liters of milk/juice before it goes bad after opening. This bill may even INCREASE the plastic waste in one-person households if they were forced to buy larger containers.

HB-87

Submitted on: 1/29/2023 9:20:01 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerdine Markus	Individual	Support	Written Testimony Only

Comments:

Every time I see someone carrying a tray of plastic water bottles out of the store I worry about the landfills and limited space on our islands and about the environment impacted by all our plastics. There must be a better way to get drinking water distributed amongst employees, customers and families. Let's brainstorm! Banning these bottles is a much needed first step! Thank you!

HB-87

Submitted on: 1/29/2023 10:01:10 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

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

Comments:

Aloha EEP Chair Lowen, & EEP Committee members:

I strongly support HB87: RELATING TO PLASTIC BOTTLES.

Hawaii should prohibit ALL retail sales or offer for retail sale of single-use plastic bottles designed to hold less than two liters of liquid for oral consumption, unless the liquid is to be used for a medical purpose. All plastic bottles should be clearly marked with a corresponding plastic type.

Currently not all plastic bottles sold in Hawaii have the Hi5 mark and therefore are not taken by recyclers in our state, and then wind up in our limited landfills. I suggest that this bill should be amended to require that all plastic sold in Hawaii are required to have a Hi5 symbol and are allowed in the HI5 program, to encourage recycling.

A comprehensive review of the Hi5 program is needed. Maybe the program should be Hi10 or Hi20 to include the cost of shipping plastics to mainland recyclers added on to the beverage or product fee, so plastics get recycled. If the cost goes up, consumers may choose to opt for more environmentally sound products.

There are also many Aluminum beverage cans (example- La Croix sparkling water) that are sold by Hawaii retailers that do not have a Hi-5 symbol & therefore do not get recycled.

More funding is needed to assist counties to manage recycling, and to keep items that have recycling value out of landfills.

Mahalo, Chair Lowen for arranging a hearing for HB87 and leading the EEP committee, to protect Hawaii and our planet.

Mahalo with Aloha,

Lisa Diaz, 76-223 Haoa St.; Kailua-Kona, HI 96740

TO: Members of the Committee on Energy & Environmental Protection

FROM: Natalie Iwasa
808-395-3233

HEARING: 8:30 a.m. Tuesday, January 31, 2023

SUBJECT: HB 87, Bans Use of Certain Plastic Bottles for Liquids - **OPPOSED**

Aloha Chair Lowen and Committee Members,

Thank you for allowing the opportunity to provide testimony on HB 87, which would ban the use of plastic bottles for liquids for consumption in amounts less than two liters, except for medicine.

Alternatives to plastic bottles currently in use are glass and boxes. Both are more expensive than plastic bottles. In addition, plastic bottles can be reused and recycled, whereas boxes made for juices and similar materials are not.

Instead of banning plastics, there should be more enforcement of our anti-littering laws.

And why is it that the City and County of Honolulu still doesn't have lids on its trash bins at parks? During very windy days, trash bags blow out of the cans, and litter flies all over the place.

Let's start fixing the poor behavior that results in trash in our oceans rather than banning yet another useful item.

Here's a sampling of the kinds of plastic bottles that would be banned under this bill:



Vote "No" on HB 87.



Sally Jefferson
Director, Western States

THE HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
January 31, 2023

Testimony in Opposition to HB 87

Chair Lowen, Vice Chair Cochran and Members of the Committee:

Thank you for the opportunity to present testimony in opposition to HB 1706 RELATING TO A BAN ON SINGLE USE PLASTIC CONTAINERS. Wine Institute is a public policy association representing more than 1,000 California wineries and associate members.

The California wine industry is committed to sustainability with an impressive 80% of California's wine production certified under a statewide sustainability program that encourages use of products with recycled content, reusability, takeback or recyclable packaging, and non-toxic materials. While we support the objective of recovering more wine packaging, we are opposed to HB 87 which would result in banning the sale at retail by January 1, 2024 of plastic wine bottles designed to hold less than 2 liters like 187 milliliter polyethylene terephthalate (PET) plastic bottles.

There is a relatively small amount of wine sold in Hawaii in 187ml PET bottles. To our knowledge, no wine producers are selling wine in larger PET formats. This product is typically marketed in four packs offering consumers a wine product that is easy to open (screw top), transport (one-sixth the weight of glass) and consume (single-serving size). These lightweight PET wine bottles are also sold by airlines and public venues (sporting facilities, parks & concert venues) that are concerned with glass breakage and the weight to transport. Consumers select these products when going to venues where potential glass breakage is a danger, such as backyards, parks and beaches.

Currently, the suppliers of these bottles are using only virgin resin for the PET because these bottles have a special barrier coating which seals the container from the inside to protect the contents from oxidation and maintain a glass-like clarity. These bottles are only recyclable with the barrier easily removed during the recycling process. Though recyclable, it has NOT been determined that the same quality bottles with glass-like clarity and the necessary barrier can be produced with postconsumer recyclable content, and there are currently no such products available on the market.

Even if it is determined that 187ml PET wine bottles could use postconsumer recyclable content without losing clarity or functionality, the wine industry's comparatively minimal need for recycled content would place it at a disadvantage in the marketplace. Much larger beverage manufacturers, such as soda and water companies, will have the highest demand and much greater purchasing power than wineries. Wineries will be a tiny part of the demand and may not have access to the uniquely shaped and treated plastic bottles they require with the recycled content required under this bill.

Material selection, design, performance and the environment are all critical factors when it comes to wine packaging. Given the inability to utilize post-consumer recycled plastic content for 187 ml PET bottles, we oppose HB 87 and respectfully urge that you hold this legislation unless these particular bottles are exempted under this legislation. Limiting Hawaii consumers to only heavy glass containers that are subject to breakage in outdoor venues is not a good solution for either the wine industry or Hawaii's wine consumers.

HB-87

Submitted on: 1/30/2023 6:01:47 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Wink	Individual	Support	Written Testimony Only

Comments:

Dear Chair Lowen, Vice Chair Cochran, and members of the committee,

I write this testimony in the strongest **support** of **HB87**. We, as a species, have made it evident enough that we will not treat this beautiful earth the way she deserves. We have killed too many beings, whether it be ocean life, forests' ecosystems, or microorganisms, we are continuing to do more and more harm with single use plastic. Especially here. There is no eco friendly way of ridding the islands of it. We have much better alternatives and should all be using them.

Thank you for the opportunity to testify.

With Gratitude,

Wendy Wink

HB-87

Submitted on: 1/30/2023 7:14:11 PM

Testimony for EEP on 1/31/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please pass HB87. Single-use plastic bottles are a threat to the state's oceans and vulnerable marine ecosystems. Each year, more than 15,000,000 metric tons of plastic enter the world's oceans. Experts predict that, by 2050, the amount of plastic in the ocean will outweigh fish unless significant changes are made. The need for significant change in Hawai'i was underscored in 2020, when the United States Environmental Protection Agency found that several of the state's beaches are "impaired by trash," with the majority of the pollutants comprising single-use plastics. Banning the retail sale or offer for retail sale in the state of single-use plastic bottles is warranted and critical to a clean, healthy future.