
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that, under current
2 practices, solid waste may soon exceed landfill capacity in all
3 the State's counties. The State must, where feasible, reduce
4 waste production and conserve resources by reusing and refilling
5 packaging materials, diverting organic materials, and recycling.
6 Additional resources, facilities, and services will be needed to
7 achieve resource conservation and waste reduction targets and
8 reduce the counties' costs for waste management. Although most
9 packaging waste in Hawaii is handled in a linear manner, where
10 it is used and disposed of after a single use, the State needs a
11 more circular system where resources are reused and not wasted.

12 The legislature further finds that several other states
13 have adopted or are considering legislation to require producers
14 of packaging to take on some of the responsibility and bear some
15 of the costs of reducing and managing packaging materials and
16 paper products.



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

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

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



- 1 (1) Each county department responsible for waste
2 management;
- 3 (2) Global and national producer responsibility
4 organizations, including producer responsibility
5 organizations actively working on reusable packaging
6 systems;
- 7 (3) Producers of packaging materials and paper products;
- 8 (4) Refuse and recycling collection and processing service
9 providers;
- 10 (5) Compost facility operators;
- 11 (6) Retailers, including restaurants; wholesalers; and
12 distributors;
- 13 (7) Organizations and community groups involved with waste
14 management and waste reduction;
- 15 (8) Organizations or community groups representing the
16 native Hawaiian community;
- 17 (9) Environmental justice organizations; and
- 18 (10) Environmental and human health scientists;
- 19 provided that additional stakeholders may be included as the
20 department deems necessary and relevant.



1 (b) The department shall convene an advisory council to
2 review the draft needs assessment and propose recommendations
3 throughout the assessment process. The department shall also
4 hold a public hearing to obtain comments on a draft needs
5 assessment plan. The advisory council shall include:

- 6 (1) One representative from each county department
7 responsible for waste management;
- 8 (2) One representative from a national producer or
9 producer trade association;
- 10 (3) One representative from a Hawaii based producer or
11 producer association;
- 12 (3) Two representatives who are experts or operators of
13 reuse, refill, or circular economy systems;
- 14 (4) One representative from a Hawaii based refuse service
15 provider;
- 16 (5) One representative from a Hawaii based recycling
17 collection and processing service provider;
- 18 (6) One representative from a Hawaii based retailer,
19 including restaurants; wholesaler; or distributor;
- 20 (7) Two representatives from Hawaii based organizations
21 and community groups involved with waste management;



1 (8) One representative from the native Hawaiian community
2 or environmental justice community; and

3 (9) One representative who is an environmental or human
4 health scientist.

5 (c) The needs assessment shall detail the resources
6 required in each county to reduce as much as feasible the
7 packaging materials waste and paper products that the county
8 sends to a landfill or power plant that burns municipal solid
9 waste. Additionally, the needs assessment shall consider the
10 following:

11 (1) Waste and recycling characterizations, including
12 baseline studies of what is in the waste stream, what
13 is being recycled, what is being composted, and how
14 these vary across local jurisdictions;

15 (2) Existing collection infrastructure, including:

16 (A) What materials are being collected and the
17 processes and procedures for collection;

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

20 (C) How collection services are arranged and funded;

21 and



- 1 (D) Improvements in services needed;
- 2 (3) Processing and materials recovery facility
- 3 infrastructure, including:
- 4 (A) How collected materials are currently being
- 5 processed and marketed;
- 6 (B) Whether the sorting technology is up to date;
- 7 (C) Whether there is sufficient capacity to process
- 8 the volume of materials;
- 9 (D) Opportunities and infrastructure needed for more
- 10 local processing of materials; and
- 11 (E) Costs to implement infrastructure improvements;
- 12 (4) Markets, including the state of markets for recovered
- 13 materials and finished compost;
- 14 (5) Education, including the effectiveness of the existing
- 15 outreach in educating residents;
- 16 (6) Levels of contamination in collected packaging
- 17 materials and organics for composting;
- 18 (7) The impact of the composition of packaging materials
- 19 on the reuse, recyclability, and compostability of
- 20 packaging materials;



- 1 (8) An evaluation of how extended producer responsibility
- 2 program laws are designed and working in other states
- 3 and countries;
- 4 (9) An evaluation of an appropriate definition of
- 5 "producer" for an extended producer responsibility
- 6 program in Hawaii;
- 7 (10) Equity and environmental justice, including:
- 8 (A) Consideration for how the existing system is
- 9 operating and how extended producer
- 10 responsibility could increase equity; and
- 11 (B) An assessment of equity issues in education
- 12 efforts;
- 13 (11) Economic impact, including estimates in job
- 14 development from increased reuse, recycling, and
- 15 composting;
- 16 (12) Environmental benefits from reduction and reuse and
- 17 local versus off-island materials processing;
- 18 (13) How extended producer responsibility can promote
- 19 upstream improvement such as source reduction,
- 20 packaging redesign and optimization, reduction of
- 21 packaging materials that are harmful to human health



1 or the environment, and reuse and refill practices,
2 including:

3 (A) Identifying opportunities for source reduction,
4 reuse, and refill in packaging systems; and

5 (B) Cost and infrastructure needs to implement these
6 systems; and

7 (14) Suggested diversion targets and timeline using
8 baseline data from the needs assessment to determine
9 the resources, infrastructure, educational program,
10 and other initiatives needed to reach conservative,
11 moderate, and aggressive waste reduction goal
12 scenarios.

13 (d) The department of health shall complete and submit the
14 needs assessment, including any proposed legislation, to the
15 legislature by December 31, 2026.

16 (e) For the purposes of this section:

17 "Packaging materials" includes materials used for the
18 containment, protection, or serving of products, including but
19 not limited to paper, paperboard, cardboard, plastics, glass, or
20 metal, or a mixture of any of these materials. "Packaging



1 materials" excludes beverage containers included under the
2 Hawaii deposit beverage container program.

3 "Paper products" includes printed materials such as office
4 paper, magazines, newspaper, and junk mail. "Paper products"
5 does not include literary, text, and reference bound books.

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

9 "Refill" means employing packaging materials that consumers
10 reuse.

11 "Reuse" means the return of or to return packaging
12 materials to the economic stream for use in the same kind of
13 application intended for the original packaging without changing
14 the original composition of the package, the identity of the
15 product, or the components thereof.

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$. . . or so
18 much thereof as may be necessary for fiscal year 2024-2025 for
19 the department of health to conduct a statewide needs
20 assessment, pursuant to section 2 of this Act, to inform the



1 future establishment of an extended producer responsibility
2 program.

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

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

- 19 (1) The appropriation made in this Act is necessary to
20 serve the public interest; and



1 (2) The appropriation made in this Act meets the needs
2 addressed by this Act.
3 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Requires the Department of Health to conduct a statewide needs
assessment and establish an advisory council to determine what
would be needed to transition to a more circular system with
less waste generation, more reuse, and an extended producer
responsibility program for packaging materials and paper
products. Appropriates funds. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

