

STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony COMMENTING on HB2562
RELATING TO PLASTIC BOTTLES**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: February 8, 2024

Room Number: 325

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** HB2562 prohibits the sale of single-use plastic bottles designed to hold
3 less than two liters of bottled water, unless necessary for emergency response and public health
4 and safety, effective on or after January 1, 2025.

5 The Department of Health (Department) respectfully offers the following comments:

6 (1) The bill should be revised to clearly identify the intent of this bill. As written, it
7 appears that the prohibition is the sale of plastic bottles that are designed to hold water, however,
8 for the purpose of this testimony, the Department assumes the intent is to prohibit the sale of
9 bottled drinking water that is less than two liters in size.

10 (2) The bill should include a definition for “water” that will be prohibited in HB2562.
11 Specifically, the Department seeks clarity as to whether manufacturers of products like sparkling
12 waters, tonic waters, and seltzers would be prohibited from packaging their products in plastic
13 containers. Furthermore, manufacturers of subproducts like plain and sparkling waters with
14 minimal additive fruit flavorings that are not classified as juices or sodas might also be
15 prohibited from packaging their products in plastic containers, depending on the definition of
16 “water.”

17 (3) The bill should include a definition for “emergency response and public health and
18 safety.” For example, will the exclusion apply to customers who are preparing for hurricane

1 season, or customers who do not have running water; and what is the basis for retailers to know
2 how to make this determination prior to sale.

3 **Offered Amendments:** None

4 Thank you for the opportunity to testify.



TESTIMONY OF DANIEL NĀHO'OPI'I
INTERIM PRESIDENT & CEO, HAWAII TOURISM AUTHORITY
BEFORE THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Thursday, February 8, 2024 9:30 a.m.
In consideration of
HB 2562
RELATING TO PLASTIC BOTTLES

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

The Hawai'i Tourism Authority (HTA) offers the following comments on HB2562 for your consideration. HTA supports the intent of this measure to reduce the volume of plastic waste in our precious environment by prohibiting the sale of single-use plastic water bottles.

We agree with the intent of this legislation as it is in alignment with our Strategic Plan priorities, action items articulated in our community-led Destination Management Action Plans, and HTA's commitment to the Mālama Mandate.

As an example of putting this commitment into action, in a public-private partnership with the Surfrider Foundation's Maui Chapter called Rise Above Plastics On Vacation, HTA funded the provision of reusable water bottles to participating lodging establishments that provided water refill opportunities as a way to educate visitors and reduce the use of single-use water bottles. The participating lodging establishments also committed to informing guests both pre and post arrival of the program, ensuring the visitor's awareness that they need not purchase single-use water bottles upon landing or during their stay.

Additionally, we are aware of and would like to take this opportunity to recognize establishments working to eliminate the use of single-use plastic water bottles, including lodging establishments providing reusable water bottles for guest use during their stay, visitor industry businesses offering water in packages other than plastic bottles, and establishments that have added water bottle filling stations.

HTA stands ready to assist in educating visitor industry stakeholders and visitors should this measure be enacted, and we defer to our colleagues at the Department of Health on matters related to the implementation of this measure.

Mahalo for the opportunity to provide these comments.



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Eddie Asato, Pint Size Hawaii, *Immediate Past Chair*

TO: Committee on Energy and Environmental Protections

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 8, 2024
TIME: 9:30am
PLACE: Room 325

RE: HB2562 Relating to Plastic Bottles

Position: Oppose

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

Dear Chair Lowen, Vice Chair Cochran and Committee Members,

I am writing on behalf of the Hawaii Food Industry Association to express our strong opposition to House Bill No. 2562, which seeks to prohibit the retail sale of single-use plastic bottles designed to hold less than two liters, without specific consideration for their content. While we acknowledge the concerns surrounding plastic pollution, we believe that the broad scope of this bill poses severe challenges for local businesses and the community at large.

Firstly, we would like to emphasize the adverse impact this legislation would have on local bottled water producers who operate and bottle water within the state.

The proposed prohibition on single-use plastic bottles could force these businesses to shut down, jeopardizing their ability to supply bottled water during times of urgent natural disasters. Although the bill excludes water needed for emergency response and public health and safety, the unintended consequence is that local producers may go out of business, leaving the state dependent on external sources for bottled water during crucial times.

Recent events, including the Maui wildfire, vividly highlight the essential role of bottled water and beverages during emergency situations. The timely availability of these products becomes critical for the affected communities. In instances where natural disasters occurred, there were significant delays – sometimes spanning several days – before water could be delivered to the affected areas. The proposed ban on single-use plastic bottles, as outlined in H.B. NO. 2562,

raises a legitimate concern about the potential depletion of essential inventory during emergencies. It is crucial to recognize the practical necessity of bottled water and drinks in ensuring immediate access to hydration for affected populations. We believe that preserving this accessibility should be a paramount consideration in shaping legislation, particularly when unforeseen events necessitate swift and effective responses.

The expectation that bottlers could sustain their operations solely by supplying for natural disasters is unrealistic and impractical. Bottling companies require a consistent and diverse market to remain economically viable, as relying solely on sporadic emergency needs would undermine their financial stability. Restricting their business opportunities to emergency scenarios presents a highly precarious situation that is unsustainable in the long term. Moreover, the beverage industry plays a significant role in contributing to a robust and diversified economy, providing stable employment opportunities with competitive wages. Jobs in this sector not only support the livelihoods of numerous individuals but also contribute to the overall health of the local economy. Maintaining a thriving beverage industry ensures job security, fosters economic growth, and sustains a dynamic marketplace, ultimately benefiting both businesses and the community at large. Therefore, it is crucial to consider the broader economic implications when evaluating the potential impacts of H.B. NO. 2562.

Furthermore, the bill's exemption for emergency response bottled water does not adequately address the potential consequences of groundwater contamination, as exemplified by the recent Red Hill incident. In the event of such contamination, residents would face an immediate and severe threat to their access to clean water. It is crucial to recognize that the bill, in its current form, fails to provide a practical solution for ensuring a local and reliable supply of bottled water when contamination incidents occur, putting public health and safety at risk.

In addition to our concerns about the impact on local bottled water producers, we also worry about the unintended consequences for various other industries and the economy. This bill would adversely affect retailers, distributors, and manufacturers involved in the packaging and sale of beverages, impacting jobs and livelihoods across the supply chain.

We acknowledge the need for environmental responsibility and share the commitment to addressing plastic pollution. However, we propose that alternative measures be considered, such as incentivizing the use of eco-friendly packaging or supporting recycling initiatives, to achieve the goal of reducing single-use plastic without jeopardizing local businesses and public safety.

Our local beverage bottlers are being proactive in increasing the amount of recycled content they use. One of our local beverage manufacturers has taken initiative to use 25% recycled content in bottles by next year, 50% by 2027 and has an ultimate goal of 100%. Currently their demand for recycled feedstock is outpacing supply, but we hope that as people come to better understand recycling this will even out.

In conclusion, we urge the committee to reconsider the broad scope of H.B. NO. 2562 and its potential ramifications on local businesses and the community. We recommend exploring alternative solutions that balance environmental concerns with the economic viability of local industries and the assurance of a clean water supply for Hawaii's residents.

Thank you for considering our concerns. We would appreciate the opportunity to discuss this matter further and contribute to finding a balanced and effective solution.



February 8, 2024

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

FR: Tim Shestek
Senior Director, State Affairs

RE: **HB2562 Relating to Plastic Bottles. – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose HB2562, which would ban the retail sale of single-use plastic bottles designed to hold less than two liters of bottled water. ACC and its members certainly support efforts to reduce litter and marine debris; however, HB2562 overlooks many potential consequences of implementing such a policy.

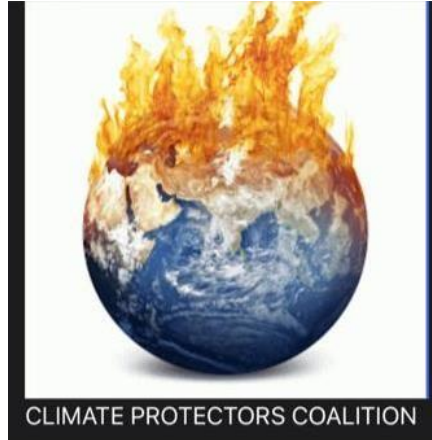
HB2562 falsely assumes that alternatives to plastic beverage containers are environmentally preferable. PET plastic beverage bottles are 100% recyclable and are the single most recycled item nationwide in curbside collection programs and make up only a small percentage of the waste stream. In fact, U.S. Environmental Protection Agency (EPA) data shows that plastic water bottles make up less than one-third of one percent of the U.S. waste stream.

Additionally, manufacturers of plastic beverage bottles are continually looking for ways to lighten their environmental footprint by reducing the raw materials used in PET plastic through light weighting, redesign, and use of post-consumer recycled materials. Between 2000 and 2014, the average weight of a single-serve PET bottled water container dropped by 51% and many bottled water companies are already using up to 50% recycled material in their plastic bottles.

Finally, the state's mandatory bottle deposit program (Act 176 - Deposit Beverage Container Law) was specifically implemented to address the recycling of a wide array of beverage containers, including those for bottled water. For these reasons, we are opposed to HB2562.

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.





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

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

Re: **Hearing HB2562 RELATING TO PLASTIC POLLUTION**

Hearing: Thursday February 8, 2023, 9:30 a.m., room 325

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

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators,
filmmakers and environmental advocates who have been working since 2017 to
protect Hawaii's coral reefs and ocean. HIROC is interested in preventing polluted
runoff that harms the reefs and oceans.

The Climate Protectors Hawai'i seek to educate and engage the local community in
climate change action, to help Hawai'i show the world the way back to a safe and
stable climate. We support the use of trees and other design measures that
reduce heat save energy and reduce the climate impact.

**Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i SUPPORT the
intent of HB2562, with comments.**

The Hawaii Reef and Ocean Coalition and the Climate Protectors Hawaii appreciate the bill's intent to eliminate single-use plastic water bottles. These bottles are a multiple scourge on the environment in at least the following ways:

1: they become trash polluting our lands and waters; 2. they break down into microplastics that are consumed and harm human and aquatic life; and 3. their manufacture consumes many millions of barrels of oil annually, contributing significantly to climate warming.

Comments: If a ban on sales as proposed is not passed, one alternative might be to **require that any vendor selling single-use plastic water bottles in Hawaii must: 1. pay a tax of 10 cents on sale of each bottle with less than two liters, with proceeds used to fund water refill stations at public facilities; 2. maintain working water refill stations at each sales location; and 3. sell refillable, non-plastic water bottles at wholesale cost each sales location.**

Please pass a strong bill that works to reduce single-use plastic bottles in Hawaii.

Mahalo!

Hawaii Reef and Ocean Coalition and the Climate Protectors Hawaii (by Ted Bohlen)



February 6, 2024

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 2562 - OPPOSE

The Plastics Industry Association (PLASTICS) must respectfully oppose HB 2562, legislation that would ban for retail sale any plastic bottle beginning January 1, 2025, designed to hold less than two liters of liquid for oral consumption. Members of PLASTICS produce 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 ease of use and delivery to the consumer. Cartons emit 87% more CO₂ emissions, cans 197% and glass bottles 846% more than 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 addresses 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.

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](#)



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**Hawaii State Legislature
House Committee on Energy and Environmental Protection
Public Hearing on House Bill 2562
February 8, 2024**

Written Testimony

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

Chair Lowen, Vice Chair Cochran, and members of the Committee, thank you for this opportunity to submit written testimony on House Bill 2562, which would prohibit the sale and distribution of single-use plastic water bottles less than two liters in size.

The International Bottled Water Association (IBWA) strongly opposes HB 2562. This legislation is not in the public interest, and IBWA would urge the Committee not to support it. IBWA opposes this legislation for the following reasons:

- Polyethylene terephthalate (PET) plastic bottled water containers have the lowest environmental footprint of any packaged beverage containers, including those made with glass, aluminum, or paperboard cartons.
- PET plastic bottled water containers are not “single-use” products. They are 100% recyclable and can be used over and over again to make new products.
- It would negatively impact existing recycling streams in the state, as PET is one of the most sought-after materials in resource recovery markets.
- Restricting access to bottled water would hinder individuals searching for a healthier beverage alternative.
- Being strictly regulated by the U.S. Food and Drug Administration as a food product makes bottled water a safe choice for consumers.
- The bottled water industry has a strong presence and commitment to Hawaii.

PET Plastic Is the Most Environmentally Friendly Packaging

Attempts to eliminate the availability of plastic bottles of water would remove the most environmentally friendly beverage packaging option. PET plastic bottled water containers have the smallest environmental impact compared to all other drink packaging types.^{1, 2, 3}

Trayak LLC, a sustainability consulting firm, conducted a Life Cycle Assessment (LCA) for IBWA that measured several variables to determine the overall environmental impact of specific packaging types, including PET water bottles, PET soda bottles, glass bottles, aluminum canned water, and paperboard beverage cartons. The assessment shows that PET water bottles have a lower environmental impact than all other containers across each of the considered variables.

Environmental Impact of Drink Packaging

(Weights are for individual 16.9 oz containers. Other values represent 1 million 16.9 oz bottles, cartons, or cans each.)

Resources Used to Make Packaging	PET Water Bottle	Aluminum Can	Beverage Carton	Glass Bottle	PET Soda Bottle
Avg. Container Weight	8.3 grams	19.7 grams	21.8 grams	300.6 grams	22.2 grams
Greenhouse Gas (GHG) Emissions	50 Ton CO ₂ eq.	155 Ton CO ₂ eq.	75 Ton CO ₂ eq.	383 Ton CO ₂ eq.	141 Ton CO ₂ eq.
Fossil Fuel Use	958 GJ Consumed	1342 GJ Consumed	1056 GJ Consumed	4320 GJ Consumed	2639 GJ Consumed
Water Use	4.6 million gallons	7.5 million gallons	13.7 million gallons	29.9 million gallons	12.5 million gallons

In addition, McKinsey & Company, a well-respected consulting firm, issued a report that supports the Trayak assessment's findings. That report shows that "PET bottles have the lowest greenhouse gas (GHG) emissions because of their lightweight properties and the low amount of energy required to produce them. By contrast, aluminum cans have two times the emissions of PET bottles, and emissions from glass bottles are three times higher." It is important to note that this report compares PET soda bottles, rather than PET water bottles, with other packaging types. If McKinsey & Associates had included PET water bottles in this report, it is highly likely that the report would have found an even greater disparity between GHG emissions when compared with aluminum cans and glass bottles.

As shown in the Trayak assessment and supported by findings in the McKinsey & Company report, GHG emissions are less for PET plastic packaged bottled water than other packaged beverages. As a comparison, if the industry were to switch from bottling water in 16.9-ounce

¹Life Cycle Assessment of Common Drink Packaging – Prepared for the International Bottled Water Association by Trayak, LLC. 2021. Executive Summary available at: https://bottledwater.org/wp-content/uploads/2021/06/Trayak-LCA_2021.pdf

²Climate impact of plastics. McKinsey & Company. July 2022. Available at: <https://www.mckinsey.com/~media/mckinsey/industries/chemicals/our%20insights/climate%20impact%20of%20plastics/climate-impact-of-plastics-v2.pdf>

³Life Cycle Impacts of Plastic Packaging Compared to Substitutes in the United States and Canada. Prepared for the American Chemistry Council and Canadian Plastics Industry Association by Franklin Associates. April 2018. Available at: <https://www.americanchemistry.com/better-policy-regulation/plastics/resources/life-cycle-impacts-of-plastic-packaging-compared-to-substitutes-in-the-united-states-and-canada>

PET plastic containers to the equivalent size aluminum cans, paperboard cartons, or glass bottles, the increased GHG emissions would equate to:

- more than 1.9 million more cars on the road annually for aluminum cans;
- over 422,000 more cars on the road annually for cartons; or
- nearly 6 million more cars for glass bottles.

Producing bottled water in PET plastic also consumes less energy. The amount of energy saved by producing bottled water in PET plastic bottles compared to other packaging is equivalent to:

- powering over 844,000 more homes each year for aluminum cans;
- powering over 253,000 more homes each year for cartons; or
- powering 7.6 million more homes each year for glass bottles.

Lastly, a similar report by the American Chemistry Council (ACC), conducted by Franklin Associates, examined the overall impact of plastics on the environment, compared to other materials. The study looked at energy demand, water consumption, solid waste, global warming potential, eutrophication potential, smog formation potential, and ozone depletion potential. Yet again, this 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.

The industry recognizes that there is room for improvement and is always looking for ways to strengthen existing recycling programs, expand recycling efforts, and reduce the use of virgin plastic. But the data are clear that PET packaging is best for single-serve bottled water. Preventing the purchase of bottled water in plastic packaging and instead purchasing water in packaging alternatives like aluminum, glass, or cartons would increase GHG emissions and result in increased use of resources.

PET Plastic Bottled Water Containers Are Not Single-Use Products

Describing plastic bottled water containers as “single-use” isn’t accurate because they are 100% recyclable. This distinguishes bottled water containers from other common plastic products that are truly “single-use,” such as non-recyclable plastic items (e.g., straws, cutlery, and plates); certain food and goods packaging (e.g., film, heat-sealed and multi-layered laminate bags); and other containers (e.g., non-PET, non-HDPE, and non-PC bottles and tubs). Single-use plastic items that do not have a recycling symbol are not recyclable. However, individual-sized bottled water containers and larger-sized bottles, such as 1-, 2.5-, 3-, and 5-gallon containers, are all 100% recyclable. By recycling plastic bottled water containers, the plastic can be used over and over again to make new beverage bottles or products.

Bottled Water in Plastic Containers Uses Less Water Than Other Packaging Types

In addition, the Trayak report shows that it takes much less water to produce PET bottled water containers than all other packaging types, including PET soda bottles. Choosing water packaged in PET plastic produced specifically for bottled water instead of the other packaging types saves:

- almost 245 billion gallons of water each year if packaged in aluminum containers, or the

- equivalent of over 38 million people showering every day for an entire year;
- over 768 billion gallons of water annually if packaged in cartons, or the equivalent of over 122 million people showering every day for a year;
- over 2 trillion gallons of water annually if packaged in glass bottles, or the equivalent of over 326 million people showering every day for a year; and
- almost 667 billion gallons of water annually if packaged in PET soda bottles, or the equivalent of over 105 million people showering every day for a year.

Using packaging other than PET plastic for bottled water will result in the increased use of water. To support sustainable sourcing, the bottled water industry uses plastic packaging to ensure that the least amount of water is used to produce our industry's products.

Plastic Bottled Water Containers Are Not a Major Source of Ocean Pollution

Bottled water containers account for 1.58% of all the plastic items produced in the United States. If the United States were to completely eliminate all plastic use, the effort would only result in a 0.25% reduction of ocean plastics.⁴ This means that if all bottled water in plastic packaging were removed from the U.S., it would lead to a reduction of about 1.58% of 0.25%, or 0.00395%.

Research on microplastic particles in oceans reveals that they primarily originate from wastewater from washing machines—not bottled water production.⁵ It is important to note that there is currently no scientific consensus on the potential health impacts of microplastic particles, which are found in all aspects of our environment—soil, air, and water.

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 1998, approximately 73% of the growth in bottled water consumption has come from people switching from carbonated soft drinks, juices, and milk to bottled water. 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% to 17%. 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

⁴ Our World In Data, Plastic Pollution. Oxford University. Available at: <https://ourworldindata.org/plastic-pollution>

⁵ The contribution of washing processes of synthetic clothes to microplastic pollution. Scientific Reports. April 2019. Available at: <https://www.nature.com/articles/s41598-019-43023-x>

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 packaged beverages, like juices and soda, which have *more packaging, more ingredients, and greater environmental impacts* than bottled water. Research shows that if bottled water isn't available, 52% of people will choose soda or another sugared drink – not tap water. And, Of the bottled water drinkers who have a packaging preference, almost 8 out of 10 (78 percent) prefer bottled water packaged in plastic bottles (14 percent said glass, 4 percent said metal cans, and 4 percent said paper cartons or box).

Bottled Water Is an Economic Force in Hawaii

Companies in Hawaii that manufacture, distribute, and sell bottled water employ as many as 1,336 people in the state and generate an additional 1,631 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 \$64,200 in wages and benefits.

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 \$623.87 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 \$27.4 million in business taxes, while sales drive another \$17.62 million in consumption taxes.

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-serve 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 2562, and please do not hesitate to contact IBWA with any concerns or questions.



Date: February 8, 2024

To: The Honorable Chair Lowen, Vice Chair Cochran, and Members of the Energy and Environmental Protection Committee
From: Hawaii Environmental Change Agents (HECA) - Solid Waste Task Force
Re: HB2562 - Bans Plastic Water Bottles

Aloha Chair Lowen, Vice Chair Cochran, and Members of EEP Committee,

The HECA Solid Waste Task Force is **providing comments** on HB2562 which prohibits the sale of single-use plastic water bottles less than two liters in size. The Solid Waste Task Force supports policies that follow the zero waste hierarchy which prioritizes waste reduction and reuse ahead of recycling/composting and considers incineration as an unacceptable means to manage solid waste.

Regrettable substitutes and why simply banning won't address the underlying problem

We acknowledge plastic is a problematic material from its extraction, manufacturing, and disposal. It has a negative impact on human health as it often contains additives such as Bisphenol A that disrupt human endocrine systems and micro/nano plastics that we consume when they leach into the food or drink that is contained within the container. Plastic, as we know, is polluting our natural environments, particularly our oceans. **It's clear we need to stop creating and using so much plastic.**

As a Task Force we encourage legislation that fosters a transition to better systems to prevent waste from being created in the first place, simply banning problematic materials, without developing new systems to address the underlying problem of how we get the products that we need won't address our waste problem. **Banning often leads to regrettable substitutes - substituting one type of single use material for another which still requires the continuous extraction of resources, manufacturing, transportation, and disposal** at the end of life.

We imagine if the legislature passed this bill, manufacturers and producers would shift to using aluminum instead of plastic for single use water. While many would regard this as a win, it may not be for the climate/greenhouse gas emissions or for human health. One life cycle analysis (looking at aluminum cups vs plastic cups at events which is a slightly different context) found that aluminum single-use cups used 47% more energy over their life-cycle and created 86% more CO2 than PET and PLA options. While aluminum has the advantage of being an infinitely recyclable material, unfortunately, current recycling rates in the US are only reaching 46% (Upstream Report: Reuse Wins at Event). Aluminum must also be lined with

plastic, which often contains Bisphenol A or a similar substance which are known to disrupt human endocrine systems (Konieczna et al. 2015).

Our concern with **simply banning problematic materials** is that it does not address the underlying problem of how we get our products, *which is single use itself and a linear economy- where resources are extracted and disposed of.*

Legislation that promotes the most sustainable solution - Reuse

The HECA Solid Waste Task Force would like to encourage legislators to develop legislation that in addition to banning problematic materials, also promotes a shift towards reduction and reuse of packaging. People still need water, but many are now carrying their own water bottles. Options to refill these bottles with filtered water when out and about are few and far between. Legislation that requires businesses, parks, state buildings, and shopping plazas to have water refill stations, either offered for free or for a charge, would help support people filling their own bottles and cut down on waste.

Additionally, as infrastructure is developed to support reusable packaging systems, reusable bottles that are borrowed and returned to be sanitized and used again would also provide access to drinking water in situations where people don't have their own bottle to fill. Extended Producer Responsibility legislation for packaging may be one way to fund the infrastructure needed to create this type of system or an appropriation of funds for a demonstration project could be another avenue.

Mahalo nui loa,

~HECA Solid Waste Task Force

Jennifer Navarra, Ted Bohlen, Ruta Jordans, Jolie Ryff, and Michele Mitsumori



**Written Testimony of
David Thorp, American Beverage Association**

**Before the House Committee on Energy & Environmental Protection
Opposition of H.B. 2562: Relating to Plastic Bottles
Feb. 8, 2024**

Good morning, Chair Lowen, Vice Chair Cochran and members of the committee. Thank you for the opportunity to comment in opposition to H.B. 2562 – relating to plastic bottles.

I am David Thorp, Vice President, State Government Affairs West, for the American Beverage Association (ABA). The 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 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, family-supporting jobs across the state. The industry supports thousands more workers in businesses that rely in part on beverage sales for their livelihoods, 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 recyclable plastic. Unlike other types of plastic, PET is made to be remade again and again. That's why America's beverage companies use PET for our beverage bottles, which are carefully designed to be 100% recyclable, even the caps.

Our plastic bottles are the most recyclable and recycled of all plastics. They are not single-use plastic. Once recycled, our bottles can be made into new bottles or other products, reducing the use of new plastic.

Setting the record straight about plastic beverage bottles

Our bottle is not the problem when it comes to plastic usage and litter – it is the solution. That is because we have carefully designed a bottle to be 100% recyclable, and we are driving toward the goal of bottles made entirely of recycled PET. This reduces our use of new plastic and helps keep our bottles out of nature. Our efforts to modernize

recycling infrastructure, improve collection policies and boost consumer education on how best to recycle will get us there.

Here are seven things you may not know about plastic bottles.

1. The amount of recycled plastic used in new plastic bottles is growing. Some bottles are now made entirely of 100% recycled plastic.
2. PET bottles have a lower impact on the environment than other containers, including lower greenhouse gas emissions, less energy and less water needed to make them, according to a [LCA analysis](#).
3. Using recycled plastic in new products limits greenhouse gas emissions by 67% for PET, according to one [report](#).
4. According to the EPA, our plastic bottles are only 1% of municipal solid waste. Other plastics make up more than 10 times that.
5. Recycled PET plastic is in high demand by manufacturers of products, not only as new bottles but for use in outdoor apparel, rugs, playground equipment, even dog beds.
6. 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.

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 bottle.

Creating a circular economy for our bottles and cans, and keeping them out of our oceans, is among our highest priorities. The ABA is driving solutions forward to improve our nation's broken recycling systems, one community at a time. Our companies are committed to getting all of their bottles back so these valuable bottles can be remade into new bottles and reduce our industry's plastic footprint.

Our *Every Bottle Back* initiative is leveraging a fund of nearly a half-billion dollars to invest in communities across the country to improve recycling infrastructure and reduce the use of new plastic.

Every Bottle Back has provided free curbside recycling carts to hundreds of thousands of households that will increase the amount of plastic recycled. To date, the beverage industry has invested in nearly 50 projects that are estimated to yield nearly 800 million more pounds of recycled PET.

We're raising awareness about the recyclability of our bottles through nationwide multimedia communications and advertising. Many consumers do not know that our plastic bottles and caps are recyclable and will be remade if recycled properly. That is why we have voluntarily added on-pack messages that remind consumers to recycle their bottles and caps.

We are eager to work with those who share the goal of using less new plastic. Together, government, industry and environmental groups should come together to work on new, innovative ideas that will help us use less new plastic and ensure our bottles and caps are remade as intended and don't wind up in nature or wasted in landfills.

Sincerely,

David Thorp

American Beverage Association
Vice President, State Government Affairs West



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 8, 2024
HB 2562 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 2562 Relating to Plastic Bottles. This measure effective 1/1/2025, prohibits the retail sale or offer for retail sale of single-use plastic bottles designed to hold less than two liters of bottled water for oral consumption, with certain exceptions.

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, recent increase in minimum wage and government mandates. Many members have also lost more than one location during the recent Maui Fires. 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 or in the illegal black market where this will become a new revenue stream for them.

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 they must dump the products. This is especially true for locally owned and operated businesses who are not able to send back products 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 business. And as we been experiencing this from non-foam takeout containers – they are also a lot more expensive.

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 the first responders and volunteers. These single servings would have to be flown in and it would be at an extreme cost. We want to point out the drinks are perishable and have an expiration date. Most retailers are not going to carry inventory that they are not able to sell just incase there may or may not be a natural or manmade disaster.

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.

HB-2562

Submitted on: 2/8/2024 3:56:02 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Chair Lowen and Members of the Committee

As Executive Director of Recycle Hawaii, I am submitting additional testimony in support of this measure as a way to emphasize the significant positive impact on one of the most pressing issues of our time, the systematic poisoning of people and planet through microplastic pollution.

Public support for this type of action runs high, with youth especially concerned about their own exposure to the microplastic particles found in bottled water. Members of the committee should not be fooled by claims that recycling PET will address any of the problems related to microplastic pollution and they should all take note of the recent position taken by the EPA that the manufacture of PET, which is the polymer universally used to make plastic water bottles, poses unacceptable health risks to those who live and work in proximity to the places where this polymer is manufactured.

We express our deep gratitude to the bill's introducers, commend them for their insight and look forward to collaborating with them to ensure its final passage and signature by Governor Green.

Kristine Kubat

Executive Director

Recycle Hawaii

HB-2562

Submitted on: 1/31/2024 7:28:37 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Prohibits

HB-2562

Submitted on: 1/31/2024 8:01:35 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Faccenda	Individual	Support	Written Testimony Only

Comments:

I strongly support this measur as these disposable plastic bottles are pure waste. However, it seems likely this will create a boon for "flavored water" or "mineral water" as a loophole and the bill should probably be modied to prevent such an eventuality.

Thank you for your consideration,
Kevin Faccenda.

HB-2562

Submitted on: 2/1/2024 8:34:18 AM

Testimony for EEP on 2/8/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I **oppose** this Bill.

HB-2562

Submitted on: 2/6/2024 3:32:01 PM

Testimony for EEP on 2/8/2024 9:30:00 AM

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

Comments:

Please support and make sure there are alternatives for the banned bottles.

TO: Members of the Committee on Energy & Environmental Protection

FROM: Natalie Iwasa
808-395-3233

HEARING: 9:30 a.m. Thursday, February 8, 2024

SUBJECT: HB2562, Ban Plastic Bottles Less Than Two Liters for Water - **COMMENTS**

Aloha Chair Lowen and Committee Members,

Thank you for allowing the opportunity to provide testimony on HB2562, which would ban the use of single-use plastic bottles that hold less than two liters of bottled water for oral consumption.

The bill includes an exemption for water needed for emergency response and public health and safety.

How would such a ban be enforced? Would people be allowed to only purchase a certain amount of bottled water annually?

Would residents have to report how much bottled water they have on hand?

Or would only governmental agencies be allowed to purchase water in single-use bottles?