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# 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 solid waste may soon  
2 exceed landfill capacity in all of the State's counties. Most  
3 waste created in the State is landfilled or incinerated, which  
4 places the burden for managing waste on taxpayers, is costly,  
5 and creates pollution that is harmful to residents and the  
6 environment. Landfills discharge leachate, a highly toxic fluid  
7 that has the potential for leakage that can cause harm to  
8 surrounding communities and nearshore and marine environments  
9 downslope. The Waimanalo gulch landfill on Oahu produces around  
10 nine thousand eight hundred gallons of leachate per day. Waste  
11 that is incinerated produces air pollutants and toxic ash; this  
12 toxic ash is often buried in landfills. On Oahu, more than four  
13 hundred tons of toxic ash are buried in the landfill every day.  
14 The legislature finds that the State will benefit from reduced  
15 waste production by expanding alternative strategies like reuse,  
16 refill, composting, and recycling.



1           The legislature further finds that extended producer  
2 responsibility promotes a market-based, circular economy that  
3 encourages alternative waste management strategies as well as  
4 product design innovations that lead to source reduction of  
5 waste. Extended producer responsibility programs shift  
6 responsibility for a product's lifecycle, including end-of-life  
7 management, from consumers or governments to producers of the  
8 product. This encourages sustainable product design that leads  
9 to less waste and more fully recyclable or reusable products and  
10 packaging. Extended producer responsibility programs also  
11 typically reduce the financial burden on government for waste  
12 management and lead to better recycling services for residents.  
13 Furthermore, these programs help create local jobs by expanding  
14 collection services, local processing of waste, and reuse and  
15 refill programs.

16           The legislature finds that extended producer responsibility  
17 strategies can be applied to packaging waste as well. Packaging  
18 waste is a large part of the waste stream and includes things  
19 like containers for food products, cleaning products, and  
20 personal care products, as well as waste associated with  
21 shipping and transporting products. Extended producer



1 responsibility programs for packaging waste exist in Canada,  
2 Europe, Asia, and five states across the United States, with  
3 several other states in the process of implementing programs by  
4 funding needs assessments, a necessary preliminary step to  
5 inform the development of an extended producer responsibility  
6 program.

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

15 SECTION 2. (a) The department of health shall conduct a  
16 statewide needs assessment to determine what will be needed to  
17 reduce waste generation, increase reuse, improve collection  
18 services, and expand local processing of materials through an  
19 extended producer responsibility program for packaging materials  
20 and paper products; provided that the department of health may



1 contract with third parties, as necessary, to conduct the  
2 assessment.

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

- 9 (1) Waste and recycling characterizations, including  
10 baseline studies of what is in the waste stream, what  
11 is being recycled, what is being composted, and how  
12 these vary across local jurisdictions;
- 13 (2) Existing collection infrastructure, including:
- 14 (A) What materials are being collected and the  
15 processes and procedures for collection;
- 16 (B) Who currently has access to refuse, recycling,  
17 and composting collection services;
- 18 (C) How collection services are arranged and funded;  
19 and
- 20 (D) Improvements in services needed;



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



- 1 (8) An evaluation of how extended producer responsibility  
2 program laws are designed and work in other states and  
3 countries;
- 4 (9) An evaluation of an appropriate definition of  
5 "producer" for an extended producer responsibility  
6 program in the State;
- 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 (c) The department of health shall conduct the assessment  
14 in consultation with the following stakeholders:
- 15 (1) Each county department responsible for waste  
16 management;
  - 17 (2) Global and national producer responsibility  
18 organizations, including producer responsibility  
19 organizations actively working on reusable packaging  
20 systems;
  - 21 (3) Producers of packaging materials and paper products;



- 1 (4) Refuse and recycling collection and processing service
- 2 providers;
- 3 (5) Compost facility operators;
- 4 (6) Retailers, including restaurants, wholesalers, and
- 5 distributors;
- 6 (7) Organizations and community groups involved with waste
- 7 management and waste reduction;
- 8 (8) Environmental and human health scientists; and
- 9 (9) Subject matter experts experienced in food safety and
- 10 packaging;

11 provided that additional stakeholders may be included as the  
12 department deems necessary and relevant.

13 (d) The department of health shall convene an advisory  
14 council to review the draft needs assessment and propose  
15 recommendations throughout the assessment process. The advisory  
16 council shall include:

- 17 (1) One representative from each county department
- 18 responsible for waste management;
- 19 (2) One representative from a national producer or
- 20 producer trade association to be invited by the
- 21 director of health;



- 1           (3) One representative from a Hawaii-based producer or  
2           producer association to be invited by the director of  
3           health;
- 4           (4) Two representatives who are experts or operators of  
5           reuse, refill, or circular economy systems to be  
6           invited by the director of health;
- 7           (5) One representative from a Hawaii-based refuse service  
8           provider to be invited by the director of health;
- 9           (6) One representative from a Hawaii-based recycling  
10          collection and processing service provider to be  
11          invited by the director of health;
- 12          (7) One representative from a Hawaii-based retailer,  
13          including restaurants, wholesalers, or distributors to  
14          be invited by the director of health;
- 15          (8) Two representatives from Hawaii-based organizations  
16          and community groups involved with waste management or  
17          relevant environmental advocacy to be invited by the  
18          director of health;
- 19          (9) One representative who is an environmental or human  
20          health scientist to be invited by the director of  
21          health; and



1 (10) One representative who is a subject matter expert  
2 experienced in food safety and packaging to be invited  
3 by the director of health.

4 (e) The department of health shall hold a public hearing  
5 to obtain comments on the draft needs assessment.

6 (f) The department of health shall complete and submit the  
7 needs assessment, including any proposed legislation, to the  
8 legislature no later than December 31, 2028.

9 (g) For the purposes of this section:

10 "Packaging materials" includes materials used for the  
11 containment, protection, or serving of products, including but  
12 not limited to paper, paperboard, cardboard, plastics, glass, or  
13 metal, or a mixture of any of these materials. "Packaging  
14 materials" does not include deposit beverage containers included  
15 under the Hawaii deposit beverage container program.

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

19 "Refill" means employing packaging materials that consumers  
20 reuse.



1 "Reuse" means the return of or to return packaging  
2 materials to the economic stream for use in the same kind of  
3 application intended for the original packaging without changing  
4 the original composition of the package, the identity of the  
5 product, or the components thereof.

6 SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
8 thereof as may be necessary for fiscal year 2025-2026 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2026-2027 for the department of health to conduct a statewide  
11 needs assessment, pursuant to section 2 of this Act, to inform  
12 the future establishment of an extended producer responsibility  
13 program.

14 The sums appropriated shall be expended by the department  
15 of health for the purposes of this Act.

16 SECTION 4. This Act shall take effect on December 31,  
17 2050.

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**Report Title:**

DOH; Packaging Waste; Needs Assessment; Advisory Council;  
Extended Producer Responsibility Program; Appropriations

**Description:**

Requires the Department of Health to conduct a statewide needs assessment to determine what will be needed to reduce waste generation, increase reuse, improve recycling collection services, and expand local processing of materials through an extended producer responsibility program for packaging materials and paper products. Requires the Department of Health to complete and submit the needs assessment to the Legislature no later than 12/31/2028. Establishes an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process. Appropriates funds. Effective 12/31/2050. (SD1)

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

