
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 is 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
19 containers for food products, cleaning products, and personal
20 care products, as well as waste associated with shipping and
21 transporting products. Extended producer responsibility



1 programs for packaging waste exist in Asia, Europe, Canada, and
2 five states across the United States. Furthermore, several
3 other states are 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:

- 8 (1) Clarify the authorized uses of the deposit beverage
9 container deposit special fund to include evaluating
10 and promoting recyclable market development
11 activities; and
- 12 (2) Require and appropriate funds for the department of
13 health to conduct a statewide needs assessment and
14 establish an advisory council with relevant
15 stakeholders to determine what would be needed to
16 transition to a more circular system with less waste
17 generation and more reuse, and the necessary
18 infrastructure to sort and locally process recyclable
19 materials through an extended producer responsibility
20 program for packaging materials and paper products.



SECTION 2. Section 342G-104, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Moneys in the deposit beverage container deposit special fund shall be used to reimburse refund values and pay handling fees to redemption centers. The department may also use the money to:

- (1) Fund administrative, audit, and compliance activities associated with collection and payment of the deposits and handling fees of the deposit beverage container program;
- (2) Conduct recycling education and demonstration projects;
- (3) ~~[Promote]~~ Evaluate and promote recyclable market development activities;
- (4) Support the handling and transportation of the deposit beverage containers to end-markets;
- (5) Hire personnel to oversee the implementation of the deposit beverage container program, including permitting and enforcement activities; and
- (6) Fund associated office expenses."



1 SECTION 3. (a) The department of health shall conduct a
2 statewide needs assessment to determine what will be needed to
3 reduce waste generation, increase reuse, improve collection
4 services, and expand local processing of materials through an
5 extended producer responsibility program for packaging materials
6 and paper products.

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

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

17 (2) Existing collection infrastructure, including:

18 (A) What materials are being collected and the
19 processes and procedures for collection;

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



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



- 1 (7) The impact of the composition of packaging materials
2 on the reuse, recyclability, and compostability of
3 packaging materials;
- 4 (8) An evaluation of how extended producer responsibility
5 program laws are designed and work in other states and
6 countries;
- 7 (9) An evaluation of an appropriate definition of
8 "producer" for an extended producer responsibility
9 program in the State;
- 10 (10) Equity and environmental justice, including:
- 11 (A) Consideration for how the existing system is
12 operating and how extended producer
13 responsibility could increase equity; and
- 14 (B) An assessment of equity issues in education
15 efforts;
- 16 (11) Economic impact, including estimates in job
17 development from increased reuse, recycling, and
18 composting;
- 19 (12) Environmental benefits from reduction and reuse and
20 local versus off-island materials processing;



1 (13) How extended producer responsibility can promote
2 upstream improvement, such as source reduction,
3 packaging redesign and optimization, reduction of
4 packaging materials that are harmful to human health
5 or the environment, and reuse and refill practices,
6 including:

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

9 (B) Cost and infrastructure needs to implement these
10 systems; and

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

17 (c) The department of health shall conduct the assessment
18 in consultation with the following stakeholders:

19 (1) Each county department responsible for waste
20 management;



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

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

20 (1) One representative from each county department
21 responsible for waste management;



- 1 (2) One representative from a national producer or
2 producer trade association;
- 3 (3) One representative from a Hawaii-based producer or
4 producer association;
- 5 (4) Two representatives who are experts or operators of
6 reuse, refill, or circular economy systems;
- 7 (5) One representative from a Hawaii-based refuse service
8 provider;
- 9 (6) One representative from a Hawaii-based recycling
10 collection and processing service provider;
- 11 (7) One representative from a Hawaii-based retailer,
12 including restaurants, wholesalers, or distributors;
- 13 (8) Two representatives from Hawaii-based organizations
14 and community groups involved with waste management or
15 relevant environmental advocacy;
- 16 (9) One representative who is an environmental or human
17 health scientist;
- 18 (10) One representative from a business that manufactures
19 consumer packaged goods for sale in the State; and
- 20 (11) One representative from the composting industry.



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

3 (f) The department of health shall complete and submit the
4 needs assessment, including any proposed legislation, to the
5 legislature by December 31, 2028.

6 (g) For the purposes of this section:

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

13 "Paper products" includes printed materials such as office
14 paper, magazines, newspaper, and junk mail. "Paper products"
15 does not include bound books.

16 "Refill" means employing packaging materials that consumers
17 reuse.

18 "Reuse" means the return of or to return packaging
19 materials to the economic stream for use in the same kind of
20 application intended for the original packaging without changing



1 the original composition of the package, the identity of the
2 product, or the components thereof.

3 SECTION 4. There is appropriated out of the deposit
4 beverage container deposit special fund the sum of
5 \$ or so much thereof as may be necessary for fiscal
6 year 2025-2026 for the department of health to conduct a
7 statewide needs assessment, pursuant to section 3 of this Act,
8 to inform the future establishment of an extended producer
9 responsibility program; provided that:

10 (1) The moneys shall not lapse at the end of the fiscal
11 year for which the appropriation is made; and

12 (2) All moneys from the appropriation unencumbered shall
13 lapse as of the close of business on June 30, 2027, to
14 the credit of the deposit beverage container deposit
15 special fund.

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

18 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

DOH; Deposit Beverage Container Deposit Special Fund; Packaging Waste; Needs Assessment; Advisory Council; Extended Producer Responsibility Program; Appropriation

Description:

Amends the authorized uses of the Deposit Beverage Container Deposit Special Fund. 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. Establishes an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process. Requires the Department of Health to hold a public hearing on the draft needs assessment and complete and submit the needs assessment to the Legislature by 12/31/2028. Appropriates funds out of the Deposit Beverage Container Deposit Special Fund. Effective 7/1/3000. (HD2)

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