

STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on HR 195/HCR 205

REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON RECYCLABLE, BIODEGRADABLE, AND COMPOSTABLE LABELING IN THE STATE TO DETERMINE IF THE LABELING IS ACCURATE AND NON-DECEPTIVE.

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

Hearing Date, Time, and Room Number: 3/24/2026, 9:00 AM, 325

1 **Fiscal Implications:** The Department of Health (“Department”) understands that this resolution
2 cannot serve as a vehicle to provide the funding necessary to carry out the requests in the
3 measure. However, attempting to fulfill these requests without additional resources would
4 divert staff and capacity away from the priorities and initiatives outlined in the Governor’s
5 executive budget request, including core functions.

6 **Department Position:** The Department offers comments on this resolution.

7 **Department Testimony:** The Environmental Management Division, Solid and Hazardous Waste
8 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

9 The Department agrees that labeling is an important component of ensuring proper
10 recycling and composting, and has already begun conducting a study on compostable materials.
11 However, the Department does not currently have the resources to conduct the study outlined
12 in the resolution.

13 The resolution seeks to identify what items labeled as recyclable are or are not
14 recyclable in the state; assess the biodegradability and compostability of such labeled products;
15 examine differences between home-compostable and industrial-compostable products; analyze
16 gaps between consumer expectations, labeling practices, and actual recycling and composting

1 capabilities; identify common contaminants introduced into recycling, composting, or the
2 environment due to unclear labeling; review existing labeling standards, definitions, and
3 guidelines; and provide recommendations for improved labeling standards.

4 In order to perform some of the requested studies, especially those involving the
5 compostability of materials will take time to implement and would not be completed in time for
6 submission prior to the start of the 2027 legislative session.

7 The Department has already begun conducting a study on compostable materials,
8 including packaging. As part of the Department's statewide waste composition study, we have
9 created detailed sorting categories for packaging materials, including those labeled as
10 compostable materials. A priority for the Department is determining whether compostable
11 materials may contribute per- or polyfluoroalkyl substance (PFAS) contamination to finished
12 compost and, if PFAS is present, whether it is taken up by edible plants that could be ingested.
13 The Department would prefer to complete these studies to aid in the development of
14 subsequent studies and before making any assessments to existing labeling requirements.

15 We note that there are already recyclable labeling requirements for plastic bottles and
16 rigid plastic containers in §342H-42, Hawaii Revised Statutes, but the Department does not
17 have the resources to ensure conformance and enforce these requirements. Thus, the request
18 to conduct a broadened investigation of existing labeling to include all labeled plastic packaging
19 and products, as well as an assessment of their biodegradability or compostability is beyond our
20 available resources. Therefore, we respectfully ask that any requests for future studies come
21 with the financial resources to perform the needed work.

22 **Offered Amendments:** None

23 Thank you for the opportunity to testify on this measure.

HCR-205

Submitted on: 3/21/2026 10:45:13 AM

Testimony for EEP on 3/24/2026 9:00:00 AM

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

Comments:

SUPPORT! Recycling is not working effectively in Hawaii. Consumers need better information and education on proper waste sorting to avoid contamination. Dumping contaminated waste into landfills uses up valuable landfill capacity and produces methane, a potent greenhouse gas 80 times worse than CO2.



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March 24, 2026

Representative Nicole Lowen, Chair
Committee on Energy and Environmental Protection

Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: CTA Comments – HR 195: REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON recyclable, biodegradable, and COMPOSTABLE LABELING IN THE STATE TO determine if the LABELING IS ACCURATE AND NON-DECEPTIVE.

Dear Chairperson Lowen and Joint Committee Members:

The Consumer Technology Association™ (CTA®) respectfully submits testimony on House Resolution 195, House Concurrent Resolution 205, and Senate Resolution 128, which requests the Department of Health conduct a study on recyclable, biodegradable, and compostable labeling in the state to determine if the labeling is accurate and non-deceptive. While CTA does not object to a study, we would like to offer our knowledge and experience advocating on the issue across the states and at the federal level.

Federal Guidance on Environmental Claims

The Resolution claims that there is no federal standard for recyclable product labeling, however the US Federal Trade Commission (FTC) has guidance on this topic in their *Guides for the Use of Environmental Marketing Claims* (Green Guides). The Green Guides provide fairly specific guidance on recyclable labeling. Marketers can make an unqualified "recyclable" claim only if recycling facilities for the product are available to at least 60% of consumers or communities. If facilities fall below that threshold, the marketer should make a qualifying claim such as "This product may not be recyclable in your area." If recycling facilities are available to only a few consumers, even stronger qualifying language is required, such as "This product is recyclable only in the few communities that have appropriate recycling programs." As there are thousands of recycling jurisdictions across the US, it is impossible to label for each individual jurisdiction. CTA supports recyclability labeling guidance to remain at the federal level and encourages any additional instructions from Hawaii be based on the FTC Green Guides.

Recycling Truth in Labeling: State Issues

CTA has been involved with the "Truth in Labeling" law in California, known as SB 343. SB 343 is creating extremely problematic interstate commerce issues for every producer that sells a product with packaging in California. The text of this statute has been acknowledged by the regulatory body administering the

law, CalRecycle, as challenging and problematic for the Californian economy. CalRecycle has unsuccessfully recommended language to the California legislature to update the law. Recently on March 17, 2026, a coalition of associations representing food producers, packaging manufacturers, restaurants, and agricultural entities filed a federal lawsuit against Attorney General Rob Bonta challenging SB 343. The plaintiffs argue the law imposes unconstitutional, content-based restrictions on speech. The case is now pending in the U.S. District Court for the Southern District of California. CTA strongly advises Hawaii to not copy language from another state's problematic law, especially when the text of the law is still being negotiated among stakeholders.

While proponents of the Truth in Labeling language may argue that the intent of legislation is to more accurately represent recycling claims to consumers, these advocates are not manufacturing or product compliance experts. The reality of this legislation is that it encourages companies to remove all recyclability information which actually decreases recycling.

CTA strongly objects to any legislative language that claims "a chasing arrows symbol is deceptive and a misrepresentation if the product does not satisfy the requirements of the regulations and list contemplated by subdivision four" as applied to "any product or packaging". CTA members are required to utilize the chasing arrows triangle on their packaging in 36¹ states, examples include:

- Arkansas²: For rigid plastic containers, the container must be:
 - "...labeled with a code indicating the plastic resin...The code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three (3) arrows, with the apex of each point of the triangle at the midpoint of each arrow rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three (3) arrows curved at their midpoints, shall depict a clockwise path around the code number."
- Colorado³: For rigid plastic containers, the container must be:
 - "...coded by their basic material. Such code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number."
- Massachusetts⁴: For rigid plastic containers, the container must be:
 - "labeled with a code indicating the plastic resin...Such code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating

¹ Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

² [A.C.A. § 8-9-302](#)

³ [C.R.S. 25-17-103](#)













⁴ [M.G.L. ch.94 § 323A](#)

the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.”

CTA’s members distribute their products – and thus the accompanying packaging – into a U.S. / North American market and cannot accommodate any state labeling law that is directly in conflict with other state laws. The use of chasing arrows are not marketing claims, but compliance marks.

Electronic and Battery Compliance

Consumer electronics are designed for a global market and are subject to a variety of voluntary and mandated international e-waste and battery recycling laws, see chart below. These symbols are often displayed on products sold in North America. Creating a system of mutually exclusive labeling requirements will be significantly challenging, if not impossible for electronics companies. CTA does not support any mandate that would conflict with our ability to display these symbols on our products.

| | | |
|---|--|--|
| EU WEEE, India WEEE (product and package)  | China (product)  | Corrugated Cardboard Mark (voluntary, on package)  |
| Green Dot (package)  | South Korea (package)  | U.S. RBRC (product, package)  |
| Japan Steel, Aluminum, PET, Paper, Plastic (package)  | Japan Batteries (product)  | France Triman (package)  |
| Taiwan Batteries (product)  | Japan PC (product)  | Brazil Batteries (product)  |

Conclusion

CTA’s members utilize the chasing arrows symbols on their packaging because they are required by law in 36 states. Additionally, consumer electronics are required by international laws and voluntary recycling services, that focus on the recycling of e-waste and batteries. CTA believes that electronic products should not be included within the scope of any law or guidance that aims to provide guardrails around packaging recyclability. CTA and our members are open to a stakeholder discussion to address the use of the chasing arrows symbol on packaging that brings in every state that currently requires the symbol by law. A coordinated national effort will be needed to ensure that removal of the chasing arrows component is done in a manner that enables industry to comply with state laws while working toward the ultimate goal of reducing consumer confusion by removal of the chasing arrows symbol, which is why we ultimately favor a federal approach to this issue. CTA is committed to be a part of any stakeholder dialogue that occurs on this matter, but we do not agree that a single state by state approach is a feasible solution for our industry.

CTA Comments on House Bill 1688
March 24, 2026

CTA appreciates the opportunity to provide feedback on HR 195 and welcomes further discussion with the Committees. Please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ally Peck". The signature is written in a cursive, flowing style.

Ally Peck
Director, Environmental and Sustainability Policy
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C: (703) 395-4177

HCR-205

Submitted on: 3/21/2026 8:49:47 AM

Testimony for EEP on 3/24/2026 9:00:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|---------------------------|
| Johnnie-Mae L. Perry | Individual | Support | Written Testimony Only |

Comments:

I, Johnnie-Mae L. Perry, Support

195 HR REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY ON RECYCLABLE, BIODEGRADABLE, AND COMPOSTABLE LABELING IN THE STATE TO DETERMINE IF THE LABELING IS ACCURATE AND NON-DECEPTIVE