
A BILL FOR AN ACT

RELATING TO PLASTIC.

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

1 PART I

2 SECTION 1. The legislature finds that the local and global
3 impact of the world's increasing waste stream is unsustainable
4 and detrimental to the future of Hawaii's economy and people.
5 There has been an exponential rise in single-use foodware items
6 over the past few decades globally, with particularly high
7 increases in plastics derived from fossil fuels. Single-use
8 disposable foodware and packaging - including plastic bottles,
9 caps, lids, straws, cups, and polystyrene and plastic containers
10 - are major contributors to street and beach litter, ocean
11 pollution, marine and other wildlife harm, and greenhouse gas
12 emissions.

13 According to the United Nations, since the 1950s, the
14 production of plastic has outpaced that of almost every other
15 material. Much of the plastic produced is designed to be thrown
16 away after being used only once. As a result, plastic packaging
17 accounts for about half of the plastic waste in the world. Most



1 of this waste is generated in Asia, while America, Japan, and
2 the European Union are the world's largest producers of plastic
3 packaging waste per capita. The world's ability to cope with
4 plastic waste is already overwhelmed as seen by the closing of
5 recycling markets in China and Thailand. Even when recycling
6 markets were open, only nine per cent of the 9,000,000,000 tons
7 of plastic produced has been recycled. Most plastic ends up in
8 landfills, dumps, incinerators, or in the environment. If the
9 growth in plastic production continues at its current rate, then
10 by 2050, the plastics industry will likely account for twenty
11 per cent of the world's total oil consumption.

12 Hawaii has a goal of carbon neutrality by 2045 and embraces
13 the United Nations sustainable development goals, including
14 achieving sustainable management and the efficient use of
15 natural resources, sound waste management, encouraging corporate
16 sustainability practices, strengthening the State's reliance and
17 adaptive capacity to climate-related hazards and natural
18 disasters, sustainably managing and protecting our marine and
19 coastal ecosystems, and reducing pollution. Decreasing the
20 import and use of fossil fuel-based products like single-use
21 plastics should become part of a movement toward reaching those



1 goals. For every one ton of waste seen at the end of life,
2 seventy tons were created upstream in the extraction,
3 production, and transportation sectors. Alternatives to
4 plastics already exist for many take-out items and an industry
5 of innovative change for packaging is advancing globally. Zero
6 waste plastic reduction plans are moving forward all over the
7 world, including within the European Union, Ethiopia, Costa
8 Rica, and municipalities across the United States. The
9 legislature finds that given the current trend, if Hawaii
10 businesses are at the forefront of this movement, they will be
11 less burdened by change.

12 Locally, plastic litter and debris can be increasingly
13 found on every island and in every watershed and protected area
14 from the remote Kalalau valley on Kauai to Kilauea caldera on
15 Hawaii island. Hawaii's forests, streams, and beaches are
16 strewn with plastic debris, including micro plastic debris
17 smaller than grains of sand, which are consumed by the smallest
18 of endangered birds to the humpback whale. Among other hazards,
19 plastic debris attracts and concentrates ambient pollutants in
20 seawater and freshwater, which can transfer to fish, other
21 seafood, and salt that is eventually sold for human consumption.



1 Globally, ninety-five per cent of plastic packaging is discarded
2 after a single use, at a cost of \$80,000,000,000 to
3 \$120,000,000,000.

4 The legislature further finds that cleaning up plastic is a
5 significant cost to Hawaii taxpayers. The cost of increasing
6 cleanups by government agencies, businesses, and the general
7 public is rising to account for expensive best management
8 practices and mitigation. A study of over ninety counties in
9 California recently concluded that taxpayers are paying
10 \$428,000,000 per year to clean up plastic through storm drain
11 management, street sweeping, and marine cleanups. San Diego
12 county, which has an equivalent population to Hawaii at
13 1,300,000 people, spends \$14,000,000 annually cleaning up
14 plastic. In January 2019, San Diego county passed legislation
15 to phase out polystyrene foam and other single-use plastics.
16 The Hawaii department of transportation has produced a trash
17 management plan that shows that polystyrene foam and plastic
18 bags are the top two contributors to the waste stream and must
19 be regularly removed from storm drains at a cost to the
20 department.



1 Major news and research publications like *National*
2 *Geographic* and *60 Minutes* are reporting on plastic pollution as
3 one of the pressing environmental issues currently facing the
4 world. Minimizing packaging and utilizing alternatives derived
5 from compostable materials, which are now widely available, can
6 benefit the State's economy as it shifts toward a system of
7 responsible reuse, which is a foundational principle of Native
8 Hawaiian culture. Additionally, the State's economy can become
9 a leader in reducing waste by collaboratively working with
10 businesses, as well as researching and implementing innovative
11 solutions for all packaging coming into the State of Hawaii.

12 PART II

13 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 "PART . SOLID WASTE PREVENTION

17 §342G- Single-use plastic food items; prohibited. (a)

18 No state or county agency, restaurant, standard bar, or any
19 other business or individual shall purchase, use, sell, or
20 distribute single-use plastic beverage bottles, utensils,



1 stirring sticks, polystyrene foam containers, plastic bags, or
2 straws after July 1, .

3 (b) For purposes of this section:

4 "Business" means any commercial enterprise or establishment
5 operating in the State, including any individual proprietorship,
6 joint venture, partnership, corporation, limited liability
7 company, or other legal entity, whether for profit or not for
8 profit, and includes all employees of the business or any
9 independent contractors associated with the business.

10 "Plastic" means any material made of petrochemical
11 polymeric compounds and additives that can be shaped by flow,
12 including plastic bags of any thickness, but not bioplastics
13 that are biodegradable and bioactive and are made from biomass
14 or renewable sources such as sugarcane, cornstarch, or cassava
15 root, chips, or starch.

16 "Polystyrene" means a thermoplastic petrochemical material
17 utilizing a styrene monomer, including all polystyrene, meaning
18 any styrene or vinyl chloride polymer that is blown into a foam-
19 like material. Polystyrene includes materials created from
20 techniques including the fusion of polymer spheres (expandable



1 bead polystyrene), injection molding, foam molding, and
2 extrusion-blow molding (extruded foam polystyrene).

3 "Polystyrene foam container" means a container that is made
4 using polystyrene.

5 "Restaurant" means an eating establishment, including but
6 not limited to coffee shops, cafeterias, sandwich stands, food
7 trucks, and private and public school cafeterias, that gives or
8 offers for sale food or beverages to the public, guests, or
9 employees, as well as kitchens and catering facilities in which
10 food or beverage is prepared on the premises for serving
11 elsewhere. The term "restaurant" includes a bar area within the
12 restaurant and outdoor areas of restaurants."

13 PART III

14 SECTION 3. (a) There is established within the department
15 of health for administrative purposes a plastic source reduction
16 working group.

17 (b) The working group shall:

18 (1) Formulate a plan for eliminating single-use plastic
19 packaging from the Hawaii waste stream;



- 1 (2) Develop strategies to encourage reuse in the food
2 service industry, such as reusable container incentive
3 programs for customers;
- 4 (3) Provide recommendations for composting plastics in
5 Hawaii to encourage reuse of waste and create value
6 added products to be used in regenerating Hawaii's
7 agricultural potential;
- 8 (4) Consult with each county that has already enacted
9 ordinances related to single-use plastics such as
10 plastic bags and polystyrene foam containers and
11 develop recommendations for the implementation of a
12 uniform, statewide policy for these items that can
13 replace existing county ordinances and provide
14 businesses with laws that are consistent throughout
15 the State; and
- 16 (5) Consult with stakeholders to develop appropriate
17 exemptions to address concerns of health and safety,
18 or lack of suitable alternative products on the
19 market.
- 20 (c) The membership of the working group shall be as
21 follows:



- 1 (1) The director of health or the director's designee;
- 2 (2) The chairperson of the board of land and natural
- 3 resources or the chairperson's designee;
- 4 (3) Four members, one to be appointed by each of the
- 5 respective mayors of the city and county of Honolulu
- 6 and the counties of Hawaii, Kauai, and Maui;
- 7 (4) The state sustainability coordinator;
- 8 (5) A representative of the Surfrider Foundation;
- 9 (6) A representative of Zero Waste Oahu;
- 10 (7) A representative of the Hawaii Food Industry
- 11 Association;
- 12 (8) A representative of the Hawaii Restaurant Association;
- 13 (9) A representative of the Chamber of Commerce Hawaii;
- 14 and
- 15 (10) A representative of the Hawaii Tourism Association.

16 The representatives in paragraphs (5) through (10) shall be
17 selected by the director of health.

18 (d) The members of the working group shall serve without
19 compensation but shall be reimbursed for reasonable expenses,
20 including travel expenses, consulting fees, and administrative



1 expenses such as photocopying, postage, stationery, and office
2 supplies incidental to the performance of their duties.

3 (e) The working group shall work with the department of
4 health, the carbon sequestration task force, private
5 stakeholders, public stakeholders, or any other group or
6 individuals the working group deems necessary.

7 (f) The working group shall submit a report of its
8 findings and recommendations, including recommendations for
9 pilot projects for Hawaii businesses to phase out single-use
10 plastic packaging, promote reuse, and find sustainable
11 alternatives for packaging, as well as any proposed legislation,
12 to the legislature no later than twenty days prior to the
13 convening of the regular session of 2021.

14 SECTION 4. The working group shall cease to exist on June
15 30, 2022.

16 SECTION 5. There is appropriated out of the deposit
17 beverage container deposit special fund of the State of Hawaii
18 the sum of \$25,000 or so much thereof as may be necessary for
19 fiscal year 2019-2020 and the same sum or so much thereof as may
20 be necessary for fiscal year 2020-2021 for expenses arising out



1 of the activities of the plastic source reduction working group
2 established pursuant to section 3 of this Act.

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

5 PART IV

6 SECTION 6. Chapter 342G, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§342G- Solid waste prevention coordinator; established.

10 (a) There is established within the department the position of
11 solid waste prevention coordinator. The solid waste prevention
12 coordinator shall:

13 (1) Serve as administrative support to the plastic source
14 reduction working group established pursuant to Act
15 , Session Laws of Hawaii 2019;

16 (2) Develop policy recommendations for solid waste source
17 reduction, waste reuse and composting, and recycling;

18 (3) Develop and support programs with the goals of solid
19 waste prevention; and



- 1 (4) Support the handling and transportation of the deposit
2 beverage containers to end-markets;
- 3 (5) Hire personnel to oversee the implementation of the
4 deposit beverage container program, including
5 permitting and enforcement activities; and
- 6 (6) Fund associated office expenses."

7 SECTION 8. There is appropriated out of the deposit
8 beverage container deposit special fund the sum of \$ or
9 so much thereof as may be necessary for fiscal year 2019-2020
10 and the same sum or so much thereof as may be necessary for
11 fiscal year 2020-2021 to establish the position of solid waste
12 prevention coordinator.

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

15 PART V

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on March 15, 2050.



Report Title:

Plastic Food Packaging; Plastic Bags; Single-use Beverage Containers; Prohibition; Plastic Source Reduction Working Group; Appropriation

Description:

Prohibits the purchase, use, sale, or distribution of plastic beverage bottles, utensils, stirring sticks, polystyrene foam containers, plastic bags and straws by state and county agencies, restaurants, standard bars, and any other businesses or individuals on a certain date. Creates the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging. Establishes the Solid waste Prevention Coordinator. Appropriates funds. (SB522 HD1)

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