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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

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

1           SECTION 1. The legislature finds that plastic marine  
2 debris is fouling the State's ocean and beaches. Plastic marine  
3 debris is essentially indestructible. It does not go away over  
4 time, instead, it breaks down into smaller and smaller  
5 fragments. These smaller fragments, referred to as  
6 microplastics (or marine debris measuring less than five  
7 millimeters, or about the size of a sesame seed and smaller),  
8 are difficult to remove and persist forever. In order to reduce  
9 plastic marine debris from Hawaii's ocean and beaches it is  
10 important, where feasible, to remove marine debris before it  
11 breaks down.

12           The legislature finds that both larger and smaller pieces  
13 of plastic marine debris have significant negative impacts on  
14 the environment. Ingestion of marine debris contributes to the  
15 death of marine animals and bird populations. This poisons the  
16 food chain and impacts all species, including birds, whales,  
17 turtles, seals, corals, and small organisms. This also poisons



1 the fish that form the foundation of the local fishing industry,  
2 and ultimately, it poisons the humans that eat the affected  
3 fish. It is estimated that by 2050, there will be more plastic  
4 than fish by weight in the world's oceans. Plastic pollution  
5 defaces the State's iconic beaches, which are the very  
6 foundation of the State's tourism industry.

7 The legislature further finds that removal of plastic  
8 marine debris from beaches is critical to both the State's  
9 economy and environment. However, the legislature finds that  
10 removal has been hampered by disagreement among agencies over  
11 responsibility and jurisdiction. Pursuant to section 46-12,  
12 Hawaii Revised Statutes, counties are charged with removing and  
13 clearing all seaweed, limu, and debris that are likely to create  
14 an unsanitary condition or otherwise become a public nuisance on  
15 the shores and beaches within the respective counties. However,  
16 the counties, to date, have not applied that responsibility to  
17 plastic marine debris on county shores and beaches.

18 The department of land and natural resources is charged  
19 with managing, administering, and exercising control over public  
20 lands, water resources, ocean waters, navigable streams, coastal  
21 areas (excluding commercial harbor areas), aquatic life and



1 coastal programs. The department also has jurisdiction over  
2 state marine waters, which extend seaward from the upper reaches  
3 of the wash of the waves. This generally includes Hawaii's  
4 beaches. The legislature believes that the department should be  
5 responsible for regularly removing plastic marine debris from  
6 beaches and should be provided additional appropriations to  
7 carry out this important task.

8 The counties are authorized within their limits to make and  
9 enforce all necessary ordinances covering all matters relating  
10 to the collection and disposition of rubbish and garbage.  
11 Accordingly, the legislature finds that the counties should be  
12 responsible for promptly disposing of the plastic marine debris  
13 collected by the department of land and natural resources and  
14 volunteers at permitted solid waste management systems.

15 The purpose of this Act is to help protect the beaches and  
16 ocean in the State from plastic marine debris by:

- 17 (1) Requiring that the department of land and natural  
18 resources regularly remove plastic marine debris from  
19 shores and beaches and making an appropriation to the  
20 department to carry out this purpose; and



1           (2) Requiring the counties to dispose of, promptly and at  
2           permitted solid waste management systems, the marine  
3           plastic debris collected by the department of land and  
4           natural resources and volunteers.

5           SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
6 by adding a new section to part I to be appropriately designated  
7 and to read as follows:

8           "§46-        Disposal of plastic marine debris. The counties  
9 shall be responsible for disposing of, promptly and at permitted  
10 solid waste management systems, the plastic marine debris  
11 collected by the department of land and natural resources,  
12 pursuant to section 171-        and volunteers from the shores and  
13 beaches situated within the respective counties."

14           SECTION 3. Chapter 171, Hawaii Revised Statutes, is  
15 amended by adding a new section to part I to be appropriately  
16 designated and to read as follows:

17           "§171-        Cleaning shores and beaches of plastic marine  
18 debris. (a) The department of land and natural resources shall  
19 be responsible for removing and clearing plastic marine debris  
20 from the shores and beaches of the State. The department shall  
21 establish procedures, in accordance with best practices, for



1 removing the debris no less than monthly. In determining best  
2 practices for removing plastic marine debris, the department  
3 shall consult and coordinate with experts from the National  
4 Oceanic and Atmospheric Administration Marine Debris program,  
5 other coastal states, and nonprofit organizations to ascertain  
6 the most efficient and effective practices, equipment and  
7 technologies that will remove the most plastic marine debris,  
8 particularly microplastics, from the State's shores and beaches.

9 (b) No later than twenty days prior to the convening of  
10 each regular session the department shall report to the  
11 legislature on the amount of plastic marine debris, specifically  
12 the amount of microplastics, removed from the State's shores and  
13 beaches in the prior calendar year.

14 (c) For purposes of this section, "microplastics" means  
15 plastic marine debris of an individual size of less than five  
16 millimeters."

17 SECTION 4. Section 46-12, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§46-12 Cleaning shores and beaches of seaweed, limu, and  
20 debris. [The] Except as provided in section 171- , the  
21 various counties shall be responsible for removing and clearing



1 all seaweed, limu, and debris which are likely to create an  
 2 unsanitary condition or to otherwise become a public nuisance  
 3 from the shores and beaches situated within the respective  
 4 counties; provided that to the extent any of the foregoing work  
 5 is a private responsibility, the responsibility may be enforced  
 6 by the county in lieu of the work being done at public expense."

7 SECTION 5. There is appropriated out of the general  
 8 revenues of the State of Hawaii the sum of \$ or so much  
 9 as may be necessary for fiscal year 2018-2019 for the  
 10 acquisition of equipment and hiring of necessary staff by the  
 11 department of land and natural resources to carry out the  
 12 purposes of this Act.

13 The sum appropriated shall be expended by the department of  
 14 land and natural resources for the purposes of this Act.

15 SECTION 6. There is appropriated out of the general  
 16 revenues of the State of Hawaii the sum of \$ or so much  
 17 as may be necessary for fiscal year 2018-2019 for the  
 18 acquisition of equipment and hiring of necessary staff by each  
 19 of the several counties, to be allocated as follows:

- 20 (1) To the city and county of Honolulu: \$
- 21 (2) To the county of Maui: \$



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1 (3) To the county of Hawaii: \$

2 (4) To the county of Kauai: \$

3 The sum appropriated shall be expended by each respective  
4 county for the purposes of this Act.

5 SECTION 7. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 2018.

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INTRODUCED BY: Nicole E. Loun  
[Signature]

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JAN 24 2018



# H.B. NO. 2625

**Report Title:**

DLNR; Counties; Pollution; Ocean and Beach Marine Debris;  
Environmental Protection; Appropriation

**Description:**

Requires the Department of Land and Natural Resources to remove plastic marine debris from shores and beaches and for the counties to dispose of plastic marine debris collected by the department. Appropriates moneys.

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

