

JAN 18 2019

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 fossils 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



S.B. NO. 522

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 efficient use of natural
15 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.



S.B. NO. 522

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 already produced a
17 trash management plan that shows that polystyrene foam and
18 plastic bags are the top two contributors to the waste stream
19 and must 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 342H, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§342H- Single-use plastic food items; prohibited.

17 (a) No state or county agency shall purchase, use, sell, or
18 distribute single-use plastic beverage bottles, utensils,
19 stirring sticks, polystyrene foam containers, or straws after
20 July 1, 2021.



S.B. NO. 522

1 (b) No restaurant, hotel, standard bar, or any other
2 business where food or beverages are sold shall use, sell, or
3 distribute single-use plastic beverage bottles, utensils,
4 stirring sticks, polystyrene foam containers, or straws after
5 July 1, 2022.

6 (c) No individual or business shall distribute, sell, or
7 otherwise provide any form of plastic bag after July 1, 2023.

8 (d) No individual or business shall distribute, sell, or
9 otherwise provide any form of single-use plastic beverage
10 containers after July 1, 2025.

11 (e) For purposes of this section:

12 "Business" means any commercial enterprise or establishment
13 operating in the State, including any individual proprietorship,
14 joint venture, partnership, corporation, limited liability
15 company, or other legal entity, whether for profit or not for
16 profit, and includes all employees of the business or any
17 independent contractors associated with the business.

18 "Plastic" means any material made of petrochemical
19 polymeric compounds and additives that can be shaped by flow,
20 including plastic bags of any thickness, but not bioplastics
21 that are biodegradable and bioactive and are made from biomass



1 or renewable sources such as sugarcane, cornstarch, or cassava
2 root, chips, or starch.

3 "Polystyrene" means a thermoplastic petrochemical material
4 utilizing a styrene monomer, including all polystyrene, meaning
5 any styrene or vinyl chloride polymer that is blown into a foam-
6 like material. Polystyrene includes materials created from
7 techniques including the fusion of polymer spheres (expandable
8 bead polystyrene), injection molding, foam molding, and
9 extrusion-blow molding (extruded foam polystyrene).

10 "Polystyrene foam container" means a container that is made
11 using polystyrene.

12 "Prepared food" means food or beverages that are prepared
13 to be consumed on or off the premises of a restaurant or food
14 establishment.

15 "Restaurant" means an eating establishment, including but
16 not limited to coffee shops, cafeterias, sandwich stands, food
17 trucks, and private and public school cafeterias, that gives or
18 offers for sale food or beverages to the public, guests, or
19 employees, as well as kitchens and catering facilities in which
20 food or beverage is prepared on the premises for serving



1 elsewhere. The term "restaurant" includes a bar area within the
2 restaurant and outdoor areas of restaurants."

3 **PART III**

4 SECTION 3. (a) There is established within the department
5 of health for administrative purposes a plastic source reduction
6 working group.

7 (b) The working group shall:

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

10 (2) Develop strategies to encourage reuse in the food
11 service industry, such as reusable container incentive
12 programs for customers; and

13 (3) Provide recommendations for composting plastics in
14 Hawaii to encourage reuse of waste and create value
15 added products to be used in regenerating Hawaii's
16 agricultural potential.

17 (c) The membership of the working group shall be as
18 follows:

19 (1) The director of the department of health or the
20 director's designee;



S.B. NO. 522

- 1 (2) The chairperson of the board of land and natural
2 resources or the chairperson's designee;
- 3 (3) Four members, one each to be appointed by the
4 respective mayors of the city and county of Honolulu
5 and the counties of Hawaii, Kauai, and Maui;
- 6 (4) A representative of the Surfrider Foundation;
- 7 (5) A representative of Zero Waste Oahu;
- 8 (6) A representative of the Hawaii Food Industry
9 Association;
- 10 (7) A representative of the Hawaii Restaurant Association;
- 11 (8) A representative of the Hawaii Chamber of Commerce;
12 and
- 13 (9) A representative of the Hawaii Tourism Association.
- 14 The representatives in paragraphs (4) through (9) shall be
15 selected by the director of health.
- 16 (d) The members of the working group shall serve without
17 compensation but shall be reimbursed for reasonable expenses,
18 including travel expenses, consulting fees, and administrative
19 expenses such as photocopying, postage, stationery, and office
20 supplies incidental to the performance of their duties.



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

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

12 SECTION 4. The working group shall cease to exist on June
13 30, 2022.

14 SECTION 5. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$25,000 or so much
16 thereof as may be necessary for fiscal year 2019-2020 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2020-2021 for expenses arising out of the activities of the
19 plastic source reduction working group established pursuant to
20 section 4 of this Act.



S.B. NO. 522

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

PART IV

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2019.

6 INTRODUCED BY:

Mike Gattuso

J. (Wh.) G. J.

DC each again

Breene H.

Paul E. R.

Carl Reed



S.B. NO. 522

Report Title:

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

Description:

Prohibits the use of plastic bottles, utensils, stirring sticks, polystyrene foam containers, and straws by state agencies by July 1, 2021, and by businesses selling food and beverages by July 1, 2022. Bans the distribution or sale of plastic bags after July 1, 2023. Bans the sale or distribution of single-use plastic beverage containers after July 1, 2025. Creates the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging. Appropriates funds.

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

