
A BILL FOR AN ACT

RELATING TO PLASTIC.

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

PART I

1
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 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.



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) For purposes of this section:

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

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



- 1 (b) The working group shall:
- 2 (1) Formulate a plan for eliminating single-use plastic
- 3 packaging from the Hawaii waste stream;
- 4 (2) Develop strategies to encourage reuse in the food
- 5 service industry, such as reusable container incentive
- 6 programs for customers;
- 7 (3) Provide recommendations for composting plastics in
- 8 Hawaii to encourage reuse of waste and create value
- 9 added products to be used in regenerating Hawaii's
- 10 agricultural potential; and
- 11 (4) Study and develop a systematic plan to phase out the
- 12 use of single-use plastic beverage containers.
- 13 (c) The membership of the working group shall be as
- 14 follows:
- 15 (1) The director of health or the director's designee;
- 16 (2) The chairperson of the board of land and natural
- 17 resources or the chairperson's designee;
- 18 (3) Four members, one to be appointed by each of the
- 19 respective mayors of the city and county of Honolulu
- 20 and the counties of Hawaii, Kauai, and Maui;
- 21 (4) A representative of the Surfrider Foundation;



- 1 (5) A representative of Zero Waste Oahu;
- 2 (6) A representative of the Hawaii Food Industry
- 3 Association;
- 4 (7) A representative of the Hawaii Restaurant Association;
- 5 (8) A representative of the Chamber of Commerce Hawaii;
- 6 and
- 7 (9) A representative of the Hawaii Tourism Association.

8 The representatives in paragraphs (4) through (9) shall be
9 selected by the director of health.

10 (d) The members of the working group shall serve without
11 compensation but shall be reimbursed for reasonable expenses,
12 including travel expenses, consulting fees, and administrative
13 expenses such as photocopying, postage, stationery, and office
14 supplies incidental to the performance of their duties.

15 (e) The working group shall work with the department of
16 health, the carbon sequestration task force, private
17 stakeholders, public stakeholders, or any other group or
18 individuals the working group deems necessary.

19 (f) The working group shall submit a report of its
20 findings and recommendations, including recommendations for
21 pilot projects for Hawaii businesses to phase out single-use



1 plastic packaging, promote reuse, and find sustainable
2 alternatives for packaging, as well as any proposed legislation,
3 to the legislature no later than twenty days prior to the
4 convening of the regular session of 2021.

5 SECTION 4. The working group shall cease to exist on
6 June 30, 2022.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$25,000 or so much
9 thereof as may be necessary for fiscal year 2019-2020 and the
10 same sum or so much thereof as may be necessary for fiscal year
11 2020-2021 for expenses arising out of the activities of the
12 plastic source reduction working group established pursuant to
13 section 3 of this Act.

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

16 PART IV

17 SECTION 6. New statutory material is underscored.

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

19



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, and straws by state and county agencies after July 1, 2021, and by businesses selling food and beverages after July 1, 2022. Bans the distribution or sale of plastic bags after July 1, 2023. Creates the plastic source reduction working group to make recommendations for eliminating single-use plastic packaging. Appropriates funds. (SD1)

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