
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 protecting Hawaii's
2 consumers from false or fraudulent advertising is essential to
3 ensuring a fair market for all businesses and competitors. Many
4 plastic products are now compostable and biodegradable and thus
5 do not remain as trash when discarded. However, other products
6 have been deceptively marketed to consumers as compostable and
7 biodegradable. These products are actually composed of between
8 thirty-four to ninety-seven per cent plastic, which eventually
9 breaks down into microplastics, that cannot be seen or cleaned
10 up and which have been found to accumulate in organisms and
11 animals, thereby endangering the food chain.

12 The legislature further finds that ensuring truth in
13 advertising and differentiating between compostable products and
14 non-compostable products are crucial to protecting our
15 environment, ensuring a fair business market, and protecting
16 Hawaii's consumers.

17 The purpose of this Act is to join other states that
18 already require plastic products marketed as biodegradable,



1 degradable, decomposable, or compostable, or in any way imply
2 that the product will break down, to meet the American Society
3 for Testing and Materials' specifications.

4 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
5 amended by adding a new section to part III to be appropriately
6 designated and to read as follows:

7 "§342H- Plastic products; labeling. (a) No plastic
8 product shall be labeled as "compostable" or in any other way to
9 imply that it will biodegrade, decompose, break down, or
10 fragment in a landfill or other environment, unless it meets
11 ASTM D6400 specifications as certified by an approving
12 authority.

13 (b) Notwithstanding subsection (a), plastic products may
14 be labeled as "biodegradable" pursuant to the ASTM D5511
15 standard test method for determining anaerobic biodegradation of
16 plastic materials under high-solids anaerobic-digestions
17 conditions.

18 (c) A manufacturer of plastics or wholesale distributor
19 who violates this section shall be fined \$ _____ for each
20 separate violation. Each day the violation continues shall
21 constitute a separate violation.



1 (d) As used in this section:

2 "ASTM D6400" means the specifications for compostability of
3 the American Society for Testing and Materials.

4 "Biodegradable" means a plastic product that has been
5 labeled as biodegradable pursuant to the ASTM D5511 standard
6 test method for determining anaerobic biodegradation of plastic
7 materials under high-solids anaerobic-digestions conditions.

8 "Consumer product" means a product or part of a product
9 that is used, bought, or leased for use by a person for any
10 purpose.

11 "Plastic product" means a product made of plastic, alone or
12 in combination with other material. A plastic product includes
13 but is not limited to any of the following:

14 (1) A consumer product;

15 (2) A package or packing component;

16 (3) A bag, sack, wrap, or other product made of thin
17 plastic sheet film; or

18 (4) A food or beverage container, or a container
19 component, including a straw, lid, or eating utensil."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2112.



Report Title:

Compostable Plastic Products; Biodegradable Plastic Products;
Labeling

Description:

Prohibits labeling of a plastic product as "compostable" or
"biodegradable" unless it meets appropriate ASTM standards.
Effective January 1, 2112. (SD1)

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not legislation or evidence of legislative intent.*

