
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 polystyrene foam
2 represents one of the most common forms of litter pollution in
3 Hawaii. The consumption of polystyrene foam containers in
4 Hawaii, none of which are recycled, is the highest per capita in
5 the United States. Polystyrene foam is ultra-light, which
6 allows it to easily escape collection systems and accumulate on
7 land and in waterways where it quickly aggregates and fragments
8 to form a highly visible and toxic litter stream. Polystyrene
9 foam fragments leach styrene, a known carcinogen, and other
10 toxins that then poison the local food chain. This poisoned
11 food chain impacts all species including birds, whales, turtles,
12 seals, and the fish that form the foundation of the local
13 fishing industry. Polystyrene foam pollution also defaces
14 Hawaii's iconic landscapes, which serve as the basis for the
15 tourism industry.

16 The legislature further finds that the cost to the State
17 and counties to clean polystyrene foam and other plastics from



1 storm drains, waterways, marine ecosystems, and other
2 aggregation points is well documented and increasingly
3 burdensome. A study by the Natural Resources Defense Council
4 showed that California taxpayers are shouldering a cost of
5 \$428,000,000 per year to prevent litter, including plastics like
6 polystyrene foam, from becoming harmful pollution. For a city
7 in California with a population size comparable to that of
8 Hawaii's, such as San Diego, the cost is over \$14,000,000 per
9 year in taxpayer money. In 2016, following the continued
10 flooding due to litter in Hawaii's storm drains, the department
11 of transportation released a trash plan indicating that a
12 prohibition on the sale of polystyrene foam service ware and
13 packaging would result in a ten per cent reduction of the total
14 cleanup costs of litter in the State under the department of
15 transportation's highway division alone. This translates into
16 millions of dollars in savings to the Hawaii taxpayer.

17 The legislature further finds that certain counties across
18 the State have begun to ban polystyrene. However, the tax
19 dollars of residents in those counties still go to the state
20 executive branch departments and agencies that are tasked with
21 certain polystyrene cleanup duties.



1 The purpose of this Act is to protect:

2 (1) Hawaii taxpayers from paying additional cleanup costs;

3 (2) Residents of counties which have prohibited the sale
4 of polystyrene from paying additional taxes to clean
5 up polystyrene litter in counties in which it has not
6 been prohibited; and

7 (3) Hawaii's environment,

8 by authorizing state executive branch departments and agencies
9 to collect information regarding the amount of moneys expended
10 by each department or agency in counties that have not enacted
11 an ordinance which has significantly restricted the use of
12 polystyrene products for the disposal of polystyrene and then
13 collect reimbursement from counties for such expenditures.

14 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
15 by adding a new part to be appropriately designated and to read
16 as follows:

17 "PART . POLYSTYRENE CLEANUP.

18 §27-A Definitions. As used in this part, unless the
19 context otherwise requires:

20 "County" means the counties of Hawaii, Kauai, and Maui and
21 the city and county of Honolulu.



1 "Department or agency" means a state executive branch
2 department or agency, or the judiciary.

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 product" means a product that is made using
11 polystyrene material.

12 **§27-B Polystyrene clean up.** (a) The department of
13 accounting and general services shall maintain a database
14 detailing the amount of moneys expended in each county for the
15 disposal of polystyrene products which may be reported by each
16 department or agency that incurs costs for collecting or
17 disposing of polystyrene products.

18 (b) Beginning on January 1, 2020, each department or
19 agency that incurs costs for collecting or disposing of
20 polystyrene products may submit an application, using a form to
21 be prepared by the department of accounting and general



1 services, to the department of accounting and general services
2 to collect reimbursement from the applicable counties for
3 expenditures made within the county to clean up and dispose of
4 polystyrene products. The reimbursement amount shall be
5 determined using the data collected pursuant to subsection (a).
6 The department shall notify each county of the total amount owed
7 to reimburse all departments and agencies for the clean up and
8 disposal of polystyrene products by the departments and
9 agencies. The respective counties shall submit the amount owed
10 to the department of budget and finance for deposit into the
11 general fund.

12 (c) The department of accounting and general services
13 shall submit a report of the data and reimbursements collected
14 pursuant to this section to the legislature no later than twenty
15 days prior to the convening of each regular session.

16 (d) This part shall not apply to counties that have
17 enacted an ordinance which has significantly restricted the use
18 of polystyrene products."

19 SECTION 3. In codifying the new sections added by section
20 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Polystyrene Products; Clean Up and Disposal; Counties

Description:

Requires the Department of Accounting and General Services to maintain a database of the costs to state departments and agencies of cleaning up and disposing of polystyrene products in each county that has not enacted an ordinance significantly restricting the use of polystyrene products. Beginning in 2020, requires each county that has not enacted an ordinance significantly restricting the use of polystyrene products to reimburse the general fund for costs to the State of cleaning up and disposing of polystyrene products in the county. (HB2718 HD1)

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