

Plastic Source Reduction Working Group

Meeting #3 Agenda

May 21, 2020
8:30 AM to 1:00 PM

Via Zoom

Members of the public may attend the Zoom meeting by contacting Jaylen Ehara at jaylen.ehara@doh.hawaii.gov no later than 24 hours prior to the start of the meeting.

Our objectives for this meeting are to (1) recap work completed; (2) review recommendations coming from Permitted Interaction Groups 1 and 2; (3) discuss Items 5 and 8 in the PIG-1 recommendations; and (4) establish Permitted Interaction Group #3.

- 8:30a** **Startup** (Peter Adler)
- Welcome back
 - Recap of preceding work
 - Today's agenda
- 8:45** **Review of PIG-2 Recommendations** (Attachment-A)
- Discussion / Additional Ideas?
 - Fine Tuning
- 9:50** **Break**
- 10:00** **Review of PIG-1 Recommendations** (Attachment-B)
- Discussion / Additional Ideas?
 - Discussion on #5 and #8 ¹
 - Fine Tuning
- 11: 30** **Organize for PIG-3 and Tasks 5 & 6** ² (Attachment-C)
- 12:15p** **Next Steps**
- Request for Legislative Extension on Act 254 (Dan Kouchi)
 - Planning for the next meeting
 - Review of the meeting plan (Attachment-D)
- 12:30** **Public Comment** (Until Finished)

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-4226 (voice/tty) or email Lane Otsu at lane.otsu@doh.hawaii.gov . For more information, contact DCAB at (808) 586-8121.

¹ Items 5 and 8 do not come to the WG with consensus. Please review Zero Waste Hawaii's proposed modifications for this discussion.

² We will solicit self-nominations for PIG-3 and then try to create a balanced group. All ideas will come back to the whole WG.

Virtual Meeting Agenda Specifications:

Connectivity Issues

The meeting will be recessed when audio communication cannot be maintained with a quorum of members and will be terminated when audio communication cannot be reestablished with a quorum of members.

Public Comment

In order to reduce the chance of overloading the video conferencing system, members of the public will be asked to turn off their cameras upon entering the meeting.

Written Testimony

Written testimony may be submitted to Jaylen Ehara at jaylen.ehara@doh.hawaii.gov no later than 24 hours prior to the start of the meeting.

Attachment-A

Permitted Interaction Group #2 Draft Recommendations

Task 4: "Consult with each county that has already enacted ordinances related to single-use plastics such as plastic bags and polystyrene foam containers and develop recommendations for the implementation of a uniform, statewide policy for these items that can replace existing county ordinances and provide businesses with laws that are consistent throughout the state."

1. Create a uniform statewide plastic source reduction standard.

Comments

A uniform state standard has both advantages and disadvantages but must be implemented with care and precision.

On the advantage side, businesses must comply with one regulatory regime rather than four potentially different ordinances. Most enterprises and their B-to-B suppliers are accustomed to complying with various state ordinances. A uniform, statewide message (aimed at consumers) is more efficient to create and communicate and more likely to achieve traction. The state must also have a uniform enforcement protocol, presumably lodged in the DOH. If it is to be enforced by the counties, the counties must receive a substantial portion of their funding from DOH to accomplish this.

On the disadvantage side, counties are the unit of government closest to people. A statewide standard may inhibit the flexibilities that accompany home rule. More important, the four counties have very different demographics and very different tax bases. Currently, they have different recycling capabilities and waste management systems. This makes it difficult to achieve complete uniformity.

2. The new standard must be evolutionary and grown slowly.

Comments

All of the counties have laws and initiatives to reduce plastics but are proceeding somewhat differently, as can be seen in the comparative data we have gathered. This

means implementation of a state standard must proceed slowly and carefully and over time, and with the Legislature's help, allow the counties to slowly harmonize their influence on consumer behavior and achieve greater disposal, reuse, and recycling.

This has two implications. First, the state must work closely with all four counties to coordinate efforts and slowly raise everyone's capacity in a networked manner. Second, as part of the passage of a state standard, the state must be prepared to make financial investments in the ability of all four counties to meet a new standard.

3. The new standard should start as a policy and evolve to law.

Comments

Commencing a statewide standard has advantages and disadvantages. As law, it creates real uniformity, binds future leadership, and capitalizes and perhaps accelerates the movement toward going "green." It could take the form of a target law. Target laws lack implementation plans and only have due dates. However, they require baselines and can motivate implementation.

Policies are more malleable and flexible, may have shorter lifespans, and demand less commitment. They may be more vulnerable to the whims and tides of politics but may better accommodate important county differences. For example, each county has its own integrated solid waste management plan and it is unlikely there will be full uniformity given the varying demographics. Finally, if a new standard is made into law, uniformity will be required and require enforcement.

4. The new state plastics source reduction standard should not be weaker than the existing standards of the four counties.

Comments

This will require a careful and coordinated balancing act and need the full participation and decision-making of all four counties and the implementing state agency, which we presume will be DOH. On the one hand, a new standard must build off the existing laws and practices of the counties. It must not be weaker than the weakest county. Collaterally, it needs to create incentives that help the weaker counties become more capable and for the whole state to grow together.

5. Maintain a public list of each County's regulations and variances.

Comments

To enable a steady evolution towards a state standard and county harmonization, the Department of Health should maintain, regularly update, and publicize an accurate record of the evolving differences between the counties differences. This also gives the counties a starting point toward harmonizing their ordinances. The document serves two purposes. First it provides direct guidance to businesses. Second, it becomes a sentinel reference for the state and the counties to work toward progressively better synchronization.

6. Connect plastics source reduction to "Green Financing."

Comments

Two-thirds of the world banks are now committed to green financing and the legislature has been pushing toward green infrastructure and a green economy, even in the midst of crisis. Green infrastructure for plastics management will help enable a greener, cleaner image and have a trickle-down effect.

Attachment-B

Permitted Interaction Group #1 Draft Recommendations

Task 1-3: Strategies for (1) “Reducing and recovering plastic from the Hawaii waste stream; (2) Encouraging plastic reduction and reuse in the food service industry, such as reusable container incentive programs for customers; and (3) Encouraging reuse, reduction, recycling, and recovery of waste and creating value added products to innovate and responsibly manage the life cycle of existing resources”

NOTE: Working Group members Lim, Menor-McNamara, Thorp, and Zirbel have indicated they are opposed to #5 and #8 as written.

(For the Report Introduction)

Per the legislative mandate, the Act 254 Working Group has identified multiple ways for government, consumers, and local businesses to achieve greater statewide impacts and help accelerate the transformation to a plastics-freer Hawai'i. With the recent COVID-19 pandemic and the anticipated economic aftermath, the Working Group recognizes that much of the State's resources will need to be focused on shorter-term economic strategies that reduce expense and enhance revenues.

Plastic source reduction actions that increase consumer costs, create new public expenses for innovative projects, or provide tax credits to businesses cannot be done until there has been sufficient economic recovery. Nonetheless, the Act 254 Working Group believes recovery may offer niche opportunities to accomplish the important long-term goal of plastics source reduction through new forms of green financing and recovery regulations. We recommend the following:

1. Update the DOH Health Code.

Comments

Propose a specific plan that allows consumers to bring and use their own containers when making bulk purchases and removes liability from businesses for food-borne illnesses when consumers use their own containers.

2. Create a single, inclusive, across-the-board 15-30 cent user fee on all single-use service ware items (plastic table ware and plastic bags, but not cups, lids, and containers).

Comments

The 15-30 cent across-the-board user fee will apply to all single-use takeout service ware items and plastic bags. The fee is comprehensive and intended to create simplicity. It will be inclusive of the current plastic bag fee and all service ware (e.g., 30 cents for one, two, or all three plastic utensils (fork, spoon, and knife). Subject to revisions of food safety regulations, fees cannot be charged for cups, lids, and containers. Fees will be used to support businesses.

Unlike Portland where a worker cannot ask if a customer needs utensils and where a customer will not get utensils unless they know to ask for them, Hawai'i businesses must ask customers if they want utensils. Businesses will retain all of the fees collected but must treat those as income and pay GET. If the State chooses, as it often does, to take a portion of fee, the money should be paid into a single-use consumer education campaign for plastic source reduction and not used for general funding. If the fee were 30 cents, 25 cents would go to businesses and 5 cents to the State.

3. Enact a tax credit for businesses that invest in modern commercial reuse and washing equipment that reduce the use of plastics in the waste stream.

Comments

Create a 10-year window (and sunset provision) for tax incentives that include the purchase of new sanitizing equipment or the start of new businesses that offer energy efficient dish and utensil sanitizing services to other businesses. Eligibility for tax credits could include businesses (e.g., grocery stores) that give consumers the option to purchase in bulk, while using consumers' own containers. The business must demonstrate that single-use plastics are discouraged or not offered, and that customer use of own containers is encouraged with signage.

The State and the Counties will save money in the long run by reducing the amount of waste they have to deal with, but businesses need to be incentivized to make changes. Those changes will help drive consumer behavior.

4. Organize and conduct a pilot project that tests the efficacy and expense of making UV-C technology available.

Comments

Due to concerns about preventing the spread of COVID-19 and out of an abundance of caution, many grocery stores across the nation are prohibiting the use of reusable bags and turning back to single-use plastic and paper bags. According to one study in the *New England Journal of Medicine*, germs appear to live longer on plastic than on paper. In the short-run, using single-use paper bags may be a better alternative than single-use plastic bags. In the long run, it will defeat solutions to source reduction.

UV-C technologies could potentially solve such problems. UV-C is a short-wavelength, ultraviolet light that breaks apart germ DNA leaving it unable to function or reproduce. UV-C light may be effectively germicidal if the technology can be scaled.

5. As has been done for energy and agriculture, set a measurable State of Hawai'i goal that by 2030, 50% of all packaging that comes into the State is locally or nationally compostable, reusable, recyclable, or can be reprocessed. Chart an ambitious but realistic plan and timetable for accomplishing the goal.

Comments

Two hundred and fifty organizations (including Pepsi, Unilever, and other large businesses) have committed to eliminating plastics when unnecessary by 2025. Recycling companies are also a part of that coalition. Since most single-use plastics in Hawai'i are from prepackaged items that are imported into the islands, the State of Hawai'i should make plastics reduction a goal and enlist government, business, and NGOs to sign off as cooperators.

To help accelerate and ground the goal, the state should start by collecting meaningful data on how much and which types of plastics are entering Hawai'i and which can and cannot be recycled or reused. By using this data, stages and phases to the larger goal can be sequenced.

For example, a recent Greenpeace report speaks to the definition of which plastics are "recyclable." The FTC says a product cannot be defined as "recyclable" unless at least 60% of Americans must have access to recycling facilities for that product. The report also points out that beyond #1 plastics (bottles) and #2 plastics (milk and detergent

jugs), plastics #3-#7 have no markets. Only plastic PET #1 & HDPE #2 bottles and jugs have sufficient domestic municipal collection and reprocessing capacity to provide consumers with reasonable assurance that a collected item will be recycled into another product.

An important aspect of this is understanding the movement of plastics and their "chains of custody" that allow plastic materials to move off island for recycling. If there is no current facility here, we need develop the capacity to audit where materials come from or go to and ensure sorting mechanisms.

However, the goal and plan must also consider how to reduce or eliminate packaging that has no function (or a function that is purely aesthetic), that uses two or more materials that cannot be recycled together (such as cardboard containers that have window covered by thin plastic to show product).

6. Establish a 5-year State-run education campaign about plastic reduction.

Comments

The campaign could be integrated with state goal-setting and focus on altering consumer behavior and reducing dependence on single-use items. Since asking consumers to change in isolation will not produce long-range results, the campaign must explain in simple terms the web of connectivity and the relationship between supply and demand. The focus is to change the community's awareness, rather than trying to effect consumer-only changes. The State of Hawai'i might also set up a website that serves as a resource, but the campaign should be outsourced to a reputable marketing group and not done in-house by the state. Make the non-use of plastics cool and trendy and ensure that a committee tasked with this includes outside experts and not just state employees.

7. Establish a State Recognition Program for businesses that demonstrate effective plastics use reductions, reuse, and recycling.

Comments

Identifying exemplars tends to set the bar for others and similar programs exist in other domains: Hawai'i Green Business Program, Hawai'i Green Growth, and Certified B Corporations. The State's Department of Business, Economic

Development & Tourism (DBEDT) currently runs the Hawai'i Green Business Program (HGBP). HGBP recognizes businesses and events for their green practices. It is a very thorough vetting process, and it is voluntary. DBEDT has no support for implementation so this could become a function of business associations (Business Roundtable, Chamber of Commerce, etc.). A picture with governor, press release, and a plaque are HGBP's incentives for businesses.

8. Enact legislation that tasks the Department of Health to outline and analyze the feasibility of a comprehensive and detailed Extended Producer Responsibility (EPR) plan for reducing plastics in the environment.

Comments

Extended producer responsibility is an emerging cornerstone for managing the emerging circular economy. EPR is an environmental policy principle in which a producer's responsibility is extended to the post-consumer stage of a product's life cycle including take-back, recycling, and final disposal. While that responsibility must be shared with intermediate users who derive benefit from a product, end-life re-use, recycling, and disposal are critical elements. The State of Oregon Department of Environmental Quality has adopted a Waste Prevention Strategy to set priorities and define direction for its work in waste prevention. It is establishing an articulated vision and materials management goals that will reduce impacts.

9. Accelerate community and regional composting.

Comments

There many possible actions that can be taken to compost: create small composting pilot projects with schools, farms, non-profits, and businesses to install in-vessel systems that will serve their specific communities; work with the Department of Health to review and upgrade composting permit regulations that currently represent significant barriers; fund pilot projects on all islands through grants; provide tax incentives to residents and businesses who set up community compost systems.

Composting offers an opportunity to create a value-added product for farmers and residents to increase food production, carbon sequestration, and reduce wasteful practices that don't treat organic materials as a resource. As plastics are phased out of waste streams, compostable alternatives need to increase. Increased composting leads to healthier soils, which in turn expands opportunity for local food production and reduces the necessity for plastic wrapped imports to our state.

Industrial scale, centralized composting is an option, but an expensive one that has large transport burdens and social justice issues. A progressive approach that

focuses on incremental moves away from expensive centralized systems includes decentralized composting micro-grids that help create greater resiliency to natural disasters.

Ideas to address the concepts in draft recommendations #5 and #8 as proposed by Zero Waste Hawai'i

- Assess a per-unit fee on single-use product packaging that will rely on publicly funded or publicly subsidized local infrastructure in order to collect, recycle, reprocess, manage, and/or otherwise dispose of the packaging after use.
- Create measurable and time-tabled goals to reduce the volume of single-use plastic packaging (either imported or produced in Hawai'i) that functions for product marketing and branding and is not explicitly and demonstrably required to preserve product stability or safety. This also includes mix-material packaging with plastic features.
- Enact legislation that tasks the Department of Health to outline and analyze the feasibility of a comprehensive and detailed Extended Producer Responsibility (EPR) plan that will reduce single-use plastic packaging that must be locally collected, recycled, reprocessed, managed, and/or otherwise disposed of.
- Limit the type of packaging material accepted at Hawai'i waste management, recycling, and other collection facilities to: PET (plastic #1,) HDPE (plastic #2), or BPI certified compostable materials.

Attachment-C

The Working Group's Act-254 Seven Tasks

1. Formulate a plan for reducing and recovering plastic from the Hawai'i waste stream;
2. Develop strategies to encourage plastic reduction and reuse in the food service industry, such as reusable container incentive programs for customers;
3. Provide recommendations to encourage reuse, reduction, recycling, and recovery of waste and create value added products to innovate and responsibly manage the life cycle of existing resources;
4. Consult with each county that has already enacted ordinances related to single-use plastics such as plastic bags and polystyrene foam containers and develop recommendations for the implementation of a uniform, statewide policy for these items that can replace existing county ordinances and provide businesses with laws that are consistent throughout the State;
5. Consult with stakeholders to develop appropriate exemptions to address concerns of health and safety, lack of suitable alternative products on the market, and lack of infrastructure;
6. Evaluate potential life-cycle and environmental implications of replacing plastic packaging with alternative products; and
7. Shall submit a report of its findings and recommendations, including recommendations for pilot projects for Hawaii businesses to phase out single-use plastic packaging, promote reuse, and find sustainable alternatives for packaging, as well as any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2021.

Attachment-D

Six-Meeting Plan for Act 254 Working Group

Mtg	PURPOSE	OUTPUTS	SCHEDULE	NOTES
✓1	Get introduced, get organized, lay foundation, and set tone.	Charter Reliable data Glossary of terms	November 14, 2019	Completed with a few carry over tasks to be completed at Meeting #2.
✓2	Identify a “collective ambition” (vision) and frame possible long-term objectives.	Vision statement with a 15-year timeframe Gaps, speed bumps, and potholes on the road and the objectives they suggest Initial 1st pass at best ideas for Act 254 tasks 1-7 Establish Permitted Interaction Groups 1 and 2	January 9, 2020	Set up permitted interaction Groups (PIGs) 1, 2, and 3.
✓ PIGs #1 and #2 to bring forward proposals on Tasks 1-4 for Meeting #3				
✓3	Review specific draft proposals on Tasks 1-4 and achieve the highest levels of consensus possible initial recommendations for the full Working Group to consider.	Draft recommendations on 1-4	May 21, 2020	
PIG #3 to bring forward proposals on Tasks 5-6 from Act 254				
4	Review specific draft proposals on Tasks 5 and 6 and achieve the highest levels of consensus possible on initial recommendations for the full Working Group to consider.	Recommendations on 5-6	June 18, 2020 <i>(Proposed)</i>	
DOH to do a first draft of the Working Group’s Report				
5	Review draft report and achieve highest level of consensus possible.	Second draft of the Working Group report and recommendations.	August 13, 2020 <i>(Proposed)</i>	
6	Final voting on Working Group Report.	Approval of draft	September 24, 2020 <i>(Proposed)</i>	