

**PSRWG MEETING #5**

**Attachment-B**

**Draft PSRWG Report – Entire document**

# Act 254 Plastic Source Reduction Working Group

## Report to Legislature

December 2020

Prepared by the Hawai'i Department of Health

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## I. Introduction

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The Hawai‘i Legislature passed Act 254 (Appendix A) and reads as follows:

“The legislature finds that the local and global impact of the world’s increasing waste stream is unsustainable and detrimental to the future of Hawai‘i’s economy and people. There has been an exponential rise in single-use foodware items over the past few decades globally, with particularly high increases in plastics derived from fossil fuels. Single-use disposable foodware and packaging—including plastic bottles, caps, lids, straws, cups, and polystyrene and plastic containers—are major contributors to street and beach litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions.”

## II. Source Reduction vs. Recycling

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Until recent years, recycling was the buzzword solution that was promoted to address the plastic waste issue. Although beneficial in many ways, recycling is a post-consumer solution to handle plastic waste. In order to reduce the overall generation of plastic waste, more municipalities are considering the feasibility of source reduction, which aims to mitigate the issue at the beginning of the plastic lifecycle.

Hawai‘i Revised Statutes Chapter 342G-1 defines *source reduction* as “the design, manufacture, and use of materials to (1) minimize the quantity or toxicity, or both, of the waste produced; and (2) reduce the creation of waste either by redesigning products or by otherwise changing societal patterns of consumption, use or waste generation.” By contrast, *recycling*, as defined in the same section, means “the collection, separation, recovery, and sale or reuse of secondary resources that would otherwise be disposed of as municipal solid waste, and is an integral part of a manufacturing process aimed at producing a marketable product made of postconsumer material.”

## III. Impact of Plastics in the Environment

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Act 254 cites the following information regarding the impact of plastics in the environment:

“According to the United Nations, since the 1950s, the production of plastic has outpaced that of almost every other material. Much of the plastic produced is designed to be thrown away after being used only once. As a result, plastic packaging accounts for about half of the plastic waste in the world. Most of this waste is generated in Asia, while America, Japan, and the European Union are the world’s largest producers of plastic packaging waste per capita. [...] Only nine percent of the 9,000,000,000 tons of plastic produced has been recycled. Most plastic ends up in landfills, dumps, incinerators, or the environment.”

Additionally, plastic pollution has become increasingly prevalent around the world. More than 300 local municipalities in the US have banned plastic bags, and eight states, including Hawai‘i, have statewide plastic bag bans. Many are also banning the use of expanded polystyrene foam—commonly known as Styrofoam—takeout containers as well as plastic service ware (i.e. cups, straws, forks, knives, etc.) in order to address other types of single-use plastic pollution.

## IV. Summary of Act 254

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In 2019, the Hawai'i State Legislature passed Act 254. This act was intended to address the plastic waste issue by source reduction and had charted seven tasks for a plastic source reduction working group:

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 lifecycle 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 Hawai'i 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.

## V. Membership

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The working group sought to help Hawai‘i to mitigate the damaging effects of plastic waste by including community stakeholders from various industries, organizations, and agencies. The membership of the group is described as follows:

<b><u>Act 254 Membership Requirements</u></b>	<b><u>Member Name and Title</u></b>	<b><u>Member Organization</u></b>
(1) The director of health or the director’s designee;	Lene Ichinotsubo Acting Chief	Department of Health Solid and Hazardous Waste Branch
(2) The chairperson of the board of land and natural resources or the chairperson’s designee;	Clifford Inn Program Specialist	Department of Land and Natural Resources Division of Boating and Ocean Recreation
	Catherine Gewecke Aquatic Biologist	Department of Land and Natural Resources Division of Aquatic Resources
(3) The president and chief executive officer of the Hawai‘i tourism authority or the president and chief executive officer’s designee;	Chris Tatum President & CEO	Hawai‘i Tourism Authority
(4) Four members, one to be appointed by each of the respective mayors of the city and county of Honolulu and the counties of Hawai‘i, Kaua‘i, and Maui;	Justin Gruenstein Deputy Director	City & County of Honolulu Office of Climate Change, Sustainability and Resiliency
	Sanne Berrig Recycling Specialist	County of Hawai‘i Department of Environmental Management
	Allison Fraley Solid Waste Program Coordinator	County of Kaua‘i Department of Public Works
	Tamara Farnsworth Division Manager	County of Maui Environmental Protection & Sustainability Division
(5) The state sustainability coordinator;	Danielle Bass State Sustainability Coordinator	State of Hawai‘i Office of Planning
(6) A representative of the Surfrider Foundation;	Doorae Shin O‘ahu Chapter Coordinator	Surfrider Foundation
	Nicole Chatterson	Zero Waste O‘ahu

<b><u>Act 254 Membership Requirements</u></b>	<b><u>Member Name and Title</u></b>	<b><u>Member Organization</u></b>
(7) A representative of Zero Waste O‘ahu;	Director	
(8) A representative of Sustainable Coastlines Hawai‘i;	Rafael Bergstrom Executive Director	Sustainable Coastlines Hawai‘i
(9) A representative of the Hawai‘i Food Industry Association	Lauren Zirbel Executive Director  Alexis Chapman (alternate)	Hawai‘i Food Industry Association
(10) A representative of the Hawai‘i Restaurant Association;	Victor Lim Legislative Lead	Hawai‘i Restaurant Association
(11) A representative of the Chamber of Commerce Hawai‘i;	Sherry Menor-McNamara President & CEO  Dan Kouchi (alternate)	Chamber of Commerce Hawai‘i
(12) A representative of the beverage industry;	David Thorp Senior Director of Governmental Affairs	American Beverage Association
(13) A representative from the plastic manufacturing industry; and	Adrian Hong President	Island Plastic Bags
(14) A representative of the recycling industry.	Bruce Iverson Director of Marketing and Development	Reynolds Recycling

## VI. Methodology

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Peter Adler, Ph.D. facilitated six meetings over the course of ten months (see Appendix B). Group members attended meetings both in person and virtually due to the COVID-19 pandemic restrictions. The group charter (Appendix C) describes the goals of the group as well as ways each member should contribute their ideas and opinions. Members participated in group exercises that exposed them to different perspectives and allowed them to share their own. Members participated in two permitted interaction groups (PIGs) that provided discussion for deeper insight and expertise required for formulating proposed recommendations for the State to address plastic source reduction. These PIGs looked at how to reduce, reuse and recycle plastic in different facets of our community and explored and compared county legislation that promote single-use plastic reduction in order to gain a better understanding of the current sentiments of the four counties (see Appendix D and Appendix E). Members of these PIGs drafted initial recommendations for the larger working group's consideration, and all group members had the opportunity to provide comments and edits in subsequent meetings.

## VII. Recommendations

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Per the legislative mandate, the working group has identified multiple ways for government, consumers, and local businesses to achieve greater statewide impacts and help accelerate the transformation to a more plastics-free Hawai'i.

Considering the COVID-19 pandemic and the evolving socioeconomic challenges brought on by this catastrophic event, the working group recognizes that the State of Hawai'i is in a unique position to find ways to bolster Hawai'i's economy while balancing environmental impacts. The plastic source reduction measures that follow have great opportunity to reduce costs, create new business and manufacturing opportunities in Hawai'i, create new local jobs for Hawai'i's people, and contribute to Hawai'i's sustainable and resilient future.

Plastic source reduction actions that increase consumer costs, create new public expenses for innovative projects, or provide tax credits to businesses probably cannot be done until there has been sufficient economic recovery and may likely be deferred. Nonetheless, the Act 254 Working Group believes recovery may offer niche opportunities to accomplish the important long-term goal of plastics source reduction through some of the specific economic recovery initiatives suggested in this report.

The working group recommends the following:

### **1. Create a uniform statewide plastic source reduction standard.**

#### Discussion

A uniform state standard that embodies the most stringent standards of the four counties 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 business-to-business 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 within a state agency. If it is to be enforced by the counties, the counties must receive a substantial portion of their funding from the State of Hawai'i 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 importantly, the four counties have very different demographics and tax bases. Having different recycling capabilities and waste management systems makes complete uniformity difficult for counties to achieve.

**a. The new standard must be evolutionary and grown slowly.**

Discussion

All the counties have laws and initiatives to reduce plastics but are proceeding somewhat differently. This means implementation of a state standard must proceed slowly and carefully with the Legislature's help. This would allow the counties to slowly harmonize their influence on consumer behavior and achieve greater disposal, reuse, and recycling implementation. 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.

**b. The new standard should start as a policy and evolve to law or provide adequate time for affected entities to implement the new standard.**

Discussion

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. They require baselines and can motivate implementation (e.g., "By 2030, plastic disposal shall be reduced by 50% based on 2020 disposal rates..."). Laws can also provide a framework with clear direction on how to achieve said goals (e.g., "By 2025, the law shall prohibit retailers from distributing plastic carryout bags. Plastic carryout bags are defined as..."). These laws will likely require further refinement through the development of rules, in which case, the implementing agency will require the authority to develop rules.

Policies are more 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 but manages waste very differently (e.g., County of Hawai'i does not have curbside collection). Given the varying demographics, full uniformity is unlikely. With state policy, counties may develop their programs with said guidance. Issuance of policies are not legally enforceable, but also will not require financial support by the legislature to provide or implement.

Finally, if a new standard is made into law, uniformity and enforcement will be required. The implementing agency will also require authority to enforce and issue penalties. As with any new program, positions and appropriations will be required for state implementation.

- c. The new state plastics source reduction standard should not be weaker than standards among the four counties.**

Discussion

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. On the one hand, a new standard must build off the existing laws and practices of all four counties and must not be weaker than the strongest of the four county ordinances. Collaterally, it then needs to create incentives that help the weaker counties become more capable and for the State and counties to grow together.

- d. Maintain a public list of each County's regulations and their differences.**

Discussion

To enable a steady evolution towards a state standard and county harmonization, and as a starting point, the legislature could assign a state agency to maintain, regularly update, and publicize an accurate record of the evolving differences between the counties' 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. The working group has compiled and attached some initial tables (see Appendix D and Appendix E), which compare the evolving requirements of the four counties. This provides a good start and can be updated as implementation work emerges. Counties could work with the assigned state agency to periodically update the tables and could publish it.

## **2. Update the Department of Health (DOH) Health Code.**

### Discussion

Propose a specific plan and law changes that allow consumers to bring and use their own containers when picking up takeout orders from restaurants and when making bulk purchases. There should be a public-facing messaging component to inform the public about changes to the DOH Health Code. This will help to prevent the misconception that changes to the health code are decisions made by proprietors. Statute must expressly state that businesses serving consumers who bring their own containers are not liable for food-borne illnesses.

The working group recognizes that the COVID-19 pandemic has changed restaurant and supermarket practices under federal and state guidance, and that these new long-term practices are not likely to be fully developed by the time this working group submits its recommendations. Therefore, any proposed statutory changes should also follow appropriate public health guidelines.

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**3. 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).**

Per Dan Kouchi:

While we agree that the discussion and intent of this item was to find a way to help businesses be able to receive some type of revenue through the fee, upon further review, we feel that there might need to be more discussion regarding the impact that this could have on the customer.

For example, in Honolulu County, with Bill 40's implementation date approaching, food service providers will already be bearing higher costs as a result of the bans on disposable plastic service ware (1/1/2021) and on disposable plastic food ware (1/1/2022). These higher costs will most likely either be absorbed by the food service operator, resulting in reduced margins and/or be imposed upon the customer, which could result in the loss of customers as menu prices might need to be increased.

Additional feedback on this item by a board member also centered on the concern that the user fee could impose higher menu costs upon customers who would have no choice but to accept the "single-use take-out service ware item." Currently, State DOH rules do not allow customers to bring their own containers for take-out service due to safety reasons (and with the likelihood of COVID still being an issue for the indefinite future) it is unlikely that this will change, and the user fee could instead be seen as a mandated fee increase on the customer.

### Discussion

The 15-30 cent across-the-board user fee will apply to all single-use takeout service ware items and carryout bags regardless of whether the material is plastic or compostable. The fee is comprehensive and intended to create simplicity. It will be inclusive of the current carryout bag fee and all service ware (e.g., 30 cents for one, two, or all three plastic utensils, which include forks, spoons, and knives). Subject to revisions of food safety regulations, fees cannot be charged for cups, lids, and containers. Food establishments should provide utensils and straws to customers “by request” or “positive response,” regardless of whether there is a fee.

Fees gathered will be used to support businesses. Businesses will retain all the fees collected but must treat those as income and pay general excise tax. 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 five cents to the State.

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**4. 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.**

Discussion

Create a 10-year window and sunset provision of tax incentives for businesses that start offering consumers the option to use their own, to use business-provided reusable, or third-party reusable containers when making take-out orders from restaurants and when making bulk purchases; for existing businesses that invest in new sanitizing equipment to promote reuse over disposal; and for startup businesses that provide energy-efficient sanitizing services to other businesses.

The State and the counties will reduce costs in the long run by minimizing 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.

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

Discussion

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. In Hawai'i, many stores have allowed continued use of reusable bags provided the customer bags their own purchases. 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, however, it will defeat solutions that enable 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 and additionally applied to reusable containers.

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**6. Establish a 5-year State-facilitated education campaign about waste reduction.**

Discussion

The campaign could be integrated with state goal setting and focus on steering consumer behavior and reducing dependence on single-use items. In order to effectively promote changed consumer behavior, the campaign must explain in simple terms the web of connectivity and the relationship between supply and demand. The focus is to change the whole community's awareness rather than only individual consumer behavior. The State of Hawai'i might also set up a website that serves as a resource. The campaign should 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. Regardless of whether the State contracts a third-party firm to develop and run the campaign or decides to run the campaign in-house, language must be added to require the State to add a funding source. Current resources are not adequate for a state agency to run this type of proposed campaign.

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## **7. Accelerate community and regional composting.**

### Discussion

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. There are many possible actions that can be taken:

- 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 DOH to review and upgrade composting permit regulations that currently represent significant barriers;
- fund pilot projects on all islands through grants; and
- provide tax incentives to residents and businesses who set up community compost systems.

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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 do not 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 opportunities for local food production and reduce the necessity for plastic-wrapped imports to our state.

New Language for the last paragraph per Lene Ichinotsubo:

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 do not treat organic materials as a resource. Use of compost leads to healthier soils, which in turn expands opportunities for local food production and reduces the necessity for plastic-wrapped imports to our state. As plastics are phased out of waste streams, compostable alternatives may increase. However, further evaluation on the feasibility of compostable products is needed prior to requiring its replacement for plastic ware and its full acceptance at composting facilities.

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## **8. Undertake a fair and careful study of Extended Producer Responsibility (EPR)**

### Discussion

EPR is a policy approach to waste reduction that encourages manufacturers to design environmentally friendly products by holding them responsible for the costs of managing their products at the end of life. EPR shifts the economic burden of the cost of disposal from the government to the producer of the product. According to the Organization for Economic Co-operation and Development, assigning such responsibility could in principle provide incentives to prevent wastes at the source, promote product redesign for environmental protection, and support the achievement of public recycling and materials management goals.

The study should include a comprehensive legislative database study on the impacts of a possible EPR law for packaging in Hawai'i. This study should incorporate lessons learned and discussions from other states and the federal government that have been pursuing parallel efforts to implement EPR.

The study should analyze the following two specific scenarios:

- (1) EPR in Hawai'i independent of other state and federal packaging EPR initiatives; and
- (2) packaging EPR in Hawai'i in conjunction or synchronicity with other state and federal initiatives.

The study should evaluate:

- the best science available;
- costs and benefits to all stakeholders (i.e. environment, consumers, taxpayers, government, and businesses, etc.);
- the pros and cons; as well as
- feasibility.

This study should also evaluate the various forms of EPR and consider narrowing the scope of this study by evaluating EPR for a subset of packaging, not just EPR for all types of packaging.

## VIII. Potential Lifecycle and Environmental Implications of Alternative Products

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The lifecycle of plastic packaging has been known to have damaging effects on the environment. However, in order to make intermediary steps towards a more plastics-free society, the lifecycle and environmental implications of alternative materials and products must be assessed. Due to COVID-19 pandemic restrictions to meetings, the working group was unable to perform an in-depth evaluation of alternative materials and packaging but was able to compile lifecycle assessment studies that have made such evaluations (see Appendix F).

## IX. Personal Statements

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*(Statements from WG members are a chance to say “Yes...and” by adding additional thoughts or ideas a member wants to make legislators aware of. Statements must not exceed a strict limitation of 500 words double spaced and should be sent in Word so they can be incorporated with the final report.)*

DRAFT

**Appendix A: Act 254**



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2019

**GOV. MSG. NO. 1356**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2019, the following bill was signed into law:

SB522 SD2 HD2 CD1

RELATING TO PLASTIC.  
**ACT 254 (19)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on JUL 05 2019  
THE SENATE  
THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

**ACT 254**  
**S.B. NO.** 522  
S.D. 2  
H.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO PLASTIC.

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

1           SECTION 1. The legislature finds that the local and global  
2 impact of the world's increasing waste stream is unsustainable  
3 and detrimental to the future of Hawaii's economy and people.  
4 There has been an exponential rise in single-use foodware items  
5 over the past few decades globally, with particularly high  
6 increases in plastics derived from fossil fuels. Single-use  
7 disposable foodware and packaging - including plastic bottles,  
8 caps, lids, straws, cups, and polystyrene and plastic containers  
9 - are major contributors to street and beach litter, ocean  
10 pollution, marine and other wildlife harm, and greenhouse gas  
11 emissions.

12           According to the United Nations, since the 1950s, the  
13 production of plastic has outpaced that of almost every other  
14 material. Much of the plastic produced is designed to be thrown  
15 away after being used only once. As a result, plastic packaging  
16 accounts for about half of the plastic waste in the world. Most  
17 of this waste is generated in Asia, while America, Japan, and  
18 the European Union are the world's largest producers of plastic

2019-3085 SB522 CD1 SMA-5.doc



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1 packaging waste per capita. The world's ability to cope with  
2 plastic waste is already overwhelmed as seen by the closing of  
3 recycling markets in China and Thailand. Even when recycling  
4 markets were open, only nine per cent of the 9,000,000,000 tons  
5 of plastic produced has been recycled. Most plastic ends up in  
6 landfills, dumps, incinerators, or in the environment. If the  
7 growth in plastic production continues at its current rate, then  
8 by 2050, the plastics industry will likely account for twenty  
9 per cent of the world's total oil consumption.

10 Hawaii has a goal of carbon neutrality by 2045 and embraces  
11 the United Nations sustainable development goals, including  
12 achieving sustainable management and the efficient use of  
13 natural resources, sound waste management, encouraging corporate  
14 sustainability practices, strengthening the State's resilience  
15 and adaptive capacity to climate-related hazards and natural  
16 disasters, sustainably managing and protecting our marine and  
17 coastal ecosystems, and reducing pollution. Decreasing the  
18 import and use of fossil fuel-based products like single-use  
19 plastics should become part of a movement toward reaching those  
20 goals. For every one ton of waste seen at the end of life,  
21 seventy tons were created upstream in the extraction,



1 production, and transportation sectors. Alternatives to  
2 plastics already exist for many take-out items and an industry  
3 of innovative change for packaging is advancing globally. Zero  
4 waste plastic reduction plans are moving forward all over the  
5 world, including within the European Union, Ethiopia, Costa  
6 Rica, and municipalities across the United States. The  
7 legislature finds that given the current trend, if Hawaii  
8 businesses are at the forefront of this movement, they will be  
9 less burdened by change.

10 Locally, plastic litter and debris can be increasingly  
11 found on every island and in every watershed and protected area  
12 from the remote Kalalau valley on Kauai to Kilauea caldera on  
13 Hawaii island. Hawaii's forests, streams, and beaches are  
14 strewn with plastic debris, including micro plastic debris  
15 smaller than grains of sand, which are consumed by the smallest  
16 of endangered birds to the humpback whale. Among other hazards,  
17 plastic debris attracts and concentrates ambient pollutants in  
18 seawater and freshwater, which can transfer to fish, other  
19 seafood, and salt that is eventually sold for human consumption.  
20 Globally, ninety-five per cent of plastic packaging is discarded



1 after a single use, at a cost of \$80,000,000,000 to  
2 \$120,000,000,000.

3 The legislature further finds that cleaning up plastic is a  
4 significant cost to Hawaii taxpayers. The cost of increasing  
5 cleanups by government agencies, businesses, and the general  
6 public is rising to account for expensive best management  
7 practices and mitigation. A study of over ninety counties in  
8 California recently concluded that taxpayers are paying  
9 \$428,000,000 per year to clean up plastic through storm drain  
10 management, street sweeping, and marine cleanups. San Diego  
11 county, which has an equivalent population to Hawaii at  
12 1,300,000 people, spends \$14,000,000 annually cleaning up  
13 plastic. In January 2019, San Diego county passed legislation  
14 to phase out polystyrene foam and other single-use plastics.  
15 The Hawaii department of transportation has produced a trash  
16 management plan that shows that polystyrene foam and plastic  
17 bags are the top two contributors to the waste stream and must  
18 be regularly removed from storm drains at a cost to the  
19 department.

20 Major news and research publications like *National*  
21 *Geographic* and *60 Minutes* are reporting on plastic pollution as



1 one of the pressing environmental issues currently facing the  
2 world. Minimizing packaging and utilizing alternatives derived  
3 from compostable materials, which are now widely available, can  
4 benefit the State's economy as it shifts toward a system of  
5 responsible conservation, recycling, recovery, and reuse, which  
6 is a foundational principle of Native Hawaiian culture.  
7 Additionally, the State's economy can become a leader in  
8 reducing and recovering plastic waste by collaboratively working  
9 with businesses, as well as researching and implementing  
10 feasible and innovative solutions for all packaging coming into  
11 the State of Hawaii.

12 SECTION 2. (a) There is established within the department  
13 of health for administrative purposes a plastic source reduction  
14 working group.

15 (b) The working group shall:

- 16 (1) Formulate a plan for reducing and recovering plastic  
17 from the Hawaii waste stream;  
18 (2) Develop strategies to encourage plastic reduction and  
19 reuse in the food service industry, such as reusable  
20 container incentive programs for customers;



- 1 (3) Provide recommendations to encourage reuse, reduction,  
2 recycling, and recovery of waste and create value  
3 added products to innovate and responsibly manage the  
4 life cycle of existing resources;
- 5 (4) Consult with each county that has already enacted  
6 ordinances related to single-use plastics such as  
7 plastic bags and polystyrene foam containers and  
8 develop recommendations for the implementation of a  
9 uniform, statewide policy for these items that can  
10 replace existing county ordinances and provide  
11 businesses with laws that are consistent throughout  
12 the State;
- 13 (5) Consult with stakeholders to develop appropriate  
14 exemptions to address concerns of health and safety,  
15 lack of suitable alternative products on the market,  
16 and lack of infrastructure; and
- 17 (6) Evaluate potential life-cycle and environmental  
18 implications of replacing plastic packaging with  
19 alternative products.
- 20 (c) The membership of the working group shall be as  
21 follows:



- 1 (1) The director of health or the director's designee;
- 2 (2) The chairperson of the board of land and natural
- 3 resources or the chairperson's designee;
- 4 (3) The president and chief executive officer of the
- 5 Hawaii tourism authority or the president and chief
- 6 executive officer's designee;
- 7 (4) Four members, one to be appointed by each of the
- 8 respective mayors of the city and county of Honolulu
- 9 and the counties of Hawaii, Kauai, and Maui;
- 10 (5) The state sustainability coordinator;
- 11 (6) A representative of the Surfrider Foundation;
- 12 (7) A representative of Zero Waste Oahu;
- 13 (8) A representative of Sustainable Coastlines Hawaii;
- 14 (9) A representative of the Hawaii Food Industry
- 15 Association;
- 16 (10) A representative of the Hawaii Restaurant Association;
- 17 (11) A representative of the Chamber of Commerce Hawaii;
- 18 (12) A representative of the beverage industry;
- 19 (13) A representative from the plastic manufacturing
- 20 industry; and
- 21 (14) A representative of the recycling industry.



1 The representatives in paragraphs (6) through (11) shall be  
2 selected by the director of health.

3 (d) The members of the working group shall serve without  
4 compensation but shall be reimbursed for reasonable expenses,  
5 including travel expenses, consulting fees, and administrative  
6 expenses such as photocopying, postage, stationery, and office  
7 supplies incidental to the performance of their duties.

8 (e) The working group shall work with the department of  
9 health, the carbon sequestration task force, private  
10 stakeholders, public stakeholders, or any other group or  
11 individuals the working group deems necessary.

12 (f) The working group shall submit a report of its  
13 findings and recommendations, including recommendations for  
14 pilot projects for Hawaii businesses to phase out single-use  
15 plastic packaging, promote reuse, and find sustainable  
16 alternatives for packaging, as well as any proposed legislation,  
17 to the legislature no later than twenty days prior to the  
18 convening of the regular session of 2021.

19 SECTION 3. The working group shall cease to exist on  
20 June 30, 2022.

21 SECTION 4. This Act shall take effect on July 1, 2019.

S.B. NO. 522  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this 05 day of JUL, 2019



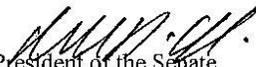
GOVERNOR OF THE STATE OF HAWAII

S.B. No. 522, S.D. 2, H.D. 2, C.D. 1

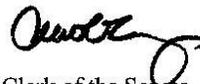
**THE SENATE OF THE STATE OF HAWAII**

Date: April 30, 2019  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.



President of the Senate



Clerk of the Senate

SB No. 522, SD 2, HD 2, CD 1

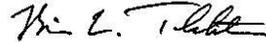
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

## Appendix B: Summary of Meetings

Meeting No.	Date	Link to meeting materials
1	November 14, 2019	<a href="#">Agenda</a> <a href="#">Board Packet</a> <a href="#">Welcome Messages</a> <a href="#">Written Summary &amp; Audio Recording</a>
2	January 9, 2020	<a href="#">Agenda</a> <a href="#">Board Packet</a> <a href="#">Written Summary &amp; Audio Recording</a>
3	May 21, 2020	<a href="#">Agenda &amp; Board Packet</a> <a href="#">Revised Agenda</a> <a href="#">Written Summary &amp; Audio Recording</a>
4	June 18, 2020	<a href="#">Agenda &amp; Board Packet</a> [add written summary/audio recording when avail]
5	August 13, 2020*	
6	September 24, 2020*	

\*haven't happened. Edit when meetings pau.

## Appendix C: Charter of Commitments

*FINAL*

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### Charter of Commitments

#### Plastic Source Reduction Working Group

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#### **I. Purpose.**

This document describes the purpose and procedures of the Plastics Source Reduction Working Group (“WG”). The Charter serves as a “Terms of Reference” document and is intended to help us meet our aspirations and schedule and engage in disciplined and productive discussions. It is flexible and can be amended, modified, or abandoned by a simple majority of WG signatories.

#### **II. Mission.**

As mandated by Act 254 and expanded and clarified by the WG, and enabled by the Department of Health’s Solid and Hazardous Waste Branch (“SHWB”), the WG brings together representative stakeholder groups to:

1. Formulate a plan for reducing and recovering plastic from the Hawaii 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, fiscal, functionality, and environmental implications of replacing plastics with alternative products; and
7. 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.

### **III. Membership.**

Representative stakeholder interest groups were identified in Act 254 and invited to be represented. Members of the WG are the signatories at the end of this document.

### **IV. Organization and Coordination.**

The WG will be logistically managed by SHWB staff and facilitated by Peter S. Adler, PhD and Layla Kilolu of The *ACCORD3.0 Network* ([www.accord3.com](http://www.accord3.com)). Substantive representation and participation at the table for DOH will be handled by others.

The job of the SHWB staff and the ACCORD facilitation team is to help the WG address the tasks requested in Act 254 and come to the highest possible consensus on recommendations to the Legislature. The SHWB staff and facilitation team will help the WG prepare for meetings, identify and prioritize critical issues, and organize working materials, so that the WG's purposes are accomplished and summarized in a final report.

More specifically, the team can be expected to:

1. Ensure that a reasonably diverse range of knowledgeable perspectives is brought to bear on discussions.
2. Ensure that no single group or person is allowed to hijack or dominate discussions or to disadvantage the expression of other perspectives.

3. Encourage all members of the WG to articulate their questions, concerns, and suggestions to inform a thorough and defensible effort.
4. Remain impartial on the substance of the issues being discussed while proactively ensuring that all WG members collectively prioritize which issues are most important to discuss and resolve.
5. Ensure that members of the WG understand that they cannot use Adler, Kilolu, and the SHWB staff to advance any pro- or con- advocacy agendas.
6. Encourage members of the WG to work together, build and maintain cohesion, and work towards the highest levels of congruent, fact-informed conclusions that can be achieved.
7. Encourage the fullest disclosure and exchange of information vital to accomplishing the WG's goals.

## **V. Spirit of the Process.**

For WG Members, this is a collaborative and non-adversarial process to address challenging issues. It will not pit one orientation or faction against others. Instead, it will involve mutual inquiry and collective dialogue where each member is guided by the following principles:

- We will be rigorous and tough on the problems;
- We will be easy and collegial with each other;
- We will stay focused on the best data and evidence available understanding that much data remains incomplete or not yet available; and
- We are willing to modify personal and collective views when the cumulative evidence points in a different direction than you thought.

By signing this Charter, we commit to these principles of interaction.

## VI. Rules of the Road.

1. **KNOWLEDGE.** WG members have been invited for their diverse types of knowledge, experience, and expertise in areas related to plastics. All members are willing to exercise their expertise and work collaboratively with others.
2. **VOLUNTEERS.** All members of the WG serve as volunteers and commit to serve for an expected six meetings in 2019 and 2020. Homework between meetings is expected.
3. **COLLABORATION.** The WG is a cooperative and, to the extent possible, evidence-based inquiry. This means that each member is willing to work with others they may disagree with towards the common goal of answering the questions it was formed to address. This requires substantive, procedural, and social introspection and a willingness to assume good intentions when disagreement arises.
4. **CIVILITY.** Candor is prized along with the courtesies and etiquettes conducive to high quality deliberation. This means sharing airtime; not monopolizing discussions; focusing on factual information; listening to others; remaining patient; and staying on topic.
5. **WILLINGNESS TO ASSUME RESPONSIBILITIES.** Members of the WG may be asked to present materials, recruit speakers, research issues, help draft sections of a final report, or perform other tasks for the project. While every effort will be made to distribute workloads and respect individual members' availabilities, the success of the effort depends on all members having their oars in the water. All members so agree.
6. **ALTERNATES.** While every effort will be made to schedule briefings and meetings at a time convenient to most members, continuity of learning will be important. It is understood that WG members may have to miss a meeting or two and may send an alternate. Each member agrees to keep alternates up to speed and ready to function as full members in their absence. Alternates will be expected to inform the standing member of that meeting's discussions so that the member will be fully prepared for the next meeting.
7. **BETWEEN MEETINGS.** As needed, the WG may organize Permitted Interaction Groups ("PIGs") in which the WG may designate two or more board members, but less than the number of members that would constitute a quorum, to tackle specific

tasks between meetings and report back to the full WG.

8. **LOCALE.** All WG meetings will be held on Oahu. Travel for Neighbor Island members will be procured by SHWB staff.
9. **OPEN MEETINGS.** The WG's meetings will be noticed and conducted pursuant to HRS Chapter 92. Observers and attending members of the public will be offered time for brief comments at the end of each meeting.
10. **DOCUMENTATION.** A court reporter may serve as the project's official documentarian. A website for meeting minutes and other documents will be established.
11. **PUBLIC COMMENT.** WG members and the Project Team agree to withhold public comments on social media and other personal evaluations of other members and their views and positions until the project is completed. This means not blogging. However, it is understood that WG members will need to keep their own constituencies informed of the issues and options under consideration.
12. **PUBLIC STATEMENTS.** No member of the WG will speak on behalf of the WG except facilitator Peter Adler. Adler will not characterize the substance of the deliberations other than to describe progress with the process.
13. **FACILITATOR INDEPENDENCE AND NEUTRALITY.** Peter Adler and Layla Kilolu of *The ACCORD3.0 Network* commit to remaining independent and neutral on the issue of plastic source reduction. The work of coming to substantive conclusions rests entirely on the WG. Adler and Kilolu will adhere to the guidelines for mediators promulgated by "Mediation Rules, Procedures & Protocol Of Dispute Prevention & Resolution, Inc." and the mediator guidelines of the State of Hawai'i Judiciary.<sup>1</sup>
14. **FINAL REPORT.** The discussions of the WG will build on each other and all members agree to keep up and stay informed. No decisions will be final until votes have been taken at Meeting #6. Each member of the WG who wishes will be afforded the opportunity to write a personal concluding statement regarding the process and the decisions and recommendations made. Personal statements will be limited to a

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1. <sup>1</sup> <https://dprhawaii.com/dpr-rules/> and [https://www.courts.state.hi.us/services/alternative\\_dispute/selecting\\_guidelines/introduction](https://www.courts.state.hi.us/services/alternative_dispute/selecting_guidelines/introduction)

maximum 1,500-word count and will be made available as an annex to the Final Report.

**15. DATA.** All WG members are encouraged to bring relevant social, economic, and environmental data and pertinent empirical studies to the table. The purpose of bringing data to the WG is to help accumulate a body of evidence that informs the topic of plastic source reduction in Hawai'i. From high to low, the WG will afford credibility and weight to:

- Meta Studies
- Individual peer reviewed studies from reputable journals
- *PLOS ONE* studies in which editors have evaluated research on the basis of scientific validity, rigorous methodology, and high ethical standards.
- Unpublished but publicly available data sets
- Other information and data

**16. MUTABILITY.** These rules are intended to be implemented with flexibility and may be expanded or changed by the WG by a majority votes.

## **VII. Decision Making.**

There will be numerous smaller and larger decisions to be made by the WG. Procedural decisions may range from the locations, dates and times of meetings to matters of research and the formation of task-specific PIGs. Substantive decisions may range from the priority of issues to be discussed and recommendations as to future studies and methodologies that should be provided to relevant decision makers following the life of the WG.

Wherever possible, the WG will operate by the highest consensus possible. Full consensus decisions are those everyone in the WG can support, or at a minimum, for which there is “no objection.” The Facilitators may call for straw votes of those voting members who are present, which will be recorded. However, all final and concluding decisions will be deferred until Meeting #6 with all WG members present. Nothing will be considered “final” until a bundle of recommendations has been voted on.

## **VIII. Schedule.**

With flexibility, and subject to revisions, the WG will meet for six meetings at dates and times to be established commencing on November 14, 2019.

## **IX. Inquiries.**

Inquiries about the project and the process may be directed to: Peter S. Adler, PhD at [padleraccord@gmail.com](mailto:padleraccord@gmail.com). Adler can also be reached at 808-888-0215.

## Appendix D: County Plastic Bag Bans Comparison Chart

County Plastic Bag Ban Comparison

**Plastic Bag Bans Comparison Chart**

	Ordinance	Type of goods	Fee	Thick Plastic Bags Defined Reusable	Non-Recyclable Paper Bags	Recyclable Paper Bags	Reusable Bags	Compostable/Biodegradable Bags
<b>City &amp; County of Honolulu</b>	Ordinance 17-37	Groceries and Merchandise	Mandatory \$0.15			40% Post-consumer; Must display "Reusable" & "Recyclable"	x	
		Prepared Foods, Beverages and Bakery Goods	Optional		x			
<b>Hawaii County</b>	Ordinance 12-1		No	Yes, by rule, minimum of 3 mils		No post-consumer requirement		
<b>Maui County</b>	Ordinance 3587		Optional	Yes, by rule, minimum of 3 mils		40% Post-consumer; Must display "Reusable" & "Recyclable"	x	
<b>Kauai County</b>	Ordinance 885		Optional			40% Post-consumer; Must display "Reusable" & "Recyclable"	x	x

**Prohibitions**

	<b>Prohibitions</b>
<p><b>City &amp; County of Honolulu Ordinance No. 17-37</b></p>	<p>(a) Except as provided in subsections (b) and (c), businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise.</p> <p>(b) Businesses may provide, at the point of sale, reusable bags, compostable plastic bags, or recyclable paper bags to customers for the purpose of transporting groceries or other merchandise provided that they charge the customer a minimum of 15 cents per bag.</p> <p>(c) Nothing in this article shall be interpreted as prohibiting businesses from providing non-recyclable paper bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods.</p> <p>(d) After January 1, 2020, compostable plastic bags shall no longer be provided at the point of sale for the purpose of transporting groceries or other merchandise.</p>
<p><b>City &amp; County of Honolulu Ordinance No. 19-30 County of Hawai'i Ordinance No. 12-1</b></p>	<p>Updated definitions for plastic, plastic checkout bag, and plastic film bag.</p> <p>Businesses shall not provide plastic checkout bags to their customers.</p>
<p><b>County of Maui Ordinance No. 3587</b></p>	<p>(a) Businesses are prohibited from providing plastic bags to their customers at the point of sale for the purpose of transporting groceries or other goods.</p> <p>(b) Nothing in this chapter shall preclude a business from making reusable bags or recyclable paper bags available for sale or without charge to customers at the point of sale for the purpose of transporting groceries or other goods.</p>
<p><b>County of Kaua'i Ordinance No. 885</b></p>	<p>(a) All retail establishments shall provide only the following as checkout bags to customers: recyclable paper bags, biodegradable bags and/or reusable bags.</p> <p>(b) Nothing in this ordinance shall preclude any retail establishment from offering checkout bags for sale to customers.</p>

## Definitions

### Biodegradable bag

<p><b>County of Kaua'i Ordinance No. 885</b></p>	<p>means a bag that:                      (1) contains no polymers derived from fossil fuels; and                      (2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste. The Department of Public Works shall promulgate rules identifying bags meeting this definition. These rules shall also set forth an application process whereby a retail establishment can obtain determination whether a bag is a biodegradable bag.</p>
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### Checkout bag

<p><b>County of Kaua'i Ordinance No. 885</b></p>	<p>means a bag that:                      (1) contains no polymers derived from fossil fuels; and                      (2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste. The Department of Public Works shall promulgate rules identifying bags meeting this definition. These rules shall also set forth an application process whereby a retail establishment can obtain determination whether a bag is a biodegradable bag.</p>
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### Plastic:

<p><b>City &amp; County of Honolulu Ordinance No. 19-30</b></p>	<p>means any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.</p>
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### Plastic bag

<p><b>County of Maui Ordinance No. 3587</b></p>	<p>means a bag that is made from noncompostable plastic or compostable plastic, and is not specifically designed and manufactured for multiple re-use.</p>
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County Plastic Bag Ban Comparison

**Plastic checkout bag**

<p><b>County of Hawai'i Ordinance No. 12-1</b></p>	<p>means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and that is made from non - compostable or compostable plastic and not specifically designed and manufactured for multiple re - use.</p>
<p><b>City &amp; County of Honolulu Ordinance No. 19-30</b></p>	<p>“Plastic checkout bag”:</p> <p>(1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries, prepared food, or other retail goods, and is made from plastic and not specifically designed and manufactured for long-term re-use;</p> <p>(2) This term does not include:</p> <ul style="list-style-type: none"> <li>(A) Handle-less plastic bags used by customers inside a business to package loose items, such as bakery goods, fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;</li> <li>(B) Handle-less plastic bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;</li> <li>(C) Newspaper bags for home newspaper delivery</li> <li>(D) Laundry, dry cleaning, or garment bags</li> <li>(E) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;</li> <li>(F) Bags used to contain live animals, such as fish or insects sold in pet stores; or</li> <li>(G) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer.”</li> </ul>

**Plastic film bag**

<p><b>City &amp; County of Honolulu Ordinance No. 19-30</b></p>	<ul style="list-style-type: none"> <li>(1) Means a plastic bag made out of thin flexible sheets of plastic with a thickness of 10 mils or less;</li> <li>(2) This term does not include             <ul style="list-style-type: none"> <li>(H) Handle-less plastic bags used by customers inside a business to package loose items, such as bakery goods, fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;</li> <li>(I) Handle-less plastic bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;</li> </ul> </li> </ul>
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County Plastic Bag Ban Comparison

	<p>(J) Newspaper bags for home newspaper delivery                  (K) Laundry, dry cleaning, or garment bags                  (L) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;                  (M) Bags used to contain live animals, such as fish or insects sold in pet stores; or                  (N) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer.”</p>
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**Recyclable paper bag**

<b>County of Maui Ordinance No. 3587</b>	means a paper bag that: (1) is one hundred percent recyclable, (2) contains a minimum of forty percent post-consumer recycled content, and (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bags.
<b>County of Kaua'i Ordinance No. 885</b>	means a bag that meets all the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content; and (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

**Reusable bag**

<b>City &amp; County of Honolulu Ordinance No. 17-37</b>	means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick. After January 1, 2020, plastic film bags shall no longer be considered to be "reusable bags."
<b>County of Hawai'i Ordinance No. 12-1</b>	means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other machine washable fabric or (2) made of paper specifically designed for multiple and long-term use.
<b>County of Maui Ordinance No. 3587</b>	means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other washable fabric, or (2) made of durable material suitable for reuse.
<b>County of Kaua'i Ordinance No. 885</b>	means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine washable fabric and/or is made of a durable material at least 2.25 millimeters thick and suitable for reuse.

## Appendix E: County Food Ware Bans Comparison Chart

Food Ware Bans Comparison

### Food Ware Bans Comparison Chart

	Effective date	Prohibits the sale of PS within County	Prohibits sale of plastic food ware within County	Prohibits sale of plastic service ware within County	Plastic straws, stirrers prohibited	Requirements for alternatives	Defines compostable, biodegradable	Penalties	Disposable Plastics Prohibited	Customer opt in Disposable Plastic
<b>City &amp; County of Honolulu Ord. 19-30</b>	1/1/2022 (a) and (c) 1/1/2021 (b)	Yes (a) 1/1/2022	Yes (c) 1/1/2022	Yes (b) 1/1/2021	Yes	No	No	Food vendor or business 1 <sup>st</sup> -warning 2 <sup>nd</sup> - \$100 to \$1,000 per day		
<b>County of Hawaii Ord. 17-63</b>	7/1/2019	Yes	No	No	No	Yes; recyclable or compostable	Yes	Food vendor 1 <sup>st</sup> - \$10 2 <sup>nd</sup> - \$50 3 <sup>rd</sup> - \$200		
<b>County of Maui Ord. 4457 (amended by Ord. 5084)</b>	12/31/2018	Yes	No	No	No	No	Yes	Civil penalties and enforcement procedures of section 19.530.030		
<b>County of Maui Ord. 5084</b>	4/21/2020	Yes	Yes	Yes; "must not sell, use, provide or offer"	Yes; "utensils" as defined	No	Yes; Compostable	Civil penalties and enforcement procedures of section 19.530.030		Yes; "upon the request or affirmative response"
<b>County of Kauai (Proposed Bill 2775)</b>	1/1/2021	Yes	No	No	No	No	Yes	Food Providers 1 <sup>st</sup> - \$250 2 <sup>nd</sup> - \$500 3 <sup>rd</sup> - \$1,000		

Food Ware Bans Comparison

**Exemptions**

✓ = ok to sell, use, provide these items made of plastic in general or for the specified situations below.

	Packaging for raw meat, poultry, seafood, unprepared produce, eggs	Prepackaged food, shelf-stable food	Undue hardship (application for exemption)	No reasonable alternatives	Emergency	PS ice coolers/ice chests	Plastic straws, stirrers	Plastic utensils (forks, knives, etc.)
City & County of Honolulu Ord. 19-30	✓	✓	✓ *1 term: 2 years, ext. additional 2 years	✓ *1 term: 2 years, ext. additional 2 years	✓	✓	Only allowed for medical/physical needs.*	
County of Hawaii Ord. 17-63	✓	✓	✓ *180 days		✓	✓	✓	✓
County of Maui Ord. 4457	✓		✓	✓	✓	✓	✓	✓
County of Maui Ord. 5084	✓	✓	✓	✓	✓		Only upon request for persons with disabilities. **	
County of Kauai (Proposed Bill 2775)	✓	✓		✓ *application for exemption	✓	Not directly addressed	Not directly addressed	Not directly addressed

\*Entities exempt from compliance with the restriction of disposable plastic straws: hospitals, nursing facilities, assisted living facilities, adult residential care homes, hospice service agencies, hospice homes, home health agencies, home care agencies as defined in HAR.

\*\*Entities exempt from compliance with the prohibition on use of plastic straws: hospitals, nursing facilities, assisted living facilities, adult residential care homes, hospice service agencies or homes, home health agencies, and home care agencies.

Food Ware Bans Comparison

**Prohibitions for City or County**

City or County facilities:	
<b>City &amp; County of Honolulu Ord. 19-30</b>	Unless exempted under Section 41-27.3, polystyrene foam food ware shall not be sold or provided, or offered for sale or use at any city facility, city authorized concession, city-sponsored or city-permitted event, or city program.
<b>County of Hawaii Ord. 17-63</b>	As of July 1, 2019, all county facility users shall use a suitable recyclable or compostable product for disposable food service ware.
<b>County of Maui Ord. 4457</b>	Polystyrene foam food service containers shall not be sold used provided or offered for use at any County facility, County authorized concession County-sponsored or County-permitted event or County program. Also see Maui County Code Chapter 20.26 amended by Ord. 5084 to include plastic disposable foodware
<b>County of Maui Ord. 5084</b>	Plastic disposable foodware will not be sold, used, provided, or offered for use at any County facility, County-authorized concession, County-sponsored or County-permitted event, or County program.

Food Ware Bans Comparison

**Definitions**

**Disposable food service ware:**

<p><b>County of Hawaii Ord. 17-63</b></p>	<p>means disposable food containers that are commonly disposed of after a single use, that are used, or are intended to be used, to serve or transport prepared, ready-to- consume food or beverages. This includes, but is not limited to, cups, bowls, plates, or clamshell containers that are provided by a food vendor for takeout foods and beverages and/or leftovers from partially consumed meals. For the purpose of this article, “disposable food service ware” excludes straws, cup lids, utensils, food-related bags and wrappers, packaging for unprepared food, and pre-packaged or pre-sealed items such as bread, cookies, milk, juice, snacks, candy, nuts, fruits, vegetables or other items typically sold in a grocery store or a food manufacturer’s retail location.”</p>
<p><b>County of Maui Ord. 5084</b></p>	<p>means “foodware” including “food service containers and utensils” that are “designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple re-use.”</p>

**Food provider:**

<p><b>County of Maui Ord. 5084</b></p>	<p>means any entity or person providing prepared food for consumption within the County, including any store, shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, food truck, catering vehicle or cart, or roadside stand.</p>
<p><b>County of Maui Ord. 4457</b></p>	<p>Means any entity or person providing prepared food for consumption within the County, including any store, shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, food truck, catering vehicle or cart, or roadside stand.</p>

**Food service container:**

<p><b>County of Maui Ord. 4457</b></p>	<p>means all plates, trays, cups, bowls, cartons, and hinged or lidded containers (clamshells) on or in which any foods or beverages are placed or packaged or intended to be placed or packaged and designed for one time use</p>

Food Ware Bans Comparison

<b>County of Maui Ord. 5084</b>	Means all plates, trays, cups, bowls, cartons, and hinged or lidded containers (clamshells) on or in which any foods or beverages are placed or packaged or intended to be placed or packaged and designed for one time use
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**Food service ware:**

<b>County of Hawaii Ord. 17-63</b>	includes plates, bowls, cups, lids, straws, stirrers, forks, spoons, knives, napkins, trays, and other items primarily designed for use in consuming food.
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**Food vendor:**

<b>City &amp; County of Honolulu Ord. 19-30</b>	means any entity or person selling or providing prepared food for consumption within the City and County of Honolulu, including any store, shop, sales outlet, pharmacy, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, food truck, catering vehicle or cart, roadside stand, or other establishment that sells or provides prepared food for consumption within the city.
<b>Hawaii Ord. 17-63</b>	means any retail food establishment

**Foodware:**

<b>County of Maui Proposed Ord. 5084</b>	means food service containers and utensils.
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**Plastic:**

<b>City &amp; County of Honolulu Ord. 19-30</b>	means any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.
<b>County of Maui Ord. 5084</b>	means any material made, in whole or in part, from petroleum or petrochemical compounds, including so-called biodegradable products, where any portion is not compostable. "Plastic" also means all forms of polystyrene, polyethylene, polypropylene, and polycarbonate, or petrochemical polymeric compounds and additives that can be shaped by flow.

Food Ware Bans Comparison

**Plastic food ware:**

<p><b>City &amp; County of Honolulu Ord. 19-30</b></p>	<p>means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, “clamshells,” trays, or other hinged or lidded containers that contain plastic. The term does not include disposable plastic condiment packets; food-related bags or wrappers, including, but not limited to, musubi wraps, plastic film, poi bags, chip bags, cracker and cookie wrappers, bread bags, meal kits, or ice bags; beverage-related bottles or cartons; non-plastic cups that contain a polyethylene or plastic coating; packaging for unprepared food; and packaging for wholesale distribution of prepared food, baked goods or dairy products.</p>
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**Polystyrene foam food ware:**

<p><b>City &amp; County of Honolulu Ord. 19-30</b></p>	<p>means hot and cold beverage cups, cup lids, plates, bowls, bowl lids, clamshells,” trays, or other hinged or lidded containers, that are made of polystyrene foam; but the term does not include polystyrene foam coolers and ice chests specifically designed and manufactured for multiple re-use; and soup or noodles packaged with polystyrene foam that has been filled and sealed prior to receipt by the food vendor.</p>
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**Service ware:**

<p><b>City &amp; County of Honolulu Ord. 19-30</b></p>	<p>means any stirrers, straws, baran, and utensils including forks, spoons, sporks, and knives; but the term does not include items contained within or attached to packaging of food or beverages, including, but not limited to, disposable plastic straws pre-packaged and sold with beverage boxes, or disposable plastic utensils pre-packaged and sold with ice cream or salads.</p>
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**Utensils:**

<p><b>County of Maui Ord. 5084</b></p>	<p>means implements used in the consumption of food or drink, such as forks, knives, spoons, straws, coffee stirrers, cocktail picks, and chopsticks, excluding those contained within or attached to prepackaged food.</p>
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## Appendix F: Lifecycle and Environmental Implications for Plastic Alternatives Studies Summaries

### Attachment-B

#### Life Cycle and Environmental Implications for Plastic Alternatives Studies Summaries

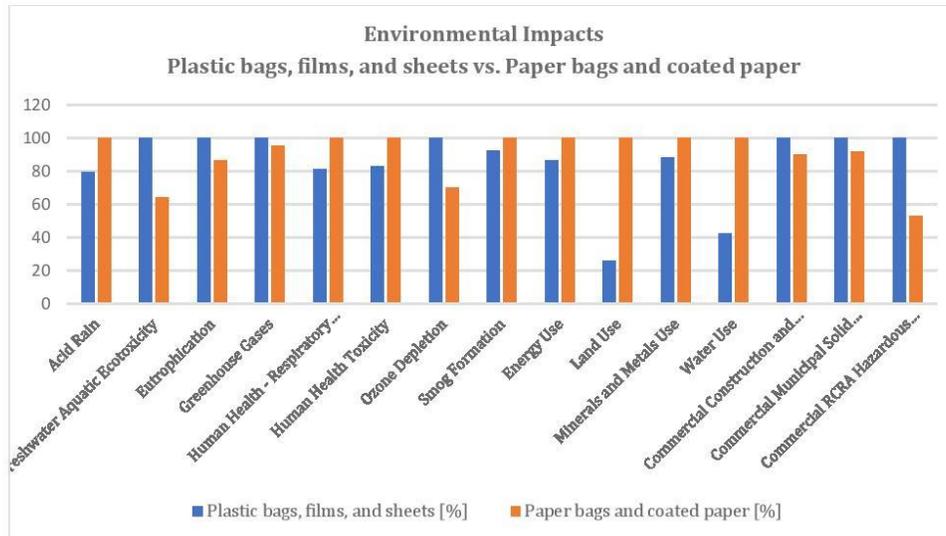
*(Note: the following table is responsive to Act 254 Task #6 which reads Evaluate potential lifecycle and environmental implications of replacing plastic packaging with alternative products. The Working Group believes this is a technical task, not a policy matter.)*

Source Information	Topic	Key Findings
<p><u>Title:</u> Single-use plastic bags and their alternatives</p> <p><u>Author/Organization:</u> United Nations environment programme (UNEP)</p>	<p>Plastic bags and alternatives</p>	<ul style="list-style-type: none"> <li>• “The more recent LCAs included in this report confirm most of these conclusions, with some additions and modifications. In summary, they indicate that:</li> <li>• Single-use LDPE or HDPE bags rank worse than other bags in terms of littering potential. However, the ranking order of bags in terms of littering potential is more or less opposite to the ranking in terms of other environmental indicators (Civancik-Uslu et al. 2019). The weight of the bags contributes to this difference: making a bag heavier will make it more difficult for the wind to catch, hence reducing probability to become litter, but it will increase all other environmental impacts of the bag.</li> <li>• LDPE produced from recycled plastics or renewable resources has much less climate impact than fossil-based LDPE but does not solve the problem associated to impacts of littering. Bio-based LDPE is also worse than conventional LDPE in other environmental aspects (COWI A/S and Utrecht University 2018).</li> <li>• A reusable LDPE bag has lower climate impacts than conventional single-use plastic bags, if they are used 5-10 times more than the single-use bag (Edwards et al. 2011; Kimmel 2014; CivancukUslu et al. 2019). However, Kimmel (2014) finds that the average reuse rate in the US is 3.1 times.</li> <li>• Durable PP bags are heavier than reusable LDPE bags, but they are also more durable. For PP bags to be environmentally competitive with LDPE bags, they need to be used more times.</li> <li>• The data already suggest that they are used on average 14.6 times in the US (Kimmel 2014) which is approximately what is needed for PP bags to be competitive with conventional, single-</li> </ul>

Source Information	Topic	Key Findings
		<p>use plastic bags (Edwards and Fry 2011; Kimmel 2014).</p> <ul style="list-style-type: none"> <li>• A cotton bag must be used even more times to be environmentally competitive. Mattila et al. (2011) state that a cotton bag reused 50-150 times is likely to be better for the climate if the waste management system is dominated by incineration or efficient sorting and recovery of the waste. However, Edwards and Fry (2011) find that the cotton bag must be reused hundreds of times to be environmentally competitive to SUPBs.</li> <li>• Paper bags score worse than fossil-based single-use bags in terms of eutrophication, and often also on climate and other environmental aspects. Kimmel (2014) finds that the paper bag with 100% recycled fibers scores better than the kraft-paper bag in all environmental aspects, but still worse than the SUPBs in all impacts except acidification, and freshwater and marine toxicity. In contrast, Mattila et al. (2011) and Dahlgren &amp; Stripple (2016) find that kraft-paper bags score relatively well in climate. Together the studies imply that a paper bag can be better for the climate than SUPBs, if the latter is heavy, if the paper is produced in efficient integrated mills driven by renewable energy, and if the waste-management system is dominated by recycling and incineration. They can also be environmentally competitive if they are reused several times (Edwards and Fry 2011).</li> <li>• A starch-based (biodegradable) bag has no significant environmental benefits compared to conventional SUPBs in the reviewed studies, besides reduced impacts of littering. It has a large impact on the climate because the production of fossil-based co-polyesters (COWI A/S and Utrecht University 2018) and because it is assumed to degrade in landfills, forming methane (cf. Mattila et al. 2011).</li> <li>• Adding a prodegradant to conventional HDPE (oxo-biodegradation) to reduce the visual impacts of littering might increase other environmental impacts, but only slightly since the degradable plastic bag is assumed not to degrade in landfills (Edwards and Fry 2011; Edwards and Parker 2012)."</li> </ul>

Source Information	Topic	Key Findings
<p><u>Title:</u> A Brief Analysis of Life Cycle Analyses (LCAs) and the Impacts of Plastic vs. Paper Bags</p> <p><u>Author/Organization:</u> Californians Against Waste</p>	<p>Paper vs. Plastic bags, Analyses of LCAs</p>	<ul style="list-style-type: none"> <li>• “Many of the existing LCAs for single-use bags have been funded by the plastics industry.”</li> <li>• “Estimates from the LCAs are often based on different assumptions due to the varying geographical locations of where they were written.”</li> <li>• “Closer analysis of reports with incorrect assumptions reveals that paper carryout bags have a reduced impact compared to plastic carryout bags particularly in regard to solid waste impact and [...] greenhouse gas emissions.”</li> <li>• “Paper bags are recycled at higher rates than plastic bags, will eventually biodegrade, and have a higher carrying capacity. These factors would help decrease the amount of solid waste generated despite an increase in paper bag usage.”</li> <li>• “Updated numbers from the EPA in 2009 showed that the paper bag recycling rate has increased considerably to nearly 50%, while the HDPE plastic bag recycling rate stayed fairly constant at 6.1%.”</li> </ul>
<p><u>Title:</u> National Sustainable Materials Management Prioritization Tool (online tool)</p> <p><u>Author/Organization:</u> EPA</p>	<p>Paper vs. Plastic bags</p>	<p>Paper bags and coated paper</p> <ul style="list-style-type: none"> <li>• Most significant potential environmental issues for the purchasing of paper: <ul style="list-style-type: none"> <li>○ Land use</li> <li>○ Human health toxicity</li> <li>○ Energy use</li> <li>○ Commercial RCRA Hazardous Waste</li> <li>○ Acid Rain</li> </ul> </li> <li>• The most significant supply chain sources of these issues for this purchase are: <ul style="list-style-type: none"> <li>○ Paper</li> <li>○ Timber and raw forest products</li> <li>○ Wood pulp</li> <li>○ Other basic inorganic chemicals</li> <li>○ Electricity</li> </ul> </li> <li>• *see graph below</li> </ul>
<p><u>Title:</u> Life Cycle Assessment of Grocery Bags</p> <p><u>Author/Organization:</u> Clemson University</p>	<p>Comparing types of grocery bags</p>	<ul style="list-style-type: none"> <li>• “Reusable LDPE and NWPP bags have lower average impact on the environment than [plastic retail bags] PRBs if reused a “sufficient” number of times. Quantitatively, what “sufficient” is will be determined by which environmental impact categories are important to the decision-maker.”</li> <li>• “For either PRBs or Paper bags, higher recycle content results, on average, in lower</li> </ul>

Source Information	Topic	Key Findings
<p><u>Title:</u> Biodegradable Plastics &amp; Marine Litter: Misconception, Concerns and Impacts on Marine Environments</p> <p><u>Author/Organization:</u> United Nations Environment Programme (UNEP), 2015</p>	<p>Marine Litter</p>	<p>environmental impacts, but these differences are much smaller than the differences among the various types of bags.”</p> <ul style="list-style-type: none"> <li>• “The data in the present study, in which the entire Life Cycles of both Paper bags and PRBs have been examined, show that Paper bags are more detrimental to the environment in ten of the twelve environmental impact categories studied and, on average, are 4 to 7.5 times more detrimental to the environment vs. PRBs.”</li> <li>• Deciding what constitutes best environmental practice through the choice of different plastics and non-plastics is not straightforward. Life Cycle Assessments (LCA) can be used to provide a basis for decisions about optimal use of resources and the impact of different processes, materials or products on the environment. For example, LCA could be employed to assess the use of plastic-based or natural fibre-based bags and textiles, and conventional and biodegradable plastics.</li> <li>• In one LCA-based study of consumer shopping bags, conventional PE (HDPE) shopping carrier bags were considered to be a good environmental option compared with bags made from paper, LDPE, non-woven PP and cotton, but strictly in terms of carbon footprints (paper to cotton in order of increasing global warming potential (Thomas et al. 2010). This analysis did not take account of the social and ecological impact that plastic litter may have.</li> <li>• In contrast, an analysis of textiles – that included factors for human health, environmental impact and sustainability – placed cotton as having a much smaller footprint than acrylic fibers (Mutha et al. 2012). However, it is important to examine what is included under such broad terms as “environmental impact”.</li> <li>• A Third study which also performed an LCCA-based assessment of textiles concluded that cotton had a greater impact than fabrics made with PP or PET, and a much greater than man-made cellulose-based fibers (Shen et al. 2010). This was on the basis of ecotoxicity, eutrophication, water use and land use.</li> <li>• In conclusion, clearly the scope of an environmental LCA can determine the outcome.</li> </ul>



**Discussion**

Generally, there is a growing number of studies that compare the life cycle and environmental implications of plastic bags and their respective alternatives. However, the results of each study must be carefully examined due to differences in variables assessed in each study (i.e. demographic information, environmental factors). We also note that plastic is the primary component of marine debris. Although life cycle assessments can measure several aspects of ocean health, biological impacts of marine debris are not included in the majority of life cycle assessments. The term ‘environmental implications’ should address consequences that are likely to happen, and care should be taken to not use the phrase interchangeably with environmental ‘impacts,’ which, when addressing biota, generally only address the populations that are threatened or endangered.