

Testimony in OPPOSITION
to
HB 2740
in
House Committee on Environment & Energy on
February 8, 2024

The Flexible Packaging Association (FPA) is submitting testimony **in opposition to HB 2740**, which gives the Department of Health a sweeping mandate to regulate what Hawaiians can import under the guise of a “zero waste initiative” in the State of Hawaii.

I. Background on FPA & Flexible Packaging

I am John Richard, Director of Government Relations at FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents \$42.9 billion in annual sales; is the second largest, and fastest-growing segment of the packaging industry; and employs approximately 85,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

These are products that you and I use every day—including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice, as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, like diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical, and household waste. Carry-out and take-out food containers and e-commerce delivery, which became increasingly important during the pandemic, are also heavily supported by the flexible packaging industry.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue and increasing the recycling of solid waste from packaging. Unfortunately, we believe HB 2740 complicates efforts to create a solid foundation for Hawaii’s critical EPR program.

Flexible packaging is in a unique situation as it is one of the most environmentally sustainable packaging types from a water and energy consumption, product-to-package ratio, transportation efficiency, food waste, and greenhouse gas emissions reduction standpoint, but circularity options are limited. There is no single solution that can be applied to all communities when it comes to the best way to collect, sort, and process flexible packaging waste. Viability is influenced by existing equipment and infrastructure; material collection methods and rates; volume and mix; and demand for the recovered material. Single-material flexible packaging, which is approximately half of the flexible packaging waste generated, can be mechanically recycled through store drop-off programs, however, end markets are scarce. The other half can be used to generate new feedstock, whether through pyrolysis, gasification, or fuel blending.

Developing end-of-life solutions for flexible packaging is a work in progress and FPA is partnering with other manufacturers, recyclers, retailers, waste management companies, brand owners, and other organizations to continue making strides toward total packaging recovery. Some examples include The Recycling Partnership (TRP); the Materials Recovery for the Future (MRFF) project; the Hefty® ReNew® Program; and the University of Florida's Advanced Recycling Program. All of these programs seek to increase the collection and recycling of flexible packaging. Increasing the recycled content of new products will not only create markets for the products, but will also serve as a policy driver for the creation of a new collection, sortation, and processing infrastructure for the valuable materials that make up flexible packaging.

It is with this background that FPA provides this testimony in opposition of an overly broad mandate at the Department of Health to reduce waste.

II. The Zero Waste Initiative Mandate at DOH Is Too Broad

Under the Hawaii Zero Waste Initiative, the Department of Health will be charged with sending zero waste to the landfill or incineration. To accomplish this goal, the Department of Health will have broad power to “reduce waste and consumption and maximize reuse, refill, composting, and recycling.” While managing materials at the end of their lives is critical to achieving a circular economy, it is critical for these policies to balance the interest of all stakeholders through legislative guide rails for agency officials to follow. HB 1688 is a valiant first step towards circularity and has considered the proper role of the Department of Health in that transition. FPA and its members believe getting HB 1688 into a position where manufacturers can participate and support circularity efforts should replace the sweeping mandate at DOH.

III. DOH Is Charged With Reducing Imports to Hawaii

HB 2740 directs the Department of Health to “reduce the amount of toxic and hazardous waste” that is imported into the State without establishing a process for determining toxic or hazardous waste. FPA and its members need clarity on what types of products legislators intend for the Department of Health to reduce or ban in the State of Hawaii in order to proactively prepare our products to ensure Hawaiians can continue to get critical products like food and medical devices that our packaging protects. This concern can be addressed by adopting the United States Environmental Protection Agency’s Toxic Substances Control Act Inventory or codifying a different process for the Department of Health to follow. Legislators should also consider whether the Department of Health’s mission includes import monitoring and evaluation.

IV. Incineration’s Unique Role in Hawaii

FPA encourages legislators to think about the effect of sending zero waste to incineration in Hawaii. The City and County of Honolulu’s Department of Environmental Services outlined that H-Power converts approximately 2,000 tons of waste per day into enough electricity to power 60,000 homes. H-Power produces 10% of Oahu’s electricity and reduces Hawaiian dependence on imported oil while reducing the volume of waste in landfills by 90%. Innovative efforts with such demonstrable real-world effects should be encouraged in any zero-waste initiative. The Department of Health should also coordinate with the State Energy Office to ensure any loss in energy does not have unintended effects on Hawaiians as a result of this initiative.

V. Conclusion & Next Steps

For these reasons, FPA opposes HB 2740 and instead encourages fixes to HB 1688 in order to create a strong foundation for a circular economy for packaging, which would provide the necessary investment in new infrastructure and markets for all packaging, including flexible packaging. In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at (443) 534-3771 or jrichard@flexpack.org.

Respectfully,



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