



The Honorable Nicole E. Lowen, Chair
House Committee on Energy & Environmental Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: House Bill HB 1326 (Lowen) - Packaging Waste Reduction Program Mandate

Dear Chair Lowen, Vice Chair Cochran and Members of the House Committee on Energy and Environmental Protection,

The organizations listed above are commenting with concerns on House Bill 1326 that seeks to establish a 70% packaging waste reduction program in the State of Hawaii. The above listed associations have worked successfully with legislatures across the country in response to different bills regarding packaging producer responsibility and waste reduction. Many of our member companies are working to achieve goals made to improve the design of packaging through reasonable source reduction, improved recyclability, and increased recycled content. We support the state's efforts to evaluate their solid-waste system and improve the management of packaging materials in the municipal waste stream with a needs assessment.

Currently, in HB 1326 there is a needs assessment that would have to be completed by the Hawaii State Department of Health in collaboration with each county that would detail the resources needed to reduce packaging waste from each county's baseline amount by 70% by 2030.

We recommend needs assessment language include:

- Current recycling, composting, collection, and hauling systems in the state and the expanded access and additional recycling or composting options needed for enhancements to these systems.
- The processing capacity and infrastructure in the state and regionally and what is needed to improve that capacity.
- Consumer education needs for recycling, composting, reuse, and waste reduction.
- Funding needs and actions necessary to achieve reduction goals.
- Actions and investments necessary to provide sufficient access to collection, recycling, composting, processing, and transportation to viable responsible end markets.
- Funding needs for the transport of materials from remote or rural areas to centralized sorting facilities, brokers, or viable end markets.
- The initial needs assessment, and any updates, should be developed through a public process including at least one public meeting at which the department provides the producer responsibility organization (PRO), the advisory board, and any interested members of the public the opportunity for input.

We also believe that within HB 1326 there is a need for a creation of a producer responsibility organization (PRO), a nonprofit that is organized and run by the producers who can develop principles, objectives and financing mechanisms for the packaging producer responsibility program. PROs play an important role in states that want to manage their packaging waste effectively by allowing producers to have an active role in funding changes but also on implementing a successful plan to reach the performance goals set out in the legislation. As currently drafted, HB 1326 would place the Department in charge of functions normally fulfilled by the PRO. While the Department should have strong oversight of the packaging producer responsibility program, it should not take the lead role on behalf of producers.

Our final comment is focused on the advisory council and appreciate that Chair Lowen for added this element to HB 1326. The advisory council plays an important role in offering feedback and expertise on packaging producer responsibility and waste reduction and has become a common feature in related legislation that has been enacted in the United States. The role of the advisory council should be to advise, review and provide recommendations to the Department and to the PRO on program plans and goals. With this important role there needs to be more than three producer seats that can really capture diverse representation of packaging, like adding manufacturers of different types of packaging materials and the brand owners who use the packaging. To this end, the definition of producer needs to make it clear that it is the brand using the packaging, and not the packaging producer. Packaging producers would not be able to trace the use of their packaging for the myriad of products sold, nor whether or not they were sold in Hawaii.

We appreciate the opportunity to comment on HB 1326 and we believe that when we take goals, match them to stakeholder strengths and add in complementary policies, then we can drive systemic changes needed by identifying and building collaborative processes that plan for the future. We would welcome the opportunity to work with the Chair, the entire Committee, and stakeholders in Hawaii to address packaging producer responsibility in a way that will work for all stakeholders and reduce packaging waste going to landfill.

Thank you,

Tim Shestek:	American Chemistry Council
Brennan Georgianni:	American Cleaning Institute
Dan Felton:	American Institute for Packaging and the Environment (AMERIPEN)
Ally Peck:	Consumer Technology Association
Carol Patterson:	Foodservice Packaging Institute
Alison Keane:	Flexible Packaging Association
Christopher Finarelli:	Household and Commercial Products Association
Brian McKeon:	National Confectioners Association
Savonne Caughey:	Pet Food Institute
Kris Quigley:	Plastics Industry Association
Erin Raden:	The Toy Association
Sally Jefferson:	The Wine Institute