REPORT OF THE COMMITTEE ON HOUSING, SUSTAINABILITY AND HEALTH

Voting Members:
Matt Weyer, Chair; Esther Kiaʻāina, Vice Chair;
Tyler Dos Santos-Tam, Val A. Okimoto, Augie Tulba

Committee Meeting Held
November 20, 2024

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Housing, Sustainability and Health, which considered Bill 59 (2024) entitled:

"A BILL FOR AN ORDINANCE RELATING TO PLASTICS,"

which passed first reading at the November 7, 2024 Council meeting, reports as follows:

The purpose of the Bill is to address certain single-use plastic containers.

Your Committee considered and approved a CD1 version of the bill that makes the following amendments:

A. Amends SECTION 2 of the bill, which proposes the enactment in ROH Chapter 34 of a new article entitled "Single-Use Plastic Bottles," by adding an exemption for licensed blind vendors to the proposed ROH Section 34-__.3 ("Exemptions").

B. Removes SECTION 3 of the bill, which provided instructions to the Revisor of Ordinances, and renumbers the subsequent SECTION.

C. Makes miscellaneous technical and nonsubstantive amendments.

ADOPTED ON _____ COMMITTEE REPORT NO. 349

REPORT OF THE COMMITTEE ON HOUSING, SUSTAINABILITY AND HEALTH

Voting Members:
Matt Weyer, Chair; Esther Kia'āina, Vice Chair;
Tyler Dos Santos-Tam, Val A. Okimoto, Augie Tulba

Your Committee on Housing, Sustainability and Health is in accord with the intent and purpose of Bill 59 (2024), as amended herein (Ayes: Dos Santos-Tam, Kia'āina, Okimoto, Tulba, Weyer – 5.), and recommends that it pass second reading, be scheduled for a public hearing, and be referred back to Committee in the form attached hereto as Bill 59 (2024), CD1. (Ayes: Dos Santos-Tam, Weyer – 2; Aye with reservations: Okimoto – 1; Noes: Kia'āina, Tulba -2.)

Respectfully submitted,

Committee Chair

At the 12/11/24 Council meeting, CR-349 failed to be adopted and Bill 59 (2024), CD1 failed to pass Second reading.

Committee Report was not adopted and Bill 59 (2024) was filed on 10/31/26 pursuant to ROH SEC. 1-2.4.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **59 (2024), CD1**

A BILL FOR AN ORDINANCE

RELATING TO PLASTIC.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and findings. The purpose of this ordinance is to address certain single-use plastic containers.

The City Council finds that plastics entering the environment have had a demonstrable adverse effect on the health of the people of the City and County of Honolulu ("City"), as well as the environmental integrity of our islands. Single-use plastic containers have been major contributors to street and beach litter, ocean pollution, harm to marine and other wildlife, and greenhouse gas emissions. A significant portion of marine debris – estimated to be 80 percent – originates on land, primarily as escaped plastic refuse and litter in urban runoff. Certain single-use plastic containers, such as polyethylene terephthalate bottles, do not readily break down, and instead degrade into pieces and particles of all sizes, including microplastics, which can subsequently enter human bodies through the food stream and have been linked to serious human health problems.

To protect the health, life, and property of the City and its inhabitants, the City has enacted ordinances to regulate the use of single-use plastic goods and bags, as well as certain plastic foodware. Reducing the amount of non-degradable and non-recyclable waste that enters the City's waste stream is consistent with the City's Integrated Solid Waste Management Plan and the State-level Aloha+ Challenge to "support changes in design, material use, and manufacturing that reduce waste and toxicity" and to "significantly reduce the annual generation of solid waste." While the rate of plastic bottle recovery in Hawai'i is approximately 37 percent, readily available alternatives such as aluminum containers enjoy a recovery rate of 55 percent, and cardboard containers can be readily burned to fuel the City's power needs through the H-POWER plant. The diversion of plastic bottles from the City's waste stream further supports the City's efforts to reduce the annual generation of solid waste.

SECTION 2. Chapter 34, Revised Ordinances of Honolulu 2021 ("Regulation of Businesses"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

A BILL FOR AN ORDINANCE

"ARTICLE __: SINGLE-USE PLASTIC BOTTLES

§ 34-__.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Disposable. Designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple re-use.

Plastic. Any material made of fossil fuel-derived or petrochemical polymeric compounds and additives that can be shaped by flow.

Plastic Bottle. A formed or molded container made from any type of plastic having a relatively inflexible fixed shape or form with a neck that is smaller than the container body.

Single-Use. Has the same meaning as disposable.

§ 34-__.2 Restrictions on single-use plastic bottles.

Unless exempted by this article, no single-use plastic bottle having a capacity of one liter or less may be purchased, sold, or offered for sale:

(1) For use at any city facility, city-authorized concession, city-sponsored or city-permitted event, or city program; or

(2) By the city.

§ 34-__.3 Exemptions.

The following exemptions apply to this article:

(1) The council, by resolution, may grant an exemption on an annual and renewable term of one year or less for specifically identified situations where the council finds that there are no reasonable alternatives to the use of a single-use plastic bottle;

(2) The mayor may declare an emergency requiring immediate action for the preservation of life, health, property, safety, or essential public service.

This exemption shall automatically be in place until the emergency has ceased or the mayor has determined that the exemption is no longer applicable to the situation;

(3) On or before December 31, 2026, at any city facility;

(4) On or before December 31, 2027, at any city-authorized concession, city-sponsored event, city-permitted event, or city program; and

(5) Vendors participating in the Licensed Blind Vendor program, which is also known as the Vending Facilities program of the Randolph-Sheppard Act of 1936, 20 USC § 107 et. seq. and as amended in 1954 and 1974, are exempted from this article.

§ 34-__.4 Enforcement, civil penalties, and injunctive relief.

(a) Enforcement and administration of this article is under the jurisdiction of the department of environmental services.

(b) Any person found to have violated any provision of this article, or any rule adopted pursuant to this article, shall be ordered to obey the restrictions described by this article, and if continuing the violation despite the order, shall be subject to a civil fine of not less than $100 nor more than $1,000.

(c) The director of the department of environmental services may institute a civil action in any court of competent jurisdiction for injunctive or other relief to correct or abate violations of this article, or any rule adopted pursuant to this article, to collect administrative penalties or to obtain other relief.

§ 34-__.5 Rules.

The director of the department of environmental services shall adopt rules pursuant to HRS Chapter 91 regarding the implementation, administration, and enforcement of this article."

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Matt Weyer

Tommy Waters

DATE OF INTRODUCTION:

October 31, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Single-Use Plastic Container; Single-Use Plastic Bottle; Ban; Plastic Ban; City Facilities; City-Authorized Concessions; City-Sponsored Events; City-Permitted Events; City Programs; Emergency Exception; Blind Vendor; Department of Environmental Services ("ENV"); Rulemaking Authority; Violation; Penalty

Description:
Phases in the prohibition of the sale, offering for sale, offer for use, and providing single-use plastic bottles at any City facility, City-authorized concession, City-sponsored or City-permitted event, or City program. Provides the ENV Director with rulemaking authority. Establishes penalties for non-compliance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.