

Column: Hold the producers of waste accountable

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This year, House Bill 2399 was introduced to “establish an Extended Producer Responsibility program” for packaging in Hawaii. The bill did not pass the Legislature, though it could be reintroduced next year. That would be unfortunate, because this legislation was not Extended Producer Responsibility (EPR), a policy tool that holds producers accountable for the products and packaging that they place on the market.

It's supposed to incentivize manufacturers to use fewer — and more sustainable — materials and require them to take financial and, to varying degrees, management responsibility for preventing the impacts of the waste they create. EPR laws are designed to increase recycling access and convenience, improve consumer education about what's recyclable and what's not, and relieve governments and taxpayers of the unfair responsibility to manage waste they had no hand in creating.

However, if passed, the Hawaii law would have mandated little producer responsibility. Instead, the burden on governments would have increased: County governments would have been required to conduct individual needs assessments, continue to run recycling programs, and meet new waste reduction goals — all burdens that producers are required to shoulder under true EPR laws.

And the county programs would still have relied in part on taxpayer funds.

Why? HB 2399 stipulated that counties run reuse programs and reduce packaging waste landfilled by 50% by 2026 and 80% by 2030. To fund these activities, the proposal would have charged a flat fee to many of the largest companies that sell consumer products into the state, affecting those that record more than \$500 million in global annual gross sales or generate more than 10,000 metric tons of packaging waste each year. But without requiring these companies to meet waste reduction and reporting requirements, or providing them with financial incentives to use more eco-friendly packaging, they would have had little incentive to change.

Under this proposal, the companies' responsibilities would have ended after paying their fees to the state, while counties would still have been tasked with managing their waste.

Last year, Maine became the first state to pass a packaging EPR law, followed closely by Oregon. This year, 21 EPR bills have been introduced in at least 16 other states, and Colorado's bill has passed out of both its House and Senate.

Momentum for packaging EPR is building, but the bill proposed in Hawaii had less in common with recent packaging legislation than with laws passed in the 1990s for pesticides, which similarly mandated producers to pay fees without any additional requirements.

Yes, laws like these helped generate critical funding to cover short-term waste management needs. But they are outdated and have none of the benefits of authentic EPR laws, which have worked well for more than 35 years across Europe and over 15 years in Canada.

To reduce the impacts of waste on the environment and human health, keep plastic out of rivers and oceans, and address the inequitable impacts of our waste systems on vulnerable communities, we need a fundamental paradigm shift to hold producers responsible for their products and packaging — which only true EPR systems can provide.

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