

Honolulu, Hawaii

March 17, 2006

RE: S.B. No. 2679
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 2679, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE,"

begs leave to report as follows:

The purpose of this measure is to regulate the use of hazardous wastes, including recycled hazardous wastes, in fertilizers, agricultural minerals, soil amendments, auxiliary soil and plant substances, liming material, and animal feed.

This measure also requires the Department of Health to establish a labeling program for products derived from hazardous wastes.

In testimony before your Committee, the Department of Health noted that setting appropriate standards for hazardous substances requires more research, as well as consultation with agencies, such as the state Department of Agriculture and the United States Environmental Protection Agency, and affected and interested parties, such as the agricultural and consumer communities.

Your Committee agrees that time is needed to set appropriate standards and that these consultations are necessary. However, your Committee also believes that action should be taken to minimize the harm that may be caused by waste-derived products while these standards are being developed and adopted. This can



be accomplished by establishing a temporary prohibition against the manufacture or import into the State of hazardous waste-derived products.

Further, your Committee respectfully recommends that the Committee on the Judiciary look into establishing penalties for the proposed temporary prohibition.

Accordingly, your Committee has amended this measure by:

- (1) Establishing a temporary prohibition against the manufacture or import into the State of any fertilizers, agricultural minerals, soil amendments, auxiliary soil and plant substances, liming material, or animal feed, effective from January 1, 2007 to June 30, 2009;
- (2) Requiring the Director of Health to adopt rules, no later than July 1, 2009, to develop and implement a regulatory program for hazardous waste-derived products that:
 - (A) Incorporates more stringent standards than the applicable standards established by the United States Environmental Protection Agency and the Association of American Plant Food Control Officials;
 - (B) Limits imports of waste-derived products, recyclable materials, and hazardous substances to those that meet the more stringent standards;
 - (C) Informs consumers of the presence of any hazardous or waste-derived substance in a fertilizer; and
 - (D) Regulates recyclable materials that are hazardous waste;
- (3) Deleting provisions relating to the labeling program for waste-derived products;
- (4) Deleting from the definition of "waste-derived product" the exclusion of biosolids, biosolids-derived products, domestic septage, domestic wastewater treatment facility solids, reclaimed water, and treated effluents;



- (5) Adding definitions for "fertilizer", "liming material", "non-RCRA hazardous waste", and "soil amendment"; and
- (6) Making technical nonsubstantive amendments for the purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2679, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2679, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



