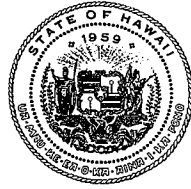


**SB 2841**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

## COMMITTEE ON ENERGY AND ENVIRONMENT

### S.B. 2841, RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

February 7, 2008  
3:30 pm

1 **Department's Position:** The Department supports this measure.

2 **Fiscal Implications:** Unquantified.

3 **Purpose and Justification:** The Department of Health supports this bill, which requires deposit  
4 beverage retailers and dealers with more than 75,000 square feet of interior retail space to operate  
5 deposit beverage container (DBC) redemption centers.

6 The department believes that deposit beverage container redemption services should be a requirement  
7 for all deposit beverage retailers and dealers and not just those with more than 75,000 square feet of  
8 interior retail space, however, retailers and dealers with less than 5,000 square feet of interior space  
9 should continue to be exempted from providing DBC redemption services. The department also  
10 continues to support comprehensive recycling programs such as curbside recycling.

11 Thank you for the opportunity to testify on this measure.

12

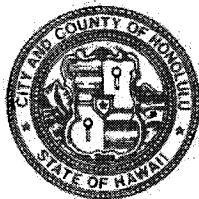
13

14

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN  
MAYOR



February 6, 2008

ERIC S. TAKAMURA, Ph.D., P.E.  
DIRECTOR

KENNETH A. SHIMIZU  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
RA 08-013

The Honorable Ron Menor, Chair  
Committee on Energy and Environment  
State Senate  
State Capitol, Room 208  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: S.B. NO. 2841  
RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

Dear Senator Menor:

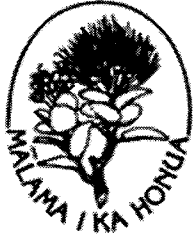
The City and County of Honolulu, Department of Environmental Services supports S.B. No. 2841, which requires retail dealers with more than 75,000 square feet of retail space to operate redemption centers. The success of the HI-5 beverage container deposit recycling program depends on locating redemption centers convenient to the consumer. Retailers in other states have provided redemption centers for their customers for decades.

Since the start of the HI-5 program in 2005, Oahu has seen a significant jump in recovery rates for aluminum, glass and plastic, but we estimate that millions of beverage containers are still going into the trash each year. Diverting waste from landfill is a top priority and necessitates increasing recycling in all programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric S. Takamura", is written over the typed name.

Eric S. Takamura, Ph.D., P.E.  
Director



# Sierra Club

## Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

### SENATE COMMITTEE ON COMMITTEE ON ENERGY AND ENVIRONMENT February 7<sup>th</sup>, 2008, 3:30 P.M.

(Testimony is 5 pages long)

#### TESTIMONY IN SUPPORT OF SB 2841

Chair Menor and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly supports SB 2841, requiring that certain retailers take back deposit containers at their store.

The single best way to ensure easy, convenient redemption for Hawaii's consumers is to mandate that grocery stores and retailers of a certain size take back the bottles and cans that they sell, just like every other deposit law state.

Hawaii's bottle law has proven to be an overwhelming success for Hawaii's environment, with nearly a billion bottles and cans being diverted from Hawaii's landfills. Beyond waste diversion, the new recycling law reduced litter, created jobs, and provided new opportunities for churches, charities, and schools to fundraise. The recycling program proves that a little change can make a big difference.

Despite its success, the bottle law can be improved. Residents have rightfully complained about the cumbersome redemption process, with infrequent redemption centers and spotty hours of operation (and service). This problem would be solved by simply requiring that grocery stores and retailers take back the bottles and cans that they sell.

Hawai'i is currently the only state with a bottle law that does not require grocery stores to 'close the loop' on recycling. Hawai'i should require that stores over a certain size (or over a certain sales threshold) provide redemption, exempting most "mom and pop" stores. SB 2841 will do this, requiring that large, "big box" stores over 75,000 square feet provide for redemption. Stores would not need to staff a redemption center; they could simply install "reverse vending machines" at the store or in the parking lot.

Such an improvement to our bottle law will streamline the redemption process and provide residents with convenient recycling where they shop, when they shop.

**We strongly recommend, however, that this measure be amended to include regular grocery stores in the beverage container redemption program. We recommend that stores 10,000 feet and larger be required to take back bottles and cans,** just like they do in every other bottle law state (see attached pages on take-back requirements from other states). Setting the size limit at 10,000 square feet would provide more opportunities to recycle for residents (at the Foodlands, Safeways, etc. where they shop) while excluding the smaller, mom-and-pop stores (for comparison, most "7-11" stores in Hawai'i are smaller than 10,000 square feet).

As a reminder to this committee, the legislature has tried previously to encourage the voluntary use of reverse vending machines by offering rebates to retailers and recyclers who use them. The rebates ranged from \$30,000 to \$90,000 (depending on store size), effectively covering a majority of the cost of such machines. These enticements failed to increase the number of stores participating in the redemption program. It is unfortunate that the retailers and grocery stores have refused to play a role in Hawaii's beverage container program by providing easy, convenient recycling – just as they do in the other bottle law states where they operate. SB 2841—properly amended to include more of the everyday grocery stores that residents patronize—will ensure that they participate in this recycling program to keep the products that they profit from out of our landfills and off our beaches.

Please review the attached listing of retailer “take back” requirements from other bottle law states. We hope this committee amends SB 2841 to include more stores in Hawaii's bottle law program.

***Hawaii's bottle law: OVER A BILLION AND A HALF SAVED AND COUNTING!***

Thank you for the opportunity to testify.

## REVIEW OF REGULATIONS FROM OTHER BOTTLE LAW STATES

### 1. Maine

- Anyone who sells, beverages in redeemable containers, including vending machines, is a dealer. Me. Rev. Stat. Ann. tit. 32, §1862(5).
- “[A] dealer may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer . . .” Me. Rev. State. Ann. tit. 32, §1866(1).
- A dealer may refuse to accept containers if the type of the container and the dealer are covered by an order permitting a redemption center. Me. Rev. State. Ann. tit. 32, §1866(2).
- **LIMIT:** 240 containers per person per day. Me. Rev. State. Ann. tit. 32, §1866(2-A).
- A dealer may refuse to accept containers during no more than 3 hours each day. If the dealer chooses to do this, the hours during which he or she will not accept containers must be posted. Me. Rev. State. Ann. tit. 32, §1866(2-B).
- The only exemption is for apple cider produced in the state. Code. Me. R. §01-001-15.

Link to Statute: <http://janus.state.me.us/legis/statutes/32/title32sec1867.html>

Link to Regulations: <http://www.maine.gov/sos/cec/rules/01/001/001c360.doc>

### 2. Vermont

- The Vermont statute requires all **retailers** to accept and pay the refund for any beverage containers “of the kind, size and brand sold by the retailer . . .” 10 V.S.A. §1523(a)(1).
- Containers may be redeemed during no less than 40 hours per week, during regular operating hours. 10 V.S.A. § 1522(d).
- A retailer may refuse to accept containers, with the prior approval of the Secretary of the Agency of Natural Resources, if there is a redemption center serving the public need. 10 V.S.A. § 1523(b).

- Retailers may refuse to accept containers that are dirty, broken, or were not purchased in Vermont. 10 V.S.A. § 1532(c).

Website Statute: <http://www.leg.state.vt.us/statutes/sections.cfm?Title=10&Chapter=053>

### 3. Massachusetts

- Any dealer must accept any empty beverage container of the size, brand, and type which the dealer sells and pay the customer the refund for the container. Mass. Gen. Laws Ch. 94 §323(b).
- Dealers must accept containers during their normal business hours. Id.
- Dealers may refuse to accept containers contaminated with foreign material. Mass. Gen. Laws Ch. 94 §323(f).
- In addition to retail establishments, any person can establish a redemption center. Mass. Gen. Laws Ch. 94 §323(e).
  - A redemption center may choose what containers it will accept. Id.

Link to Massachusetts General Law: <http://www.mass.gov/legis/laws/mgl/94-321.htm>

### 4. Connecticut

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer” at the dealer’s place of business unless the container contains foreign material or is not labeled in accordance with the statute. Conn. Gen. Stat. Ch. 446d §22a-245(b).
- A dealer may also refuse to accept containers if the dealer “sponsors, solely or with others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business or unless there is established by others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business.” Id.
- A dealer may also refuse to accept containers 60 days after the dealer discontinues the sale of a particular kind, size or brand of beverage, but the dealer must post notice of the date on which he or she will stop accepting that particular type of container. Id.
- A person may apply to the Commissioner of Environmental Protection to establish a redemption center. Conn. Gen. Stat. Ch. 446d §22a-245(a) (formerly §22a-79).
  - “Any person establishing a redemption center shall have the right to determine what kind, size and brand of beverage container shall be accepted. Any redemption center may be established to serve all persons or to serve certain specified dealers.” Id.

Link to Statute: <http://www.cga.ct.gov/2001/pub/Chap446d.htm#sec22a-243.htm>

### 5. New York

- A dealer is required to accept at his or her place of business “any empty beverage containers of the design, shape, size, color, composition and brand sold by the dealer . . . .” NY Environmental Conservation Law §27-1007(1).
- A dealer may refuse to accept an empty beverage container if: (1) the container does not state a refund value; (2) the bottle is broken; (3) the can is corroded or dismembered; (3) the container contains a significant amount of foreign material. NY Environmental Conservation Law § 27-1009(1)-(2).
- The Department of Environmental Conservation is authorized to promulgate rules that would allow dealers and redemption centers to limit the kind and number of containers

that particular facility will accept, but it has not done so. NY Environmental Conservation Law §27-1013.

Link to Statute: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

## 6. Delaware

- A dealer shall accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, and pay the consumer the refund on the appropriately labeled returnable beverage container. Del. Code Ann., tit. 7, §6057.
- A dealer may refuse to refund deposits on beverage containers if a redemption center or centers are established in the vicinity which serve the public need. Id.
- A dealer or redemption center may refuse to refund deposits on beverage containers which are broken, or unclean, or not empty. Id.
- **LIMIT:** Such dealer or center may refuse to accept beverage containers from any person who attempts to return 120 or more containers at the same time, or within a 1-week period. Id.
- Any dealer or distributor or manufacturer or person or any combination thereof may establish a redemption center subject to approval of the Department. Del. Code Ann., tit. 7, §6056(a).

Link to statute:

<http://www.delcode.state.de.us/title7/c060/sc03/index.htm>

Link to regulations:

<http://www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/sw/pdf/bevreg.pdf>

## 7. Michigan

- Dealers are required to provide “a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by the dealer may be returned by, and the deposit refunded in cash” on the premises or within 100 yards of the premises. Mich. Comp. Laws §445.572(2).
- “Regional centers for the redemption of returnable containers may be established, in addition to but **not as substitutes for**, the means established for refunds of deposits prescribed in subsection (2).” Mich. Comp. Laws §445.572(3) (emphasis added).
- A dealer may refuse to pay a refund when accepting an empty container if that dealer does not require a deposit when he or she sells returnable beverage containers. Mich. Comp. Laws §445.572(5).
- A dealer or distributor has discretion to refuse to accept containers that do not clearly state the refund value of the container and “Michigan.” Mich. Comp. Laws §445.572(7)
- **LIMIT:** In addition, a dealer is not required to accept empty containers for a refund of more than \$25 on a single given day. Mich. Comp. Laws §445.572(10).

Links to statute:

[http://www.legislature.mi.gov/\(S\(y1ksaimi44igdd55i4yeumrg\)\)/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976](http://www.legislature.mi.gov/(S(y1ksaimi44igdd55i4yeumrg))/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976)

<http://www.deq.state.mi.us/documents/deq-wmd-swp-Bottle-Bill.doc>

## 8. Iowa

- Dealers must accept “any empty beverage container of the kind, size and brand sold by the dealer . . . .” Iowa Code §455C.3(1)

- A dealer may refuse to accept any empty container that does not have a refund value on it. Iowa Code §455C.4(1).
- A dealer is also permitted to refuse to accept an empty beverage container if the dealer and the kind and brand of container are covered by an order approving a redemption center. Iowa Code §455C.4(2).
- Dealers may also refuse to accept alcoholic beverage containers that were originally sold at a state liquor store. Iowa Code §455C.4(3).
- Any person may establish a redemption center, subject to the approval of the Department of Natural Resources. Iowa Code §455C.6(1).

Link to statute: <http://web.legis.state.ia.us/IACODE/1999SUPPLEMENT/455C/index.html>

#### 9. Oregon

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer . . . .” Or. Rev. Stat. § 459A.710(1)
- A dealer may refuse to accept any container if: (1) it does not state the refund value; (2) the dealer and the container are covered by an order approving a redemption center; (3) the container is visibly contaminated by any substance other than water, the original contents, or dust; (4) the container is damaged to the extent that the brand is unidentifiable. Or. Rev. Stat. § 459A.715(1)-(3).
- A dealer need not accept a container if the dealer: (a) Has not offered the product in the specific container size for sale within the past six months; (b) Has reasonable grounds to believe the container was sold at retail outside Oregon; or (c) Has reasonable grounds to believe that container was obtained from or through a distributor without paying the refund value . . . . Or. Admin. R. 845-020-0035.
- **LIMIT:** In addition, a dealer may refuse to accept more than 144 containers from any one person in a single day. Or. Rev. Stat. § 459A.715(2)(b).
- Any person may establish a redemption center upon approval of the Oregon Liquor Control Commission. Or. Rev. Stat. §459A.735(1).

Link to Statute: <http://landru.leg.state.or.us/ors/459a.html>

Link to Administrative Rules:

[http://arcweb.sos.state.or.us/rules/OARS\\_800/OAR\\_845/845\\_020.html](http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_020.html)

#### 10. California

- Every dealer must either allow for redemption of empty containers at all open cash registers in the dealer’s place of business or at a specified location on the dealer’s premises, or the dealer must post a conspicuous sign notifying customers of the name and address of the certified recycling center or location(s) nearest to the dealer, “which redeems all types of empty beverage containers at one location during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m. . . . .” Cal. Pub. Res. Code §14570.
- The Administrative Rules do not add any additional restrictions on recycling centers.

Link to Statute: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Act.pdf>

Link to Administrative Rules: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Regs.pdf>





# Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Thursday, February 7, 2008 3:30 pm

Conference Room 414

Support for SB 2841 Relating to the Deposit Beverage Container Program

Aloha. The Conservation Council for Hawai'i supports SB 2841, which requires large retail dealers to operate redemption centers. These bills will reduce the amount of solid waste, litter, and marine debris in our environment, and save countless birds, sea turtles, monk seals, and other wildlife that are harmed and killed by litter and marine debris each year. In addition, these bills will help decrease our use of oil and coal in the production and transport of beverage containers.

Anything we can do to recycle beverage containers – and reduce the use of one-time beverage containers to begin with – should be encouraged. Mahalo for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Laysan Albatross Favorites:

disposable cigarette lighters  
plastic tops from bottled water/soda  
just about anything else made of plastic



***Working Today for the Nature of Tomorrow!***

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www.conservehi.org](http://www.conservehi.org)

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

***Hawai'i Affiliate of the National Wildlife Federation***

President: *Julie Leialoha* \* Vice-President: *Nelson Ho* \* Secretary/Treasurer: *Kim Ramos* \* Directors: *Fred Kraus, Ph.D.* \* *Douglas Lamerson,*  
*George Robertson* \* *Claire Shimabukuro* \* *Helene Takemoto* \* *Mashuri Waite* \* Executive Director: *Marjorie Ziegler*



# Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Thursday, February 7, 2008 3:30 pm

Conference Room 414

## Support for SB 2885 Relating to Incandescent Light Bulbs

Aloha. The Conservation Council for Hawai'i supports SB 2885, which prohibits the sale of general service incandescent lamps in Hawai'i after December 31, 2008. This bill will help us reduce our carbon footprint and global warming. Many of us already enjoy the benefits of compact fluorescent bulbs in our homes and offices. Incandescent lighting is an outdated and inefficient technology. It's time to forward.

Mahalo for the opportunity to testify.

Sincerely,

Marjorie Ziegler



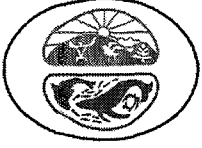
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# Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Energy and Environment  
Hearing: Thursday, February 7, 2008 3:30 pm  
Conference Room 414

Support for SB 2629 Relating to Health and SB 2001 Relating to Solid Waste

Aloha. The Conservation Council for Hawai'i supports the SB 2629 and SB 2001, which prohibit the use of polystyrene foam as takeout food containers and as a disposable service-ware product. There are already many alternatives to styrofoam, such as takeout food containers made of corn starch (sold by Styrofobia and others), reusable takeout food containers made of glass, metal, and other materials (supplied by the consumer/customer), and aluminum foil and paper doggie bags for restaurant leftovers.

These bills will help reduce the amount of solid waster, litter, and marine debris in our environment, and save countless birds, sea turtles, monk seals, and other wildlife that are harmed and killed by litter and marine debris each year.

In addition to banning styrofoam and finding alternatives, we should also discourage the use of disposable items to begin with, such as one-time use food containers, chopsticks, plastic eating utensils, shopping bags, beverage containers, disposable lighters, cameras, razors, and the like.

We should encourage the use of reusable lunch containers (such as metal bento boxes), reusable bags, refillable water bottles, reusable travel mugs, reusable utensils, and other reusable items.

Mahalo for the opportunity to testify.

Sincerely,

Marjorie Ziegler



***Working Today for the Nature of Tomorrow!***

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# Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Thursday, February 7, 2008 3:30 pm

Conference Room 414

Support for SB 2933 Relating to Household Energy Demand

Aloha. The Conservation Council for Hawai'i supports SB 2933 and the right to hang dry clothes for all its benefits, including energy conservation.

Mahalo for the opportunity to testify.

Sincerely,

Marjorie Ziegler



***Working Today for the Nature of Tomorrow!***

Telephone/Fax 808.593.0255 • email: [info@conservehi.org](mailto:info@conservehi.org) • web: [www.conservehi.org](http://www.conservehi.org)

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*George Robertson* \* *Claire Shimabukuro* \* *Helene Takemoto* \* *Mashuri Waite* \* Executive Director: *Marjorie Ziegler*

Senator Ron Menor, Chair  
Senator Gary Hooser, Vice Chair  
Committee on Energy & Environment  
State Capitol, Honolulu, Hawaii 96813



HEARING      Thursday, February 7, 2008  
                  3:30 pm  
                  Conference Room 414

**RE:    SB2841, Relating to the Deposit Beverage Container Program**

Chair Menor, Vice Chair Hooser, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing about 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH stands in opposition of SB2841.** Retailers should not be mandated to become garbage collectors. The Department of Health has developed some 75 pages of sanitation regulations [Administrative Rules governing Food Establishment Sanitation (Title 11, Section 12)] with which businesses that sell food products must comply.

Consumers expect and retailers must provide the highest level of sanitation where food products are sold. Collecting and storing redeemed containers inevitably attracts pests, including roaches, rats and ants. Preventing food contamination and controlling vermin infestation would require retailers utilize poisons and insecticides, which could pose health risks for our employees and our customers. Considering that most retailers are located in high density urban areas, these concerns must extend to neighboring residents.

Hawaii's retailers are not anti-environment. Hawaii's retailers currently recycle tons of waste: backhauling their shipping materials, recycling wooden pallets, and baling cardboard cartons for recycling. This translates to thousands of tons of trash that are NOT dumped into the landfill.

According to a press release from the Department of Health, the redemption rate "remains high at 68%." As curbside recycling programs expand to include other areas, it is highly likely that most of the unredeemed containers will be captured. RMH has consistently advocated for comprehensive curbside recycling, which also addresses many recyclable materials like newspapers and other metal, glass and plastic containers.

The members of the Retail Merchants of Hawaii respectfully request that you hold SB2841. Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in black ink, appearing to read 'Carol Regille', is written in a cursive style.

President

RETAIL MERCHANTS OF HAWAII  
1240 Ala Moana Boulevard, Suite 215  
Honolulu, HI 96814  
ph: 808-592-4200 / fax: 808-592-4202



**HAWAII FOOD INDUSTRY ASSOCIATION**

820 Mililani St., Suite 810, Honolulu, Hawaii 96813  
Phone (808) 533-1292 - Fax (808) 599-2606 - Email LISHawaii@aol.com



February 7, 2008

To: Committee on Energy & Environment  
Senator Ron Menor, Chair / Senator Gary L. Hooser, Vice Chair

By: Hawaii Food Industry Association  
Lauren Zirbel or Richard Botti

RE: SB 2841 RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

We oppose this measure, even though it will not cover most of our membership. The concern is that there is nothing to assure small stores that they would not be the next target.