

Testimony of Steven Y.K. Chang

Committee

On House Bill 1272, Relating to Electronic Waste Recycling Before the Senate Committees on Energy and Environment and Water and Land

April 2, 2009

Good Afternoon, my name is Steven Chang. I am the Program Manager of the Department of Health's Solid and Hazardous Waste Branch. My testimony today is my personal comments and does not reflect the position of the Department.

This measure makes key amendments to the electronic waste recycling act by deleting a comma in the definition of "covered electronic device" to clarify that the minimum screen size applies to a portable computer device.

It also deletes an exemption for manufacturers of specialized computers located in Hawaii. While this measure provides edits to correct the constitutional concerns with the paragraph, the exemption is still difficult to enforce and regulate as it attempts to link the manufacturing of computers to the sale of computers. I doubt that the department will be able to determine whether or not a manufacturer actually sells fewer than 100 devices annually in the state. Therefore, I recommend the definition of manufacturer be further amended to read:

...this paragraph shall not apply;
provided that the term "manufacturer" shall not include persons [~~located in the State~~] who manufacture [~~specialized~~] computers [~~and have and sales~~] of no more than one hundred computers per year."

I would further recommend that HRS 339D-1, subparagraph (2)(B) be amended:

"a covered electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in [~~an industrial, commercial, or medical setting, including~~] diagnostic, monitoring, or control equipment."

Manufacturers who sell to businesses are claiming that the electronic devices they sell are being used in a commercial setting and therefore their devices are exempt. A manufacturer claimed that their devices are sold to businesses that use them as part of a computer network that is connected by a server. I believe that the Legislature's intent

was to exclude devices used in process control systems at refineries and power plants and diagnostic medical equipment.

Additional Comments

If the Legislature intends to regulate televisions, it should include televisions under the definition of a covered electronic device to avoid potential conflicts in law and duplication of efforts. House Bill 1809 HD1 addresses television recycling and could efficiently be incorporated under chapter 339D.

The purpose of the law is to protect the environment and promote recycling of electronics, however, there are no recycling standards that manufacturers must adopt as part of their recycling program. The law currently states, "*The department shall review each manufacturer's plan, and within sixty days of receipt of the plan, shall determine whether the plan complies with this chapter. If the plan is approved, the department shall notify the manufacturer or group of manufacturers...*" Currently, the DOH does not have any standards/guidelines to approve or deny a manufacturer's plan. The law also does not specifically state the date when the manufacturer's plans must be implemented and fully operational.

In order to protect the environment and promote recycling of electronics, the legislature should amend the law to include additional manufacturer responsibilities, including:

- Manufacturers shall be responsible for ensuring that all parties involved in the collection, transportation, and recycling of electronic devices follow all federal, state, and local regulations and adopt environmentally sound recycling practices.
- Manufacturers are allowed to create their own recycling program or may collaborate with other manufacturers as long as the program is implemented and fully operational no later than January 1, 2010.

Manufacturers have asked if their recycling plans may include a fee. If fees are charged at the point of recycling, it will discourage people from participating in recycling and continue to dispose covered electronic devices into our landfills.

- The manufacturer's plan should cover the cost of the collection, transportation, and recycling of the electronics. If costs are passed on to consumers, it must be done without any fees at the time of the collection.

Thank you for the opportunity to testify on this measure.