

**SB 244**

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:

## SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

### S.B. 244, RELATING TO SOLID WASTE

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

February 5, 2009  
4:15 P.M.

1 **Department's Position:** The Department of Health (DOH) appreciates the intent of this measure but  
2 offers concerns about mandating this requirement on retail establishments and, given the current fiscal  
3 difficulties, suggests that it would not be prudent to pursue enactment at this time

4 **Fiscal Implications:** DOH estimates that the additional resources needed to plan, coordinate and  
5 implement this new regulatory program would total approximately \$150,000, including 1.5 FTEs.

6 **Purpose and Justification:** This bill would require retail establishments to give consumers a refund or  
7 credit for complimentary plastic bags that the consumer elects not to use for goods or products  
8 purchased.

9 Specifically, by January 1, 2011, the bill would require all retail establishments that offer goods  
10 or other tangible products for sale shall provide consumers a refund or store credit equal to not less than  
11 5-cents per plastic shopping bag, if the consumer purchases goods and chooses not to use a plastic  
12 shopping bag offered by the retail establishment. The bill allows exemptions for:

- 13 1. Shopping bags produced entirely from non-petroleum based biodegradable plastic; and
- 14 2. Additional exemptions established by DOH according to Chapter 91.

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1 DOH generally supports the reduction of solid waste, litter, and of the use of petroleum  
2 resources. State policy already sets source reduction and recycling as the top two priorities for solid  
3 waste management (HRS §342G-2(b)). We favor reducing plastic pollution because of its effect on our  
4 natural environment. DOH suggests that the effectiveness of private retail industry initiatives should be  
5 first considered and evaluated. DOH suggests that some measure of effectiveness be set in order to  
6 gauge success, which could be a target that progresses over time.

7 Further, this measure creates a new DOH regulatory program and would presume some  
8 application of administrative fines and penalties to ensure program compliance. Adequate funding and  
9 resources will be required to enforce compliance. However, we oppose funding that adversely affects  
10 priorities in the current executive budget.

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

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## HAWAII FOOD INDUSTRY ASSOCIATION

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February 5, 2009

To: Senate Committee on Energy and environment  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

By: Richard C. Botti, President  
Lauren Zirbel, government Relations

Re: SB 584 RELATING TO SOLID WASTE  
SB 245 RELATING TO RECYCLING  
SB 244 RELATING TO SOLID WASTE

### Chairs & Committee Members:

We are taking the liberty to combine our testimony because we believe that efforts to resolve the issues that these bills are aimed at is with a combination of each of the bills. We believe the concerns are as follows:

- Protect the environment;
- Control cost;
- Conserving energy;
- Provide efficiency; and
- Modify consumer habits to reduce, reuse, and recycle.

If this is the case, then we must say that there is always more than one way to address a challenge. While the legislature may not always agree with the business approach, please realize that the business approach must take into consideration that all costs will be passed on to the consumer in higher prices. With that said, this is our suggestion on how to address the challenge:

SB 584 Solid Waste—Amend the bill to prohibit plastic shopping bags unless they are made of biodegradable plastic, and allow a three year phase in period. The definition of “biodegradable plastic” would be the same as defined in SB 584. Please note that plastic bags are not made of petroleum, but natural gas.

Justification: New technology allows additives to be included in the manufacturing of plastic bags that will accomplish the goal of producing a product that will meet the definition of “biodegradable plastic” with a minimal increase in cost. This technology is relatively new, and is still in the debugging phase, but we believe improvement will continue, and prices will be more competitive.

SB 245 Recycling—Requires At-Store plastic bag recycling. This program is already in place for many Hawaii retailers, and is helping to reduce the total usage of plastic bags. The issue here is that we may be better off to collect all types of plastic, and utilize it as an energy source, since its BTU (British Thermal Units) are about equal to that of crude oil per pound. If we are looking at sustainability, we should not be paying to ship any plastic back to the Mainland or China, we should be using it to reduce our use of imported fuel oil.

While recycling of plastic may not be the best long term solution to our situation, it should be acceptable as an interim solution until a total transition to biodegradable bags is met.

Justification: Plastic is simply the most efficient, cost effective, energy efficient bag that is available when compared with paper or compostable bags as an alternative. If paper is the only option, consumers will be paying the bill since they cost anywhere from 100% to 300% more to produce, ship, and inventory. Compostable bags have problems, and we were advised that they have to be stored under refrigeration. They also contaminate the recycling of plastic if comingled.

SB 244 Solid Waste—Pay the customer for not using a plastic bag—

While some stores are already doing this, it should be an option rather than a mandate. The cost of a plastic bag is approximately three cents. The cost of a paper bag is approximately five to ten cents. The cost of a biodegradable plastic bag will be somewhere in the middle.

A concern we have with this mandate is that there is no means of auditing the situation where money is refunded to the customer without an audit trail. If however the bill was reworded requiring retailers to charge for bags used, an audit trail could be created by having the bags printed with bar codes. This may accomplish the same goal, and would provide a means of tracking usage.

What we propose:

- Allow industry to phase in biodegradable bags that will degrade, can be recycled, or can be used as fuel.
- Continue efforts to reduce bag usage by encouraging customers to bring in their own bags.
- Require stores of a certain minimum square footage in total space to accept plastic bags for recycling until the transition to biodegradable inventory replaces non-biodegradable inventory.
- Require retailers to charge for the cost of bags provided by the store to customers that do not bring in their own bags. Because the cost of a bag may be more than five cents, there should not be a cap on what the store can charge, so long as there is evidence of their costs. If a retailer starts overcharging, they will lose the customer.



Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Committee on Energy and Environment  
State Capitol, Honolulu, HI 96813

HEARING      Thursday, February 5, 2009  
                    4:15 pm  
                    Conference Room 225

RE:      **SB 244, Relating to Solid Waste**

Chair Gabbard, Vice Chair English and Committee Members

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

**RMH opposes SB244**, which requires retailers to give consumers a refund or credit for complimentary plastic bags that the consumer elects not to use.

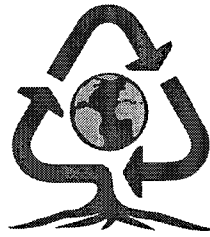
Hawaii's retailers unquestionably encourage the broadest use of reusable tote bags as the ultimate alternative to plastic bags, and have been proactive in providing these for our customers. Many retailers already credit consumers from 3 to 5 cents per reusable bag used at checkout.

Hawaii's businesses do not need another mandate with which they must comply. Considering the highly competitive nature of the retail industry, and the already high costs of doing business in Hawaii, refunds or credits must be implemented at the discretion and capability of the retailer.

We urge you to hold SB244. Thank you for your consideration and for the opportunity to comment on this measure.

President

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## SENATE COMMITTEE ON ENERGY & ENVIRONMENT

Thursday, February 5, 2009 - 4:15 P.M. – State Capitol Room 225

### Re: Strong support for SB 584, SB244 & SB245

Aloha Chair Gabbard, Vice Chair Hooser and Members of the Committee:

We are writing in support of the intent of SB584, SB244 and SB245 addressing the overwhelming concerns facing the islands waste stream and the staggering statistics of discarded plastic bags linked to the health of our islands ecosystems.

As we often experience, strong winds blow plastic bags across the parks and into the ocean, like toxic tumbleweeds. These bags end up many times in the ocean, harming marine life, including fish, turtles, and seabirds – either by choking, or by the plastic remains blocking digestion.

There are better alternatives than ever including inexpensive reuseable cloth bags and disposable biodegradable bags. The cost of these bags may be more at the checkout for consumers, but the cost is lower over the months they are used and reused. The cost is even lower, considering the State, City and County workers tasked with collecting and disposing of the bags that don't make it to the ocean. These then end up in landfills across the state, taking hundreds of years to degrade into toxic leachate, which is then pumped through out wastewater plants, into the ocean.

We encourage further discussion of the following questions:

1. Why do we need, and why will it hurt industry to remove disposable plastic bags from the checkout? Is there any reason we need the plastic bags? Is minor convenience an acceptable excuse for island pollution? Reusable bags are selling for 99cents now – affordable and sustainable.
2. Where have all the plastic bags gone that were returned to stores in 2008? Were they shipped to a recycler or sent to landfill on all outer-islands, or burned for landfill ash at HPower? If they were shipped off-island for recycling, are there traceable records? What was the eco-footprint of the transportation and recycling

Other countries have chosen to address and solve the plastic bag problem. Below are just a few examples of how other countries are ahead of the U.S. in taking responsible action:

#### **Bangladesh:**

Plastic shopping bags are banned in Bangladesh, where they are thought to **cause flooding by clogging drains**. Polythene plastic bags have been banned completely - the government is promoting bags made of jute, a natural fiber.

#### **Kenya:**

Wangari Mathaai, the assistant environment minister in Kenya and 2004 Nobel Peace Prize winner, has also **linked plastic bag litter with malaria**. The bags, when discarded, pool rainwater, offering ideal and new breeding grounds for the malaria-carrying mosquitoes.

#### **Ireland:**

Individual consumers are required to pay a 15¢ tax per plastic bag - this has resulted in an estimated **90% reduction** in plastic bag use in the first year.

#### **Zanzibar**

The island of Zanzibar banned the import and use of plastic shopping bags in November, 2006. People who litter used bags are responsible for a significant problem, and government officials enacted the ban to protect tourism, an economic mainstay for the island.

**The European Union:**

Member countries require manufacturers/producers of plastic bags and other plastic waste to take them back and recycle them.

Please stop this toxic cycle and offer a healthy, sustainable alternative. San Francisco has shown us it can be done. Hawaii has the opportunity and responsibility to be a global leader in sustainability. Thank you for hearing these measures and providing further opportunity for public discussion on this issue.

Mahalo nui,  
Krista Ruchaber  
Styrophobia LLC  
808.741.0112



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**From:** scoleman34@aol.com  
**Sent:** Wednesday, February 04, 2009 3:10 PM  
**To:** ENETestimony  
**Subject:** SB584, SB245 & SB244 testimony Feb. 5, 2009 @ 4.15pm

**SENATE COMMITTEE ON ENERGY & ENVIRONMENT**  
Thursday, February 5, 2009 - 4:15 P.M. – State Capitol Room 225

**Re: Strong support for SB 584, SB 245 & SB 244 – RELATING TO SOLID WASTE**

Aloha Chair Gabbard, Vice Chair Hooser and Members of the Committee:

My name is Stuart Coleman, and I'm the new Hawaii Regional Coordinator for the Surfrider Foundation, an environmental non-profit with more than 1500 dues-paying members in Hawaii and more than 50,000 nationwide. I am writing in strong support of SB584, SB244 and SB245 (Relating to Solid Waste), all of which propose to limit and eventually ban the use of plastic bags in the State of Hawaii and reduce the amount of single-use plastics in our landfills, waterways and oceans.

Numerous cities across the United States, as well as several Countries around the world have acknowledged the problems posed by plastic bags. Here in Hawaii, plastic bags contribute not only to unsightly litter but also pose a significant threat to Hawaii's ecosystems. Single-use plastics are a leading cause in the deaths of hundreds of thousands of sea birds, fish and sea creatures each year.

Looking at the numbers below, it's clear why we need fundamental change in our consumer behavior but also the need to address the solid waste crisis presently perplexing the State:

- **1000** – years for a plastic bag to decompose
- **1460** – plastic bags used in a year by an average family of four in the U.S.
- **12,000,000** (12 million) – barrels of oil used annually to satisfy U.S. plastic bag demand
- **Less than 1** percent of all plastic bags in the U.S. get recycled each year.
- **85,500,000,000 (85.5 billion)** plastic bags thrown out in the U.S. each year.
- **500,000,000,000 (500 billion)** plastic bags sold worldwide each year.

There are three separate plastic bag bills before this Committee. While certain provisions are preferable to others, it is absolutely critical that we continue this discussion and attempt to address the critical issues at stake for our environment and economy when it comes to the ubiquitous plastic bag. I urge this Committee to move SB584, SB244 & SB245 forward to allow this important debate to continue.

Thank you for this opportunity to provide testimony.

Sincerely,

Stuart H. Coleman  
Hawaii Regional Coordinator  
Surfrider Foundation

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# Sierra Club Hawai'i Chapter

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## SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

February 5, 2009, 4:15 P.M.

*(Testimony is 1 page long)*

### TESTIMONY IN OPPOSITION TO SB 244

Chair Gabbard and members of the Committee:

The Sierra Club, Hawai'i Chapter, supports the intent of SB 584, providing a refund or store credit for consumers who do not use plastic bags, but does not believe this concept sufficiently addresses our solid waste problems. Several stores already offer a small credit to customers who bring in their own bags, with no noticeable difference in the rate of consumption (and waste) of the plastic bags.

Accordingly, the Sierra Club would suggest focusing attention on REAL SOLUTIONS, like the choice to remove plastic bags entirely from our waste stream as suggested in SB 245 or SB 584.

Thank you for this opportunity to provide testimony.

# PLEASE PASS THIS BILL!

## SB 244

**REFUND: FOR NOT USING PLASTIC SHOPPING BAGS IN HAWAII**

**Thursday, February 05, 2009**

**4:15PM**

**State Capitol, Rm. 225**

**Energy and Environment Committee (ENE)**

Chair: Sen. Gabbard, Vice Chair: Sen. English

**Commerce and Consumer Protection Committee (CPN)**

Chair: Sen. Baker, Vice Chair: Sen. Ige

Dear Senators:

As a concerned citizen of the Aloha State, I am testifying in **SUPPORT** of **SB244**: *the REFUND/STORE CREDIT for those who bring their own reusable bags instead of the plastic ones offered by stores/suppermarkets.*

Some stores on Oahu are already doing this: Safeway, Down to Earth, and Whole Foods to name a few. It is a **logical and great way to gently help consumers make the transition from plastic to reusable bags**. So please pass this bill and make it mandatory for all stores to do the same.

Mahalo nui,

**Anjie Pham**

1515 Nuuanu Avenue

Honolulu, HI 96817