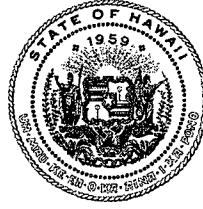
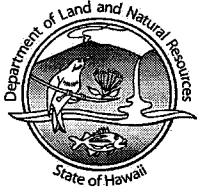


**SCR 171**

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
ENERGY AND ENVIRONMENT**

**Thursday, April 2, 2009  
3:15 PM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 171/SENATE RESOLUTION 117  
URGING THE STATE OF HAWAII TO RECOGNIZE THE THIRD SATURDAY OF  
EVERY APRIL AS "HAWAIIAN MONK SEAL DAY" AND TO COORDINATE THE  
IMPLEMENTATION OF THE RECOVERY PLAN FOR THE HAWAIIAN MONK  
SEAL WITH THE FEDERAL AND COUNTY GOVERNMENTS**

Senate Concurrent Resolution 171/Senate Resolution 117 urges the recognition of the third Saturday in April of each year as "Hawaiian Monk Seal Day." The Department of Land and Natural Resources (Department) supports these resolutions as the Department believes it is fully consistent with our goal of fostering community-based conservation of Hawaiian Monk Seals and other indigenous wildlife species.

The Department works closely with the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service and National Marine Sanctuary Program, and numerous conservation organizations and community groups to promote the protection and recovery of our critically endangered Hawaiian Monk Seals. For example, with funding from NOAA, Department staff on Kau'ai manages a network of over 50 volunteers who set up "seal protection zones" around seals "hauled-out" on shore. These roped-off areas help ensure the protection of the seals and the safety of beach goers. Our Kau'ai seal response network typically conducts more than 400 such responses every year. Department staff also manages a similar NOAA-funded seal response network on Hawai'i Island. In addition, Department staff across the State, coordinates rescue responses for injured or entangled seals, and conduct a wide variety of research, education and outreach activities devoted to monk seal conservation.

The Department believes designating a state Hawaiian Monk Seal Day would help raise public awareness of the plight of the seal and bolster public support for seal conservation efforts. The Department looks forward to working with the Legislature and all concerned parties toward the continued protection of Hawaiian Monk Seals and their ultimate recovery from endangered species status.

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



# Marine Conservation Biology Institute

---

William Chandler, Vice President of Government Affairs

April 2, 2009

The Honorable Mike Gabbard  
Chair, Senate Energy and Environment Committee  
Hawaii State Legislature  
Honolulu, Hawaii

Dear Chairman Gabbard,

Marine Conservation Biology Institute is a national, nonprofit conservation organization with offices in Washington, Hawaii, California and Washington, DC. Our mission is to preserve marine biodiversity. Currently, we have two projects in Hawaii: (1) protecting and restoring the Northwestern Hawaiian Islands, and (2) restoring the Hawaiian monk seal to ecological health throughout the state.

A more vigorous federal recovery effort for the highly endangered monk seal is now underway with the unanimous support of Hawaii's congressional delegation. I urge you to establish a monk seal day in Hawaii as a symbol of the need to preserve this special and rare animal---the world's only coral ecosystem seal. The Hawaiian monk seal is an asset for the state culturally, economically and ecologically. Proclaiming an annual monk seal day will be a powerful symbol of the state's commitment to protecting and maintaining its cultural and natural heritage.

I respectfully request your committee to move **SCR171/SR117** towards enactment.

Sincerely,

William Chandler  
Vice President for Government Affairs



## Marine Conservation Biology Institute

---

April 2, 2009 Capitol Room 225 3:15 p.m.

To: Chairman Mike Gabbard

Senate Energy and Environment Committee and ENE Committee Members State

From: Keiko Bonk, Marine Conservation Biology Institute (MCBI) Hawaii Director

**Subject: Support for SCR171/SR117 to establish a Monk Seal Day in April**

Dear Chairman Gabbard & Senators of the Energy & Environment Committee:

Aloha and thank you very much for your consideration of SCR171/SR117 to establish the third Saturday in April as Monk Seal Day to build public awareness for the plight of the Hawaiian Monk Seal. I work for the Marine Conservation Biology Institute (MCBI), a non-government organization (NGO) working to protect oceans. MCBI wholeheartedly supports this initiative to establish a day dedicated to outreach and education for Hawaii's beloved *Ilio-holo-ikauaua*, the critically endangered monk seal, and America's most endangered endemic marine mammal. We also appreciate the resolution's acknowledgement of the many volunteer residents throughout Hawaii State who assist in the April Seal Count that is coordinated by the National Oceanic and Atmospheric Administration (NOAA).

I have attached a seal fact sheet and the story of the decline and recovery of the monk seals in Hawaii. I hope these information sheets will assist you in understanding the complex challenges facing the federal and state response and recovery teams, as they work to revive the population of this unique species.

There are less than 1200 monk seals left in our Hawaiian archipelago. The Northwestern Hawaiian Islands (NWHI) is home to most of this small seal population. These northern islands seals are rapidly declining at the rate of 4.2% a year. Many of the threats in the NWHI are difficult to resolve. For example, climate change is causing sea level rise at French Frigate Shoals. This sea rise has disturbed crucial seal pupping grounds. Other threats to our monk seal include shark predation, male aggression, limited food supplies and disease.

In contrast to the NWHI, the Main Hawaiian Islands (MHI) monk seals seem to be slightly increasing. This increase in population is encouraging, but we need your help to inform people of the appropriate actions to take when encountering a critically endangered monk seal. Hawaii's leaders like you can play an important educational role in the seal recovery process. I hope all of you will all become informed advocates to protect these animals and develop the state policies needed to adhere to the Endangered Species Act and all Marine Mammal laws.



## Marine Conservation Biology Institute

---

The more informed our residents become, the easier it will be to inform our visitors. Many concerned people in Hawaii are developing a deeper understanding of this unique Hawaiian mammal and its struggle to survive. Thank you very much for your consideration of this resolution.

Aloha,

Keiko Bonk

# Hawaiian Monk Seal Facts

The Most Endangered Endemic Marine Mammal in the United States

**Ilio-holo-ikauaua** (*ee-lee-o holo ee ka ooa-ooa*) meaning 'the dog that runs in rough waters'



The endemic Hawaiian monk seal has thrived for the past 13 million years, virtually unchanged, in the oceanic waters and coral reefs and atolls of the Hawaiian Islands. They have been around much longer than even some of the islands themselves, the Big Island of Hawaii being less than 1 million years old. Hawaiian monk seals are only found in the Hawaiian Islands, and are a very important piece of Hawaii's natural and cultural history. They are the only tropical seal in the world, and the only marine mammal found entirely within US waters.

Today, the Hawaiian monk seal is critically endangered and headed toward extinction. Hawaiian monk seals are the most endangered mammal in Hawaii, the most endangered marine mammal that occurs solely within the United States, and one of the most endangered mammals in the world.

Over the past 50 years, the Hawaiian monk seal population has fallen more than 60%.

Fewer than 1200 Hawaiian monk seals remain in the wild. Compared to other endangered species, there are fewer Hawaiian monk seals in the wild than there are giant pandas. Tragically, the Hawaiian monk seal is perhaps the last hope for monk seals on the planet, as the Caribbean monk seal went extinct in the 1950's and there are only a few hundred Mediterranean monk seals left in the wild.

## Quick Facts:

**Scientific Name:** *Monachus schauinslandi*

**Hawaiian name:** Ilio-holo-ikauaua

**Status:** Critically endangered

**Population:** Less than 1200

**Class:** Mammals - Pinnipeds

**Range:** Hawaiian Islands

**Size:** Up to 7ft and 400 pounds

**Lifespan:** 25-30 years

**Diet:** Fish and invertebrates



Marine Conservation Biology Institute  
Washington • California • DC • Hawaii • [www.mcbi.org](http://www.mcbi.org)



# Hawaiian Monk Seal Habitat & Social Behavior

---

## Where They Live

Most Hawaiian monk seals can be found around the Northwest Hawaiian Islands in the Papahānaumokuākea Marine National Monument, but seals are also found on the main Hawaiian Islands. The population in the NWHI is falling rapidly due factors including decades of overfishing, habitat loss, predation, and entanglement in marine debris. In contrast to the rapidly declining monk seal populations in the NWHI, the few seals on the main islands are doing well. A small, but growing number, perhaps 100-150, now live in the main Hawaiian Islands.

## How They Behave

Monk seals get their name both from the soft folds of fur around their neck that resemble a monk's cowl and for being solitary creatures, like monks. They are unusual for seals in that they do not live in large groups. Monk seals generally stay well away from other seals and humans, and can become aggressive when they get too close or feel threatened. Monk seals, especially pregnant or nursing mothers, appear to be greatly agitated when they are disturbed by humans, so much so that they may abandon their pups. So if you see a Hawaiian monk seal, remember to keep your distance.

## How They Feed

Hawaiian monk seals spend the vast majority of their lives at sea, but do come to shore to give birth, molt, and to find shelter in large storms. They feed on the coral reefs and sandy bottoms of the waters surrounding the Hawaiian islands. Hawaiian monk seals eat fish and invertebrates, including reef fish, flatfish, eels, octopus, and lobsters. Monk seals dive deep for their food, often to depths of 250-300ft, and sometimes deeper than 500ft, and dives can last for up to 20 minutes. They mature at 5-10 years of age and can live for 25-30 years, although many new seal pups fail to reach adulthood. New pups are dying quickly and there are few healthy juvenile seals ready to take the place of the aging breeding adults.



## How They Nurture

Monk seal mothers invest a great deal in their young, coming ashore to give birth and nurse. They will remain with their young constantly for the first 5-6 weeks of their life and may lose hundreds of pounds. The process of rearing a pup is very challenging, and most females are not able to reproduce every year. Rearing a pup becomes even harder when less food and resources are available to the seals, as is the case today.

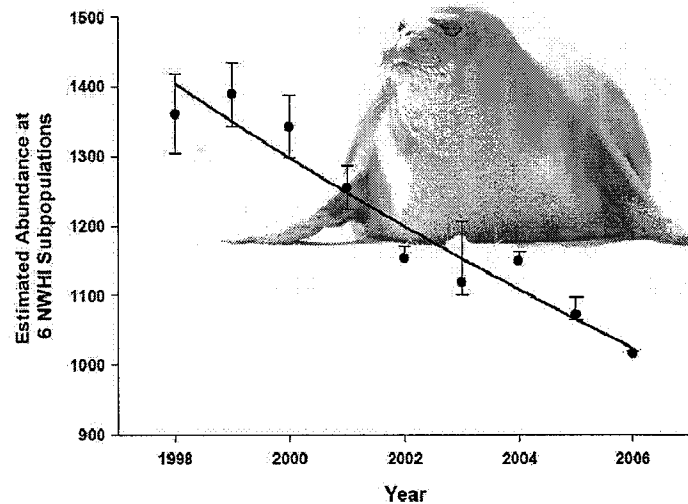
## Save Our Seals

Marine Conservation Biology Institute - Hawaii  
Keiko Bonk • 1111 14<sup>th</sup> Ave. Honolulu HI 96816 • (808) 938-6888

# The Decline & Recovery of the Hawaiian Monk Seal

The Most Endangered Endemic Marine Mammal in the United States

Hawaiian monk seals are the most endangered endemic marine mammal in the USA, and one of the most endangered marine mammals in the world. Over the last 50 years, the Hawaiian monk seal population has declined by more than 60% and is now at its lowest level in recorded history, less than 1,200 individuals. Since 1998 the total number of Hawaiian monk seals declined at an average annual rate of 4.1%. At this current rate of decline, the population size will slip below 1,000 animals in the next few years. This is a pivotal point, from which they may not recover. With public support and effective state management, we will be able to turn this situation around.



*Decline in estimated abundance of Hawaiian monk seals at the six main NWHI colonies since 1998.*

These human and environmental factors have contributed to the decline:

- Overfishing
- Habitat loss
- Shark predation
- Entanglement
- Human disturbance
- Food availability
- Harassment by male seals
- Deaths of pups
- Aging population
- Harmful algal blooms
- Climate change



Marine Conservation Biology Institute  
Washington • California • DC • Hawaii • [www.mcbi.org](http://www.mcbi.org)





# Steps towards Seal Recovery

---

## Hawaiian Monk Seal Protection

Hawaiian monk seals are protected by the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), which listed the Hawaiian monk seal as endangered in 1976. For more information on the ESA visit: [www.nmfs.noaa.gov/pr/laws/esa](http://www.nmfs.noaa.gov/pr/laws/esa). These acts aim to protect the species and the ecosystems upon which they depend. Harming, harassing, taking, or killing animals protected by these laws is strictly prohibited, and offenders can be fined as much as \$50,000. These laws also demand that governmental agencies do what they can do help these species recover and prevent them from going extinct.



## Hawaiian Monk Seal Recovery

A monk seal recovery team was established by the National Oceanic and Atmospheric Administration (NOAA) in 1983 to coordinate research and management activities for the seal's recovery. The Hawaiian monk seal recovery team (HMSRT) released a new recovery plan in August, 2007. The recovery plan can be found at: [www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf](http://www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf). The recovery plan identifies actions that collectively could stabilize and eventually recover the species, including:



- Improving female survival
- Reducing shark predation
- Captive care for injured or malnourished seals
- Removal of hazardous debris

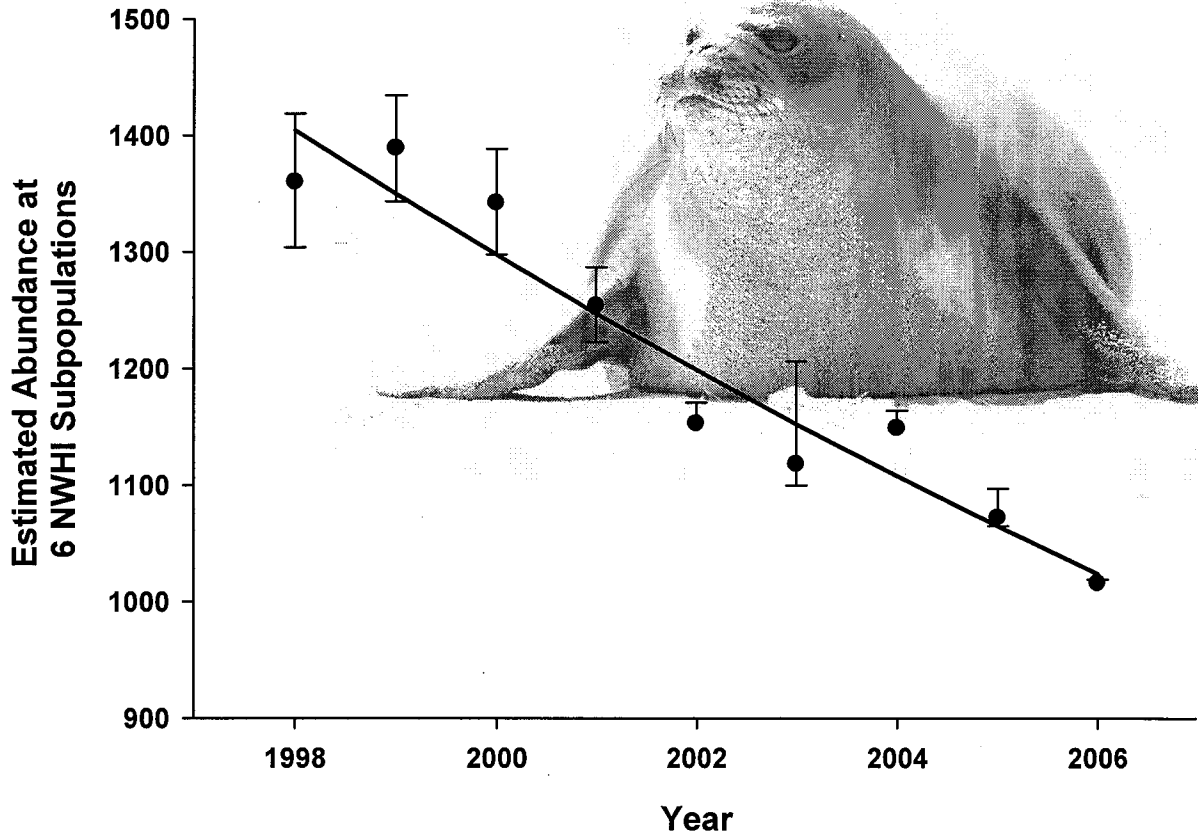
It's essential to move forward with Hawaiian monk seal recovery now. Every year we wait brings the Hawaiian monk seals closer to extinction. Survival rates of monk seal pups have dropped from 80-90% in the 1970s to lower than 15% today. As the older breeding females begin to pass away, there are fewer younger animals maturing, which could lead to a catastrophic collapse of the entire population. Unless major actions are taken toward recovery in the next 5 or 10 years, the population of Hawaiian monk seals will continue to decline. Hawaiian monk seals need our help now. With adequate public and private support and effective state and federal management we will be able turn this situation around.

## Save Our Seals

Marine Conservation Biology Institute - Hawaii  
Keiko Bonk • 1111 14<sup>th</sup> Ave. Honolulu HI 96816 • (808) 938-6888

# RECOVERY PLAN FOR THE HAWAIIAN MONK SEAL (*Monachus schauinslandi*)

REVISION

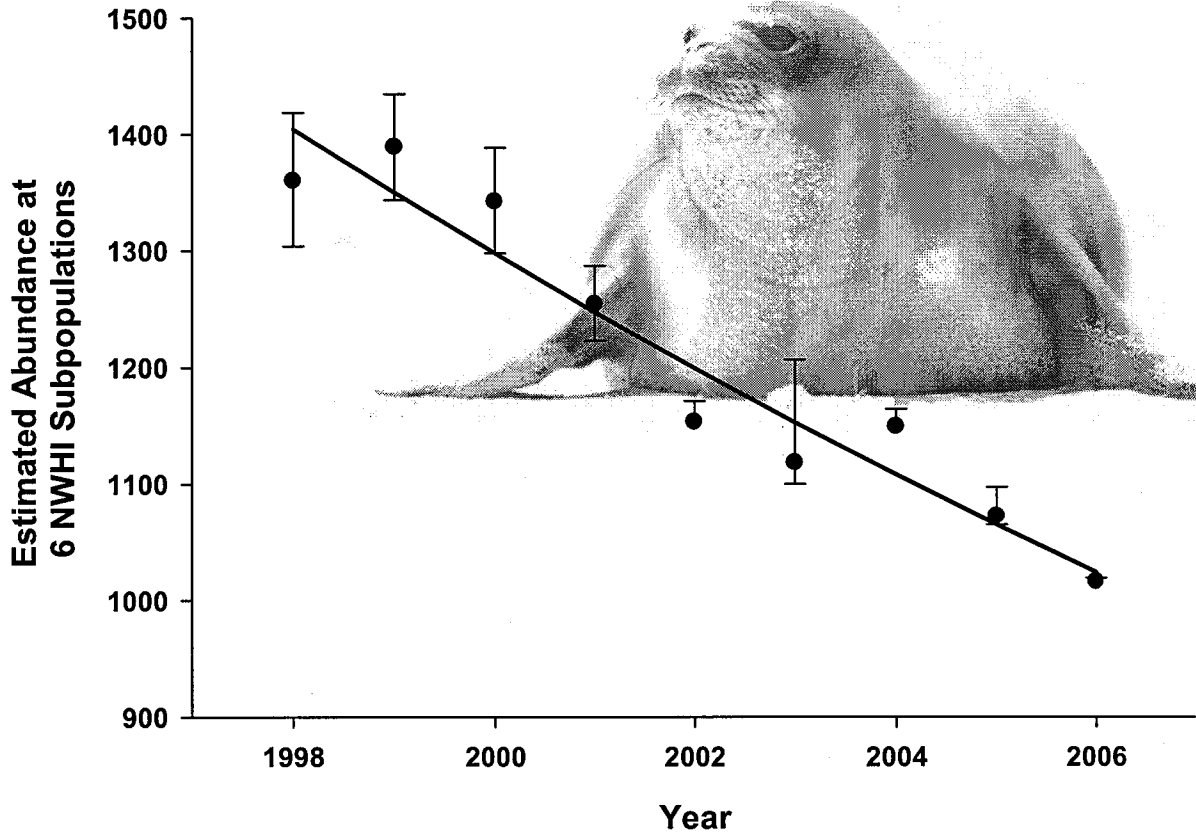


National Marine Fisheries Service  
National Oceanic and Atmospheric Administration

August 2007

# RECOVERY PLAN FOR THE HAWAIIAN MONK SEAL (*Monachus schauinslandi*)

REVISION



National Marine Fisheries Service  
National Oceanic and Atmospheric Administration

August 2007

**RECOVERY PLAN FOR THE HAWAIIAN MONK SEAL**  
*(Monachus schauinslandi)*

REVISION

Original Version: March 1983

Prepared by

National Marine Fisheries Service  
National Oceanic and Atmospheric Administration

Approved: *William T. Hogarth*

William T. Hogarth, Ph.D.  
Assistant Administrator for Fisheries  
National Oceanic and Atmospheric Administration

Date August 22, 2007

## EXECUTIVE SUMMARY

The Hawaiian monk seal (*Monachus schauinslandi*) is in crisis: the population is in a decline that has lasted 20 years and only around 1200 monk seals remain. Modeling predicts the species' population will fall below 1000 animals in the next five years. Like the extinct Caribbean monk seal and the critically endangered Mediterranean monk seal, the Hawaiian monk seal is headed to extinction if urgent action is not taken. Implementation of this plan, adequate resources, and improved coordination and cooperation provide hope that the species decline can be reversed.

For more than two decades, great effort has been made to manage, study, and recover the Hawaiian monk seal. However, actions to date have not been sufficient to result in a recovering population. The species status would undoubtedly have been worse but for these actions. Nonetheless, significant threats face this species:

- Very low survival of juveniles and sub-adults due to starvation (believed to be principally related to food limitation) has persisted for many years across much of the population
- Entanglement of seals in marine debris has and continues to result in significant levels of seal mortality
- Predation of juvenile seals by Galapagos sharks has significantly increased
- Human interactions in the Main Hawaiian Islands (MHI) including recreational fishery interactions, mother-pup disturbance on popular beaches, and exposure to disease
- Hawaiian monk seal haul-out and pupping beaches are being lost to erosion in the Northwest Hawaiian Islands (NWHI), and monk seal prey resources in the NWHI may have been reduced as a result of climate cycles and other factors
- Potential disease outbreaks could have a devastating effect due to small population size and limited geographic range

Due to low juvenile survival and an aging, breeding female population, there will not be sufficient replacement of breeding females, and birth rates subsequently will decline. This underscores the irony of past and current efforts to reduce these threats in that initial success may only slow a process of decline and even more actions will be required to reverse the decline and prevent the extinction of this species. Recovery of the Hawaiian monk seal depends upon a range of comprehensive actions detailed in this Recovery Plan, as well as the full participation and support of all federal, state and private stakeholders. These actions should be pursued aggressively to prevent the extinction of this species, and funding decisions should give highest priority to actions that will contribute directly to mitigating impacts and sources of mortality that reduce survival rates of Hawaiian monk seals, particularly females and juveniles.

In order to preserve the future reproductive potential for recovery, one of the highest priorities being pursued by NMFS is the development of a captive care program to nutritionally supplement juvenile female seals. The goal of the program will be to increase the survival of female seals during the critical juvenile life stages that are now experiencing low survival. This will likely be a combined effort of NMFS and animal care organizations. A workshop on the development of a 10-year captive care plan was held in June 2007. Without such efforts, the loss of young females will significantly decrease the recovery potential of the species, as there will not be enough females in the population.

**CURRENT SPECIES STATUS:** The Hawaiian monk seal was listed as an endangered species pursuant to the Endangered Species Act (ESA) on November 23, 1976 (41 FR 51611) and remains listed as endangered. The species has a recovery priority number of one, based on the high magnitude of threats, the high recovery potential, and the potential for economic conflicts while implementing recovery actions. Based on recent counts, the current population is approximately 1200 individuals. Since the publication of the last Recovery Plan for Hawaiian monk seals over two decades ago (Gilmartin, 1983), much has been done to reduce the impact of many of the most direct, and obvious, causes of decline. Nonetheless, the present total population of the species is small and declining. The population is already so small as to be in the range where there is concern about long-term maintenance of genetic diversity.

**HABITAT REQUIREMENTS AND LIMITING FACTORS:** The Hawaiian monk seal has the distinction of being the only endangered marine mammal whose entire species range – historical and current – lies within the United States (however the species has been sighted outside the U.S. Exclusive Economic Zone). The majority of the population of monk seals now lies in the NWHI with six main breeding sub-populations. The species is also found in lower numbers in MHI where the population size and range both appear to be expanding. The main terrestrial habitat requirements include: haul-out areas for pupping, nursing, molting, and resting. These are primarily sandy beaches, but virtually all substrates are used at various islands.

Monk seals also spend nearly two-thirds of their time in marine habitat. Monk seals are primarily benthic foragers (Goodman-Lowe 1998 et al.), and will search for food in a broad depth range up to 500 m and over different substrates (Parrish et al., 2000, 2002, in review). The food available in their marine habitat seems to be a limiting factor to population growth in the NWHI, with the greatest impact of food limitation being on the survival of juvenile and yearling seals, age of sexual maturity, and fecundity.

**RECOVERY GOAL:** The goal of this revised recovery plan is to assure the long-term viability of the Hawaiian monk seal in the wild, allowing initially for reclassification to threatened status and, ultimately, removal from the List of Endangered and Threatened Wildlife.

**RECOVERY STRATEGY:** While recommendations within this report are many and detailed, there are four key actions required to alter the trajectory of the Hawaiian monk seal population and to move the species towards recovery:

1. Improve the survivorship of females, particularly juveniles, in sub-populations of the NWHI. To do this requires the following:
  - maintaining and enhancing existing protection and conservation of habitat and prey base;
  - targeting research to better understand the factors that result in poor juvenile survival;
  - intervening where appropriate to ensure higher survival of juvenile and adult females;
  - continuing actions to protect females from individual and multiple male aggression and to prevent excessive shark predation; and

- continuing actions to remove marine debris and reduce mortality of seals due to entanglement.
- 2. Maintain the extensive field presence during the breeding season in the NWHI. Field presence is critical not just to the monitoring and research efforts, but also to carry out the active management and conservation of Hawaiian monk seal sub-populations in these areas.
- 3. Ensure the continued natural growth of the Hawaiian monk seal in the MHI by reducing threats including interactions with recreational fisheries, disturbance of mother-pup pairs, disturbance of hauled out seals, and exposure to human and domestic animal diseases. This should be accomplished with coordination of all federal, state, local and non-government parties, volunteer networks, and increased outreach and education in order to develop a culture of co-existence between humans and seals in the MHI.
- 4. Reduce the probability of the introduction of infectious diseases into the Hawaiian monk seal population.

RECOVERY CRITERIA: The population will be considered for a reclassification as “threatened” if all the following three conditions are met:

**Downlisting Criteria:**

1. aggregate numbers exceed 2,900 total individuals in the NWHI
2. at least 5 of the 6 main sub-population in the NWHI are above 100 individuals and the MHI population is above 500
3. survivorship of females in each subpopulation in the NWHI and in the MHI is high enough that, in conjunction with the birth rates in each subpopulation, the calculated population growth rate for each subpopulation is not negative.

**Threats-based Criteria:**

**Factor A. Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range**

Criteria: Measures are in place to manage human factors affecting food limitations, habitat loss and contaminants in the NWHIs. Management measures are also in place to

- a) minimize human disturbance of monk seals that haul-out on beaches in the MHI, and
- b) protect major monk seal haul-out habitat in the MHI.

**Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes**

Criteria:

1. Procedures, including data collection and analyses, are in place to evaluate and ensure that scientific research on Hawaiian monk seals, including their

- observation, handling, and instrumentation, will not cause significant adverse impacts on monk seal survival, behavior, or population growth.
2. Procedures are in place to ensure that any proposed NWHI operations that may increase seal disturbance or threaten survival will be reviewed and carefully scrutinized, and that all applicable laws protecting monk seals and their habitat have been used and enforced.
  3. Management and permitting measures are in place to ensure that people, including scientists and research teams, visiting the Midway Islands or any other atoll in NWHI do not disturb monk seals or restrict their haul-out habitat in ways that could adversely affect monk seal survival, behavior, or population growth.

#### **Factor C. Disease or Predation**

##### Criteria:

1. Credible measures for minimizing the probability of introduction of diseases to any of the NWHI subpopulations, or the spread of diseases from the MHI to the NWHI, or importation of diseases that are not yet present in Hawaii are in place.
2. Contingency plans are in place to respond to a disease outbreak or introduction should this occur.
3. Research measures are in place to monitor population size, vital rates, and possible disease outbreaks or disease introductions, in all the subpopulations.
4. Management measures are in place to minimize shark predation and are demonstrably effective at maintaining predation sources at low enough levels to be consistent with continued meeting of the birth rate and survivorship criterion.

#### **Factor D. Inadequacy of Existing Regulatory Mechanisms**

Criteria: Measures are in place to manage fishery interactions and are demonstrably effective at reducing these threats and maintaining fishery-related sources of mortality or stress at decreasing or low levels that are consistent with continued meeting of the birth rate and survivorship criterion.

The principle, direct fishery interaction threat currently facing monk seals are MHI recreational fisheries, particularly gillnets and shore-cast gear, which are managed by the State of Hawaii and known to cause monk seal mortalities. Two monk seals drowned in recreational gillnets on Oahu within the past year. Gillnets will still be used in other areas, and enforcement of the new regulations will be important to ensure that the threat is actually reduced. There is a continuing need for intervention for Hawaiian monk seals in the MHI to remove embedded hooks from recreational fishing; however this effort does not remedy the interaction problem itself. More management measures and enforcement of those measures are needed to ensure that this serious threat is reduced.

#### **Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence**

##### Criteria:

1. Management measures are in place to control male aggression, entanglement, biotoxins, and other sources of human-caused mortality or stress. These measures are demonstrably effective at maintaining these threats at low enough



levels to be consistent with continued meeting of the birth rate and survivorship criterion.

2. The causes of the anthropogenic threats to the species are clearly identified and are well-enough understood to be controlled or mitigated, and any newly identified threats are controlled adequately before downlisting.

#### **Delisting Criteria:**

The population will be considered for a delisting if the downlisting criteria continue to be met for 20 consecutive years without new crucial or serious threats being identified.

**ACTIONS NEEDED:** The following 14 categories of actions are necessary for the recovery of the Hawaiian monk seal:

1. Investigate and mitigate factors affecting food limitation
2. Prevent entanglements of monk seals
3. Reduce shark predation on monk seals
4. Minimize the risk of exposure to or spread of infectious disease
5. Conserve Hawaiian monk seal habitat
6. Reduce Hawaiian monk seal interactions with fisheries
7. Reduce male aggression toward pups/immature seals and adult females
8. Reduce the likelihood and impact of human interactions
9. Investigate and develop response to biotoxin impacts
10. Reduce impacts from compromised and grounded vessels
11. Reduce the impacts of contaminants
12. Continue population monitoring and research
13. Create and implement a main Hawaiian Islands Hawaiian Monk Seal Management Plan
14. Implement the Recovery Plan for the Hawaiian Monk Seal

**Estimated Cost of Five-Year Recovery Efforts (in thousands):**

	FY 01	FY 02	FY 03	FY 04	FY 05	Subtotal	Total
<b>Crucial Threats</b>							
1. Food limitation	1,920	1,900	1,900	1,900	1,900	9,520	
2. Entanglement	1,260	1,260	1,260	1,260	1,260	6,300	
3. Shark predation	300	300	300	300	300	1,500	
<b>Subtotal - Crucial Threats</b>							<b>17,320</b>
<b>Serious Threats</b>							
4. Infectious diseases	605	585	585	585	585	2,945	
5. Habitat loss	250	50	50	0	0	350	
6. Fishery interaction	200	200	200	200	200	1,000	
7. Male aggression*	*	*	*	*	*	0	
8. Human disturbance	800	800	800	800	800	4,000	
<b>Subtotal - Serious Threats</b>							<b>8,295</b>
<b>Moderate Threats</b>							
9. Biotoxins	250	125	125	75	75	650	
10. Vessel groundings	0	0	0	0	0	0	
11. Contaminants	50	0	0	0	0	50	
<b>Subtotal - Moderate Threats</b>							<b>700</b>
<b>* All included in other costs</b>							
<b>Essential Long-term Recovery Actions</b>							
12. Monitoring & Research	1,550	1,600	1,650	1,550	1,550	7,900	
13. MHI Management Plan	200	200	150	150	150	850	
14. Implement Recovery Plan	170	170	170	170	170	850	
<b>Subtotal - Essential Long-term Recovery Actions</b>							<b>9,600</b>
<b>TOTAL ALL ACTIONS</b>	<b>7,555</b>	<b>7,190</b>	<b>7,190</b>	<b>6,990</b>	<b>6,990</b>	<b>35,915</b>	<b>35,915</b>

**ESTIMATED COST OF RECOVERY (FIRST 5 FISCAL YEARS): \$35,915,000**

**ANTICIPATED DATE OF RECOVERY:** The time to recovery is not predictable with the current information, but the best case scenario (which is extremely improbable given recent trends) is that the population could grow to the stipulated total population size in the NWHI within 12 years, and the stipulated numbers in the MHI could be reached within 34 years. Provided that the threats-based criteria have also been met, this would elevate the population to a "threatened" classification. The population may be considered "recovered" if the downlisting criteria continue to be met for 20 consecutive years. Therefore, the total time to recovery is anticipated to be 54 years. The Total Estimated Cost of Recovery can be calculated by multiplying the estimated cost of FY 05 (\$6,990) for the next 49 years. Then add that sum to the estimated cost for the first five fiscal years (in Table above). Realistically, the population is not expected to recover in the foreseeable future. In the future, if more is learned about the causes for the current continuing decline, it should be possible to make more informative projections about the time to recovery, and its expense.

**TOTAL ESTIMATED COST OF RECOVERY (54 YEARS): \$378,425,000**

---

**From:** LAWRENCE CARLSON [pieksma@sbcglobal.net]  
**Sent:** Monday, March 30, 2009 3:47 AM  
**To:** ENETestimony

Good Day To Whom Concerned,

I am absolutely thrilled that there is going to be a "Hawaiian Monk Seal" awareness day.

This is very important as it is really one of the most precious resources that the Islands have that sets them apart from other islands around the world.

I come from South Africa where we have many species that have been left virtually unprotected. Stupid when you think that the greatest revenue comes from the game reserves etc and you would think that the people would want to protect their own natural friends.

I applaud you for doing more & more for these graceful water creatures - my greatest delight is to sit on the beach next to them and just watch them sleeping.

All the Pacific islands have their own beauty however your people are extremely fortunate to have these wanting to be near your islands and I would urge you to do everything in your power to protect them.

Mimi and her team do wonderful work - I hope that you appreciate them. I am surprised that Hawaiian Airlines has not made these seals their official mascot !!

Yours,  
Cherryl Carlson.  
San Diego  
e-mail: [pieksma@sbcglobal.net](mailto:pieksma@sbcglobal.net).

ong,ore aom

---

**From:** Barbara Beasley [bwbeasley@comcast.net]  
**Sent:** Sunday, March 29, 2009 4:37 PM  
**To:** ENETestimony  
**Subject:** PLEASE SUPPORT MONK SEAL DAY (SCR 171/ SR 117)

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Thursday, April 2, 2009 3:15 p.m  
Conference Room 225  
State Capitol  
415 South Beretania Street

Dear Senator Mike Gabbard and Senator J.Kalani English:

I am writing this email in support of establishing "Monk Seal Day". The unique Hawaiian ecosystems provide a model for the world to better understand ocean conservation given endangered species like the Hawaiian Monk Seal (the most endangered pinniped in the United States). These ancient creatures remind us that others have come long before us and we have a responsibility to maintain this balance.

I volunteer with the Marine Mammal Center which helps support Monk Seal Recovery efforts. Our mission: We recognize human interdependence with marine mammals and their importance as sentinels of the ocean environment, the health of which is essential for all life.

And, as a professional in change leadership, I have learned the importance of rituals and ceremony to build awareness and connect diverse communities to drive key mindset shifts. To that end, Monk Seal Day would be a great opportunity for all to honor this incredible marine mammal unique to Hawaii while inspiring action to protect our marine environment today.

Again, please support SCR 171/SR 117 to establish "Monk Seal Day". Thank you for your consideration.

Sincerely,

Barbara Beasley  
2376 Kamole Road  
Kealia, HI

---

**From:** Jennifer Hill [jenniferamhill@yahoo.com]  
**Sent:** Monday, March 30, 2009 8:10 AM  
**To:** ENETestimony  
**Subject:** MONK SEAL DAY (SCR 171/ SR 117)

Aloha,

As a resident of Kauai, I believe it is urgent that the State of Hawaii coordinate with NOAA and the volunteer and NGO networks to help save our endemic Hawaiian Seal from extinction. This effort is a positive collaboration to build resident and visitor responsibility for seal recovery. It is a great opportunity to develop more awareness of Hawaii's unique endangered species and the need for more care of our larger ocean's ecosystems. I understand this to be an educational effort which will not require funding.

It my sincere hope that these resolutions will pass.

Mahalo,  
Jennifer Hill  
Kapaa, Hawaii

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator J. Kalani English, Vice Chair

Thursday, April 2, 2009 3:15 p.m

Conference Room 225

State Capitol

415 South Beretania Street

Testimony in support of SCR 171/ SR 117, resolutions to establish a “Monk Seal Day” to coincide with NOAA’s Monk Seal Count Day, the third Saturday in April.

Aloha, I am a volunteer with the Kauai Monk Seal Conservation Hui. Our activities include:

1. Setting up barriers around Monk Seals that have hauled out on our beaches in the morning to rest and digest the food they have consumed during the night, to protect the seals and the public.
2. Provide education to both visitors and locals about the Monk Seals habits and lifestyle.
3. Set up barriers around newborn pups and their moms and maintain a constant vigil (5 to 7 weeks) until the pup is weaned and the mom leaves to replenish the fat she has transferred to her pup.
4. Collect photos and keep records of seals haulout locations and identify the seals.
5. Participate in NOAA’s Seal Count to determine the approximate numbers of seals present in the main Hawaiian Islands.

Establishing a “Monk Seal Day” to coincide with this count will help raise awareness of the plight of one of Hawaii’s most endangered marine mammals, and recognize the efforts of many who are passionate about this Hawaiian animal. I urge you all to play a part in this amazing animal’s survival by designating “Monk Seal Day”

Mahalo,  
David H. Leopold  
Volunteer and Educator  
Kauai Monk Seal Conservation Hui

**Submitted via email on March 27, 2009**

---

**From:** Kelsey McDonald [KMcDonal@ScrippsCollege.edu]  
**Sent:** Monday, March 30, 2009 6:13 PM  
**To:** ENETestimony  
**Subject:** Monk Seal Day (SCR 171/ SR 117)

I am writing to support making April 18 official Monk Seal Day. Monk seals are a vulnerable and unique part of Hawai'i's ecosystem. Monk seals' survival is dependent on public awareness, and creating an official monk seal day would be an important step to further public education. Please help dedicate this day to this special Hawaiian mammal.

Thank you for your time.

Sincerely,

Kelsey McDonald

---

**From:** Franinkauai@aol.com  
**Sent:** Monday, March 30, 2009 5:30 PM  
**To:** ENETestimony  
**Cc:** HawaiianMonkSeal@msn.com; paddala@hotmail.com; kmcdonal@scrippscollege.edu  
**Subject:** Monk Seal Day

To:  
COMMITTEE ON ENERGY AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair

I would like to endorse the proposal to make April 18, 2009 official Monk Seal Day. (SCR 171/ SR 117)

For the past two years I have been involved in the annual monk seal counts, volunteered as a member of the monk seal emergency response team and have helped guard baby monk seals and their mothers during the time of nursing. Not only have I learned more about these marvelous creatures, but it has given me and my two children the opportunity to help educate both visitors and kama'aina about the plight of the monk seal and it's vulnerability. Official Monk Seal Day will help bring more awareness to our people about how special these creatures are and how fragile is their existence today.

Aloha,

*Fran*

Fran McDonald, RA, ABR  
**Cell: 808-635-0165**  
[FraninKauai@aol.com](mailto:FraninKauai@aol.com)  
[www.FransKauaiRealEstate.com](http://www.FransKauaiRealEstate.com)



Real Estate Sales & Development  
1941-B Poipu Road  
Koloa, Kauai, Hawaii 96756  
Office: 808-742-7561 Fax: 808-742-7685  
[www.MakaiProperties.com](http://www.MakaiProperties.com)

---

Worried about job security? [Check out the 5 safest jobs in a recession.](#)



---

**From:** Michele Olry [m\_olry@hotmail.com]  
**Sent:** Tuesday, March 31, 2009 8:47 PM  
**To:** ENETestimony  
**Subject:** PLEASE SUPPORT MONK SEAL DAY (SCR 171/ SR 117)

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Thursday, April 2, 2009 3:15 p.m  
Conference Room 225  
State Capitol  
415 South Beretania Street

Dear Senator Mike Gabbard and Senator J.Kalani English:

I am writing this email in support of establishing "Monk Seal Day". I have worked with other volunteers for many years to take care of the critically endangered Hawaiian Monk Seals on Kaua'i. Daily we rope off the seals to protect them and allow them to rest on the beach and raise their pups. These seals are now "red listed" and their numbers are decreasing drastically from only 1,100. They are the most endangered marine mammals in US waters. This resolution represents an opportunity to move forward to save one of Hawaii's more endangered species.

By establishing a Monk Seal Day, this will greatly enhance our efforts to educate and encourage residents and visitors alike to care about these special seals and support conservation efforts....not only on our local beaches, but throughout its marine habitat.

As species around the world are becoming more endangered due to many impacts...this small effort can make a huge difference, and set an example of Hawaii excelling in its stewardship of native species.

Again, please support SCR 171/SR 117 to establish "Monk Seal Day". Thank you for your consideration.

Aloha nui loa,

Michele Olry

---

**From:** Schumacher, Tim W [tim.w.schumacher@intel.com]  
**Sent:** Wednesday, April 01, 2009 2:32 PM  
**To:** ENETestimony; Schumacher, Tim W  
**Subject:** In support of SCR171 and SR117

Re: SCR 171 / SR117

To the Hawaii Legislature:

I was contacted by a person who knows well about Hawaiian monk seals, notifying me that there is an item of business in your April 2<sup>nd</sup> agenda involving monk seal awareness.

Why should I care? Because I think the state should do more than it does to protect its marine resources. I am a frequent visitor and snorkeler / free diver in Hawaii. While I live on the mainland, I own a home in Manoa, and frequent the state when I can.

Sure, I've had the usual encounters of monk seals on land, on Kauai and Kaena Point. But last September, I was in the water at Sharks Cove, over in a deep area, and a monk seal encountered me. I say he encountered me because he was looking at me, hanging with me. I have no idea how long he floated behind me before I looked back to see him.

He came very close, and shadowed me for a while, ultimately hissing at me and herding me out of his/her territory. I returned the next day, and saw from a distance that he really was territorial. So I didn't go there for a few weeks.

I don't understand why Hawaii isn't stricter about marine preserve protection, because in those exact same waters, I find occasional spear fishermen. I respect the locals. I understand that I am an outsider, who doesn't have a legacy claim to your land or waters, other than as any American citizen who buys a home there would. But it is backward, it is uninformed to treat the environment like it has the resiliency and recuperative powers to right itself against the stresses of man.

I came to Hawaii the very first time in 1995. And I "discovered" Sharks Cove all by myself. No one told me where to go. It just looked like a good spot to get in the water. That is an irrelevant fact, except that since 1994, when I first went there, the deterioration of the land at Shark's Cove is dramatic. Daily scuba classes mean daily trips of heavy tanks. Whereas there used to be trees, and the rocks (ex-reef) were too sharp for bare feet, now, the rocks are like sandstone, rounded and rounding off daily. I would think that the scuba tour franchises would do a better job protecting what they've got, but often, people are shortsighted and just care about what they get out of something, and not whether something nice will be around in the future.

Anything the state does to recognize its marine resources, and anything it does to induce its population to help do that is better than a status quo in which disrespecting its preserves is seen as okay.

As for your monk seal population...based on the fact that in my personal life, sightings and encounters has gone up, well, maybe you can bring that population back the way conservationists are bringing back the condor. Species can come back if humans don't intervene.

Count me on the side that that not only wants to protect monk seals, but also on the side that thinks government can be good at helping us make our world better. There's really no other entity besides government to try and help this mammal survive.

Sincerely,  
Tim Schumacher  
Principal Engineer  
Intel Corporation

---

**From:** DEBBIE FRIEDMAN [djfbsk@yahoo.com]  
**Sent:** Thursday, April 02, 2009 9:36 AM  
**To:** ENETestimony  
**Subject:** scr 171/sr117 monk seal day

Aloha to whom it may concern, I support the idea that Monk Seal Day should be on the same day as Monk Seal Count Day. I feel it is very important to continue to educate people and keep reminding them to be aware of the danger of extinction that our Hawaiian Monk Seals are in. We need to keep reminding people how important and special and unique these animals are in our lives and in our environment. We need to keep them in the forefront and let people know how lucky they are that we can share Hawaii's ocean and shoreline with them, and how we need to protect them from harm. Dogs, fishnets, hooks, boat propellers, etc are a constant problem. Let's keep reminding people about this important issue, our wonderful seals. Mahalo, Debbie Friedman 808-639-1390 po box 968 Kalaheo, HI.96741 [djfbsk@yahoo.com](mailto:djfbsk@yahoo.com)

**HB 1809 HD2**

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  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

H.B. 1809, H.D. 2 , RELATING TO RECYCLING

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

April 2, 2009  
3:30 P.M.

1 **Department's Position:** The Department of Health opposes this bill because it is imprudent to  
2 establish new programs and services in light of the State's financial circumstances. In addition, the  
3 private sector can handle the function of recycling televisions.

4 **Fiscal Implications:** If the department is intended to have a serious enforcement role, it estimates that  
5 additional resources required to administer this program would be \$150,000 to \$200,000 annually  
6 including 2.0 FTEs.

7 **Purpose and Justification:** The department opposes this bill, which creates of a statewide program for  
8 the recycling of televisions and is the television industries' response to requirements set forth in Act 13  
9 of the 2008 First Special Session. It uses a "market share" approach generally favored by many  
10 manufacturers and starts actual recycling on January 1, 2011.

11 DOH supports recycling and efforts by manufacturers to assume responsibility for the waste that  
12 results when their products are no longer used.

1           The Governor vetoed measure SB2843 SD2 HD3 CD1, which created the Electronic Waste  
2 Recycling program (Act 13 of 2008 Special Session; currently codified in Hawaii Revised Statutes  
3 (HRS) Chapter 339D). In a "Note" to HRS §339D-1, the Legislature requires that, if a separate plan for  
4 the collection, transportation, and recycling of televisions is not implemented before January 1, 2011,  
5 the definition of "covered electronic device" shall be amended to include "televisions." HB 1809 is the  
6 likely progeny of the Electronic Waste Recycling program and, as such, the department opposes this  
7 measure and the establishment of a government-run television recycling program. This measure, like  
8 the Electronic Waste Recycling program establishes numerous requirements on television manufacturers  
9 and retailers that will increase the cost of doing business in Hawaii. The administration believes the  
10 development of this State-run program is unnecessary as several television manufacturers and industry  
11 associations provide extensive information on their websites about where and how to recycle their  
12 electronic products.

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

14

15

16

17

18

19

20

21

22

23

24



April 1, 2009

Members of the Energy and Environmental Protection Committee  
Conference Room 225  
State Capitol  
415 South Beretania Street

**RE: HB 1809, a Bill to Establish a Television Recycling and Recovery Program**  
Energy and Environmental Protection Committee Hearing  
Thursday, April 2, 2009, 3:30 pm

Members of the Committee:

The Environmental Leadership Council at the Information Technology Industry Council (ITI) would like to thank you for the opportunity to comment on HB 1809, a bill to establish a television recycling and recovery program. Ensuring the appropriate end of life management of electronics is an important public policy goal for ITI. Accordingly, we offer the following comments on behalf of our members and ask the Committee to consider our comments for inclusion in HB 1809.

In late 2008, ITI submitted a proposal for the end of the life management of televisions to the Hawaii Department of Health (DoH) on behalf of manufacturers. We have included ITI's submission to the DoH with our testimony and offer it as a statement of our primary policy objectives. In addition to ITI's submission to the DoH, we offer the following suggested changes to the current language of HB 1809.

**Provide Incentive for Collection rather than Impose Penalties**

ITI urges the committee to remove the penalty provision for not meeting collection targets § 7(f). Manufacturers should not be penalized for the actions (or inactions) of consumers. These devices are private property. Manufacturers cannot compel private citizens to turn in their property at all, let alone according to some statutory schedule. Television manufacturers should still have a target to meet; however, instead of penalizing manufacturers, the DoH should publish a list ranking each manufacturer's collection efforts. This would make the television program consistent with the existing program for information technology equipment. Such publicity will provide the incentive for manufacturers to provide recycling opportunities without imposing penalties that will only penalize manufacturers for the behavior of consumers, not the behavior of the manufacturers.

We recommend the following language:

*By <date>, and annually thereafter, the department shall publish a ranking of all manufacturers selling covered televisions in the State, based upon the annual total weight of covered televisions recycled by each manufacturer in the previous year.*

If you have any questions or would like further information, you can contact me at [vrickman@itic.org](mailto:vrickman@itic.org) or 202-626-5729. We look forward to further engagement on this important emerging bill and welcome the opportunity to provide more information or background for your additional consideration.

Respectfully submitted,



Valerie Rickman  
Assistant Manager, Environmental Affairs  
vrickman@itic.org  
202.626.5729

#### **ABOUT ITI**

The Information Technology Industry Council (ITI) represents the nation's leading high-tech companies and is recognized as one of the most effective advocacy organizations for the tech industry in Washington and internationally. ITI helps member companies achieve their policy objectives through building relationships with Members of Congress, Administration officials, and foreign governments; organizing industry-wide consensus on policy issues; and working to enact tech-friendly government policies.

ITI's Environmental Leadership Council (ELC) is a separate membership within ITI that represents numerous leading global manufacturers of a wide range of electronic equipment, including computers, televisions, monitors and printers. ELC member companies have long been leaders in innovation and sustainability, often taking measures to exceed requirements on environmental design and energy efficiency and to lead the way in product stewardship efforts. As a result, such prestigious indices as the Dow Jones Sustainability Index, the Financial Times Sustainability Index, and the Global 100 have consistently recognized numerous ELC members for their concrete environmental and sustainability achievements.





## 2009 Environmental Leadership Council Members

1. 3M
2. Acer
3. Advance Micro Devices
4. Agilent Technologies
5. Alcatel-Lucent
6. Apple
7. Avaya
8. Brush Wellman
9. Canon USA
10. Casio
11. Cisco Systems
12. Dell
13. Eastman Kodak
14. EMC
15. Epson America
16. Flextronics
17. Funai
18. Garmin International
19. Hewlett-Packard
20. Hitachi
21. IBM
22. InfoPrint
23. Intel
24. JVC Americas
25. Kenwood USA
26. Konica Minolta
27. Kyocera Mita
28. Lenovo
29. Lexmark International Inc
30. LG Electronics
31. LSI
32. Microsoft
33. Mitsubishi Digital Electronics America
34. Motorola
35. National Semiconductor
36. NCR
37. NEC Display
38. Nokia
39. NVIDIA
40. Palm
41. Panasonic
42. Philips Electronics
43. Pioneer Electronics Service, Inc
44. Pitney Bowes
45. Planar Systems
46. RadioShack
47. Research In Motion
48. Ricoh Americas
49. Rockwell Automation
50. Samsung Electronics Co.
51. Sanyo
52. Sharp Electronics
53. Siemens Medical Solutions USA
54. Silicon Graphics
55. Sony Electronics Inc
56. Sun Microsystems
57. Tektronix
58. Texas Instruments
59. Thomson
60. Toshiba America
61. TTE Technology
62. Xerox
63. Yamaha of America



Mr. Steven Chang  
Chief, Solid & Hazardous Waste Branch  
Hawaii Department of Health  
(808) 586-4226

November 19, 2008

Dear Mr. Chang:

The Information Technology Industry Council (ITI) would like to thank the Department for the opportunity to submit the following proposal. ITI's Environmental Leadership Council represents numerous leading manufacturers of IT equipment, televisions and other consumer electronics devices that are subject to the City's electronics recycling ordinance.

ITI and our member companies support reasonable efforts to promote the safe and appropriate recycling of used electronics products to help meet the important environmental goal of increasing resource conservation and recovery. The accompanying proposal has been developed with the support of ITI's members and we are confident that the implementation of this proposal will satisfy the needs of the residents of Hawaii.

ITI's proposal contains several key elements that are essential to a successful recycling program for televisions. The proposal allows for flexibility, collaboration, and the proper allocation of responsibilities among all current market participants. We have prepared legislative language based on the recently passed North Carolina television program, and have merged the program requirements of North Carolina's program with the requirements of the IT program in Hawaii. The intended outcome is a program that satisfies the recycling needs of residents and also eases the administrative burden to the Department associated with administering two recycling programs.

#### **Key Definitions**

(a) **"Covered television"**: (1) means a television; and (2) Shall not include: (A) A television that is functionally or physically a part of, or connected to, or integrated within a larger piece of equipment or system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including but not limited to diagnostic, monitoring, control or medical products (as defined under the Federal Food, Drug, and Cosmetic Act), or equipment used for security, sensing, monitoring, anti-terrorism, emergency services purposes or equipment designed and intended primarily for use by professional users; (B) A television that is part of a motor vehicle or any component of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.

(b) **"Household"**: means any occupant of a single detached dwelling unit or of a single unit of a multiple dwelling unit who has used a covered television at a dwelling unit primarily for personal or home business use.

(c) **"Market share"**: A television manufacturer's obligation to recycle discarded televisions. A television manufacturer's market share is the television manufacturer's prior year's sales of televisions (by weight) as calculated by the Department divided by all manufacturers' prior year's



sales for all televisions (by weight) as calculated by the Department. Market share may be expressed as a percentage, a fraction, or a decimal fraction.

(d) **“Television”**: Any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying of television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of 9 inches or larger whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXRD), light emitting diode (LED), or similar technology marketed and intended for use by a household. The term does not include a computer, computer printer, computer monitor, or portable computer.

(e) **“Television manufacturer”**: A person that: (i) manufactures for sale in this State a television under a brand that it licenses or owns; (ii) manufactures for sale in this State a television without affixing a brand; (iii) resells into this State a television under a brand it owns or licenses produced by other suppliers, including retail establishments that sell a television under a brand that the retailer owns or licenses; (iv) imports into the United States or exports from the United States a television for sale in this State; (v) sells at retail a television acquired from an importer that is the manufacturer as described in (i) of this subdivision, and the retailer elects to register in lieu of the importer as the manufacturer of those products; (vi) manufactures a television for or supplies a television to any person within a distribution network that includes wholesalers or retailers in this State and that benefits from the sale in this State of the television through the distribution network; or (vii) assumes the responsibilities and obligations of a television manufacturer under this Part. In the event the television manufacturer is one that manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of the brand shall not be considered to be a television manufacturer under (i) or (iii) of this subdivision.

#### **Requirements for television manufacturers.**

- (a) By January 1, 2010, each television manufacturer, before selling or offering for sale televisions in the State, shall register with the Department and, at the time of registration, shall pay an initial registration fee of two thousand five hundred dollars (\$2,500) to the Department. Thereafter, if a television manufacturer has not previously registered, the manufacturer shall register with the Department prior to any offer for sale for delivery in this State of the television manufacturer’s new televisions. A television manufacturer that has registered shall pay an annual renewal registration fee of two thousand five hundred dollars (\$2,500) to the Department. The annual renewal registration fee shall be paid to the Department by January 1 of each year.
- (b) The registration and each renewal shall include a list of all of the television manufacturer’s brands of covered televisions and shall be effective on the second day of the succeeding month after receipt by the Department of the registration or renewal.
- (c) A television manufacturer shall provide the Department with contact information for the television manufacturer's designated agent or employee whom the Department may contact for information related to the television manufacturer's compliance with the requirements of this section.



- (d) The obligation to recycle covered televisions shall be allocated to each television manufacturer based on the television manufacturer's market share multiplied by the total pounds of televisions recycled by all manufacturers during the previous program year. Beginning in program year 2012, a television manufacturer must annually recycle or arrange for the recycling of its market share of covered televisions pursuant to this section.
- (e) A television manufacturer may fulfill the requirements of this section either individually or in participation with other television manufacturers.
- (f) A television manufacturer shall report to the Department by March 31, 2012, and annually thereafter, the total weight of covered televisions the manufacturer collected in the State and recycled during the previous year.

#### **Retailer Responsibilities**

- (a) Beginning January 1, 2011, a retailer shall not sell or offer to sell any covered television in this State unless a visible, permanent label clearly identifying the manufacturer of that device is affixed to the equipment and the television manufacturer has registered with the State.
- (b) Beginning January 1, 2011, retailers shall make available to their customers information on collection services in the State, including the Department's website and toll-free telephone number. Remote retailers may include this information in a visible location on their website to fulfill this requirement.

#### **Department Responsibilities**

- (a) The Department shall use State-specific television sales data or national television sales data available from commercially available analytical sources to determine each television manufacturer's recovery responsibilities for televisions based on the manufacturer's market share. If the Department uses national sales data, the Department shall extrapolate data for the State from national data on the basis of the State's share of national population. The Department shall seek to establish the most accurate determination of each manufacturer's market share and may rely on supplemental sources of information to achieve this goal.
- (b) By May 1, 2012 and annually thereafter, the Department shall notify each manufacturer of its non-binding recycling obligation. Each manufacturer's obligation will be based on that manufacturer's market share from the previous year multiplied by the total pounds of televisions collected by all manufacturers during the previous program year.
- (c) Beginning January 1, 2011, the Department shall include on the website and toll-free number maintained in accordance with § 6(a) of Act 13 of the First Special Legislative Session of 2008 current information on where households can return covered televisions for recycling.

If you have any questions regarding this proposal or would like further information, please contact me at [vrickman@itic.org](mailto:vrickman@itic.org) or (202) 626-5729. We look forward to further engagement on this important issue and welcome the opportunity to provide more information or background for your additional consideration.



**Information Technology Industry Council**  
Leading Policy for the Innovation Economy

Regards,

Valerie Rickman  
Environmental Affairs Analyst  
Information Technology Industry Council (ITI)  
1250 Eye St, NW - Suite 200  
Washington, DC 20005  
202.626.5729  
[www.itic.org](http://www.itic.org)

**ABOUT ITI**

The Information Technology Industry Council (ITI) represents the nation's leading high-tech companies and is recognized as one of the most effective advocacy organizations for the tech industry in Washington and internationally. ITI helps member companies achieve their policy objectives through building relationships with Members of Congress, Administration officials, and foreign governments; organizing industry-wide consensus on policy issues; and working to enact tech-friendly government policies.



Meggan Ehret, Corporate Secretary  
Thomson Inc.  
101 W. 103rd Street, INH 3340, Indianapolis, IN 46290  
Tel: 317-587-4966  
Fax: 317-587-9638  
meggan.ehret@thomson.net

**April 2, 2009**

**TO: Sen. Mike Gabbard  
Chair, Committee on Energy and Environment  
State Senate - Hawaii State Capitol, Room 201**

**Sen. Roslyn Baker  
Chair, Committee on Commerce and Consumer Protection  
State Senate - Hawaii State Capitol, Room 231**

**Sen. Brian Taniguchi  
Chair, Committee on Judiciary and Government Operations  
State Senate - Hawaii State Capitol, Room 219**

**FROM: Meggan Ehret, Senior Counsel, Thomson Inc.**

**RE: HB 1809, HD2 – Relating to Television Recycling  
Hearing: Thursday, April 2, 2009 @ 3:30 PM  
Conference Room 225  
Hawaii State Capitol**

Chairs Gabbard, Baker and Taniguchi, and members of the Committees,

My name is Meggan Ehret and I am Deputy General Counsel with Thomson Inc. and also serve as its corporate secretary. I am testifying in support of HB 1809.

Thomson Inc. is committed to developing a workable and environmentally sustainable solution for e-waste, which, according to the EPA, is the fastest growing portion of the municipal solid waste stream. Finding a solution for the management of end of life household electronic waste is an important public policy goal of the electronics industry. We applaud the Legislature for having this hearing to ensure that the e-waste solution is a workable one that accomplishes the goal. We appreciate the opportunity to participate in this discussion.

Used TVs and computer monitors may present environmental risks if they are not properly disposed of or recycled. But differences between TVs and computers necessitate different approaches to recycling. Computer manufacturers already utilize various "takeback" programs that enable consumers to return used computers to present day manufacturers. Such "takeback" systems work well for computer equipment. However, a "takeback" approach is inappropriate and unworkable for used TVs. This is because televisions have a much longer life than computers (more than 10 years longer), many manufacturers of older TVs are no longer in



Meggan Ehret, Corporate Secretary  
Thomson Inc.  
101 W. 103rd Street, INH 3340, Indianapolis, IN 46290  
Tel: 317-587-4966  
Fax: 317-587-9638  
meggan.ehret@thomson.net

business (creating “orphan units”), TVs are not as easily transportable as computers, and used TVs are not as valuable for recycling or reuse as used computers.

A better solution would apply a separate program for TVs. Under this proposal, each present-day TV manufacturer would make yearly payments to an in-state recycling program or run an individually financed program that would accept all TVs. Each manufacturer's contribution would be based on each individual TV manufacturer’s annual TV sales in the state.

To date, 18 states and New York City have enacted electronics recycling laws. Existing electronics recycling laws can offer a lot of guidance to states that are still deciding what kind of electronics recycling legislation to enact. Sixteen of the laws include televisions in the product scope, with the overwhelming majority of them assigning recycling and financing obligations to TV manufacturers based on current market share.

A market share approach requires each current manufacturer to pay for a share of the recycling of televisions based on its respective share of the market and account for these costs in the price of their product. Furthermore, this program would eliminate dealing with “orphan units”, those units made by companies no longer in business because today’s manufacturers would recycle televisions by weight based on their respective market share, regardless of the brand name.

HB 1809, HD2 sets forth a separate, comprehensive program for TV recycling and identifies a market share approach by requiring each current manufacturer to pay for a share of the recycling of televisions based on its respective share of the market and account for these costs in the price of their product.

Furthermore, we respectfully request language be inserted in the bill which repeals the provisions in Section 339D-1, Hawaii Revised Statutes that states the law will apply to TVs if a separate plan for the collection, transportation, and recycling of televisions is not implemented before January 1, 2011. If HB 1809 is approved, there is no need for existing language in the statute and should be repealed.

In summary, HB 1809 accomplishes needed recycling goals with a workable solution for the industry and the state. Thomson respectfully asks that the Committee to approve House Bill 1809.

Thank you for allowing me the opportunity to provide my comments to you.

## **Proposed Solution for Recycling Household Electronic Waste: "Takeback" Program for Computers & Recycling of TVs**

Used TVs and computer monitors may present environmental risks if they are not properly disposed of or recycled. But differences between TVs and computers necessitate different approaches to recycling. Computer manufacturers already utilize various "takeback" programs that enable consumers to return used computers to present day manufacturers. Such "takeback" systems work well for computer equipment. However, a "takeback" approach is inappropriate and unworkable for used TVs. This is because many manufacturers of older TVs are no longer in business, TVs are not as easily transportable as computers, and used TVs are not as valuable for recycling or reuse as used computers.

A better solution would apply one approach to computers (i.e., allow computer manufacturers to operate various "takeback" programs) and another to TVs. Under the TV approach, each present-day TV manufacturer would make yearly payments to an in-state recycling program or run an individually financed program that would accept all TVs. Each manufacturer's contribution would be based on each individual TV manufacturer's annual TV sales in the state. The model bill sets forth this bifurcated approach.

**Differences between TVs and computers necessitate different approaches to recycling.** This is based on differences in life expectancy, market economics, residual values and portability of TVs and computers. Because of additional complexities in the TV market, the overall issue of computer recycling is substantially different than that challenge facing TVs.

- **Different Product Life Expectancy:** TVs have an average useful life of 15 to 17 years and have been available on the market since the late 1920's. Computers, on the other hand, have only been widely available to consumers since the 1980's and have a much shorter average life expectancy -- at least 10 years less than the average TV. Because TVs have been in existence much longer and have a much longer life, many of the manufacturers of the TVs now hitting the waste stream are either no longer in business or are no longer manufacturing TVs. Thus, requiring a TV manufacturer to develop a "takeback" recycling plan is not always a workable option.
- **Different Market Economics:** It is estimated that over 30 million TVs will be sold in 2008 (US News & World Report, 12/31/07). Of these, many will be sold by value brands that have only been established in the past few years. Ten percent of TV manufacturers - primarily those based in Asia - are expected to go out of business each year. (Legislative Study Accompanying Washington State E-Waste Law). Requiring present-day TV manufacturers to fund a TV recycling program based on their current market share ensures they are not given a free pass until their branded products begin to appear in volume in the State's recycling stream more than a decade later and, in some instances, at a time they are no longer in business.
- **Different Residual Value:** A computer's residual value is much greater than the typical cathode ray tube TV. Computers contain precious metals and other valuable and easily recycled or reused materials. TVs do not. This significantly impacts the economics of recycling a TV versus recycling a computer.
- **Different Product Portability.** Computers (especially notebook computers) are relatively lightweight and are more easily transportable than TVs. A "takeback" program that requires consumers to send computer equipment to a manufacturer tends to be more workable for computers than TVs.

**Appropriate Solution for Computers: "Takeback" Approach.** Computer manufacturers have already implemented various "takeback" programs targeted to encourage consumers to recycle used computers. Computers are lighter and easier to handle than TVs, therefore "takeback" programs work well and should be allowed to continue as the preferred computer recycling approach. The draft bill contemplates that computer manufacturers would continue utilizing this recycling approach and be required to provide convenient collection opportunities for consumers.

**Appropriate Solution for TVs: In-State Recycling Program Based on Market Share.** Requiring present-day TV manufacturers to fund a recycling program applicable to all TVs is the fairest solution. This is the same conclusion reached by the Connecticut, Rhode Island, New Jersey, Minnesota, North Carolina, Illinois, Oregon, and Council of State Governments NE region. Such an approach levels the playing field for all TV manufacturers and does not give new market entrants a free ride. It is difficult - if not impossible - to estimate today the costs associated with recycling TVs 15 years from now and the identity of those entities that will be viable. Allocating the actual costs to recycle products today among today's market participants is fair and permits today's market participants to plan accordingly.



Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Committee on Energy and Environment

Senator Rosalyn Baker, Chair  
Senator David Ige, Vice Chair  
Committee on Commerce and Consumer Protection

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair  
Committee on Judiciary and Government Operations

HEARING      Thursday, April 02, 2009  
                    3:30 pm  
                    Conference Room 225  
                    Honolulu, HI 96813



**RE:    HB1809, HD2, Relating Recycling**

Chairs Gabbard, Baker and Taniguchi, Vice Chairs English, Ige, and Takamine, and Members of the Committees:

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

**RMH supports the intent of HB1809 HD2, which establishes a television recycling and recovery program.**

National legislation, while still pending in Congress, is the ultimate and best solution. A series of individual state-by-state laws tends to confuse the consumer and forces manufacturers and retailers to absorb tremendous administrative costs. However, understanding the urgency of our addressing this issue to avoid further impact on our environment, the manufacturer responsibility model is our preferred approach.

**We have two concerns that were recognized by Chair Morita (EEP), Chair McKelvey (EBM) and Chair Oshiro (FIN) in the Committee Reports, but were not addressed in either HD1 or HD2:**

- **Registration Fees:**  
§339D, HRS, Electronic Waste Recycling Act: [§339D-4] requires computer manufacturers to pay a registration fee and annual renewal fee of \$5,000.

HB1908, HD2, establishes a \$2,500 registration fee and annual renewal fee of \$2,500 for television manufacturers. We question the reason for the discrepancy, which could be perceived as preferential treatment for televisions manufacturers

- **Enforcement and Penalties**  
[§339D-8], HRS, Enforcement, provides for the department to issue a warning to be followed up by action by the attorney general, and [§339D-9] Administrative Penalties, authorizes the Department of Health to impose penalties and fines. This section allows retailers and manufacturers reasonable latitude to work with the Department to correct any problem before penalties and fines are imposed.

HB1908, HD2, in § -7 (b), establishes penalties of up to \$10,000 for the first violation and \$25,000 for the second. These penalties are harsh and unreasonable. We suggest that the language in § -7 (c), "penalty of up to \$1,000 for the first violation and up to \$2,000 for the second and each subsequent violation" is adequate.

Thank you for your consideration and for the opportunity to comment on this measure. We look forward to participating in the continued discussion.

Carol Pregill, President



# Sierra Club Hawai'i Chapter

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

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT  
HOUSE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION  
HOUSE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

March 4, 2009, 11:30 A.M.  
(Testimony is 1 page long)

## TESTIMONY IN SUPPORT OF HB 1809, HD2

Aloha Chairs Gabbard, Baker, and Taniguchi and Members of the Committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 1809, HD2, establishing a television recycling and recovery program. This bill is a logical continuation of last year's important e-waste statute (Haw. Rev. Stat. Ch. 339D-1 (Supp. 2008)).

As the Sierra Club testified last year, waste from computers, televisions, and other high-tech devices is an increasing problem. This type of waste frequently contains toxic materials, such as lead in the circuit board soldering or in the cathode ray tube. Moreover, with landfill issues on nearly every island, policies to divert waste from landfills should be encouraged.

Incorporating televisions into the current legislation is critical now as more and more residents purchase high definition televisions. The Sierra Club frequently receives calls from members asking for advice on how to dispose of their old TV sets -- unfortunately, there is no good answer.

We ask that this timely measure be forwarded for further discussion.

Thank you for the opportunity to testify.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 29, 2009 10:35 PM  
**To:** ENETestimony  
**Cc:** silval023@hawaii.rr.com  
**Subject:** Testimony for HB1809 on 4/2/2009 3:30:00 PM

Testimony for ENE/CPN/JGO 4/2/2009 3:30:00 PM HB1809

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: linda silva  
Organization: Individual  
Address: 3960 Niho Road Kalaheo, hawaii  
Phone: 808 482-9785  
E-mail: [silval023@hawaii.rr.com](mailto:silval023@hawaii.rr.com)  
Submitted on: 3/29/2009

**Comments:**

We need to recycle as much as possible to reduce the load in our landfills, especially these big toxic items. Please support recycling. Mahalo! Linda Silva