

WRITTEN TESTIMONY ONLY

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

COMMITTEE ON JUDICIARY

H.B. 2922 H.D. 1, RELATING TO SOLID WASTE

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

February 23, 2010
2:00 p.m.

- 1 **Department's Position:** The Department of Health respectfully opposes this bill as written.
- 2 **Fiscal Implications:** There will be added costs to counties and/or consumers, who currently do not
- 3 have available recycling options.
- 4 **Purpose and Justification:** This bill poses a ban on the disposal of fluorescent and compact fluorescent
- 5 light (CFL) bulbs in landfills, waste-to-energy facilities and incinerators.
- 6 DOH generally supports recycling and appreciates the intent of this measure to ban fluorescent
- 7 and compact fluorescent lightbulbs from disposal facilities. However, recycling options should be
- 8 reasonably available before any ban is imposed. Currently, DOH is aware of four commercial
- 9 hazardous waste transporters, stationed on Oahu, who would accept fluorescent lightbulbs for a fee. We
- 10 are also aware of one retailer that accepts unbroken CFLs for recycling at no charge. This retailer has at
- 11 least one store on Kauai, Oahu, Maui and Hawaii, but none on Lanai and Molokai.
- 12 Since recycling options are not readily available to all residents, we believe that this proposed
- 13 ban is better suited for consideration and action at the county level.

1 If the legislature decides to pursue the bill as written, we recommend that the bill also define the
2 frequency of the notification requirement. The development of new rules to only establish the
3 frequency requirement is overly burdensome.

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

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 10-48

February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
and Members of the Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

Subject: House Bill 2922, HD 1, Relating to Solid Waste

The City and County of Honolulu's Department of Environmental Services opposes House Bill (HB) 2922, HD 1, relating to Solid Waste.

HB 2922, HD 1, would prohibit the incineration or disposal of fluorescent and compact fluorescent light bulbs in landfills and waste-to-energy facilities in the State. Although HD 1 added requirements for the facility owners and operators to post signs and notify its customers of the prohibition, the bill provides no further details regarding the implementation and enforcement of such a ban, in no way addressing how it might work.

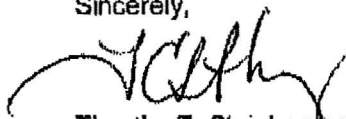
It is apparent that the counties would need to assume responsibility to divert these items from household disposal and to ensure that disposal facilities inspect and reject loads containing fluorescent bulbs. The programs would be unenforceable and costly, which is one reason why the EPA exempts household generation from such disposal bans and regulations, and applies such restrictions to large quantity commercial and government generators only.

Costs to operate the collection programs and disposal facilities to enforce the ban for every home and business would be significant. Currently, households have the option of wrapping and disposing of light bulbs in the regular trash, or making an appointment to drop off for recycling at one of the City's bi-monthly household hazardous waste events. The CFLs and fluorescent tubes must be collected whole, not broken, a very difficult collection approach. While costs cannot be immediately identified, it is likely the costs to the counties could be in the millions considering that HECO reported 2007 sales of 700,000 CFLs in Hawaii, and efforts to promote CFLs for energy conservation continue.

The Honorable Jon Riki Karamatsu, Chair
and Members of the Committee on Judiciary
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We continue to recommend that the Legislature consider an approach involving manufacturer responsibility to provide take-back programs at no cost to the consumer rather than this full ban.

Sincerely,



Timothy E. Steinberger, P.E.
Director



William P. Kenoi
Mayor

William T. Takaba
Managing Director

Lono A. Tyson
Director

Ivan M. Torigoe
Deputy Director

County of Hawai'i

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February 22, 2010

The Honorable Jon Riki Karamatsu, Chair
The Honorable Ken Ito, Vice Chair
Committee on Judiciary
Hawai'i State Capitol
Honolulu, Hawai'i 96813

HEARING DATE: Tuesday, February 23, 2010

HEARING TIME: 2:00 p.m.

HEARING LOCATION: Conference Room 325

Re: Opposition to House Bill 2922, HD1

Dear Representatives Karamatsu and Ito and Committee Members,

Thank you for the opportunity to present testimony on House Bill 2922, HD1.

The County of Hawai'i Department of Environmental Management supports the diversion of all potentially hazardous materials from landfill disposal and incineration. However, we cannot support this bill in the absence of available recycling options for our community. Sanitary landfilling and waste incineration provide a means for managing wastes which would be potentially harmful if deposited in an uncontrolled environment. Although waste reduction, reuse and recycling are the preferred methods of waste management, we must accept that other technologies, such as waste conversion or landfill disposal are necessary waste management solutions, especially here in Hawai'i, where recycling and re-use opportunities are extremely limited. The County of Hawai'i Department of Environmental Management strongly encourages the House of Representatives to revise the subject legislation to provide for appropriate funding to the Counties to allow the Counties to implement recycling options in support of the proposed ban. Please be advised that the passing of unfunded mandates, especially during the current economic recession, is extremely detrimental to local governments.

Best Regards and Aloha,

Lono Tyson
DIRECTOR

cc: Mayor William Kenoi
Mike Dworsky, SWD



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Tuesday, February 23, 2010 @ 2p.m. in CR 325

To: House Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

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

Re: HB 2922, HD1 RELATING TO SOLID WASTE

Chairs & Committee Members:

While the idea is good, the measure lacks follow through, thus we oppose it.

In order to make this measure workable, there must be a means for consumers to legally dispose of the lamps and bulbs. Merely making it illegal to trash them will create more problems than we now have because they will end up on the side of the road, which would littering and cause broken glass related problems.

If the problem is as serious as the measure dictates, then the measure requires major modification to parallel the disposal of batteries law, where there is a means for legal disposal. Another alternative would be for special bins to be provided at transfer stations for free disposal of the lamps and bulbs, with an educational program advising consumers of the need for proper disposal.

§342G- Disposal of fluorescent and compact fluorescent light bulbs; prohibition. (a) Notwithstanding any law to the contrary, knowingly disposing of any fluorescent or compact fluorescent light bulb in any landfill or waste-to-energy facility, or by incineration, in the State is prohibited.

(b) The owner or operator of a landfill, waste-to-energy facility, or incinerator shall:

1. Post clearly visible and easily-read signs at the facility that provide notice of the prohibition of the disposal and incineration of fluorescent and compact fluorescent light bulbs; and
2. Provide written notification to the facility's customers of the prohibition on the disposal and incineration of fluorescent and compact fluorescent light bulbs, on a frequency to be established by the department by rule, or include notification as a provision of the facility's contractual agreements with customers, if applicable."

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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MEMORANDUM

TO: Representative Jon Riki Karamatsu
Chair, Committee on Judiciary
Via Email: JUDTestimony@Capitol.hawaii.gov

FROM: Gary Slovin/Anne Horiuchi

DATE: February 22, 2010

RE: **H.B. 2922, HD1 -- Relating to Solid Waste**
Hearing: Tuesday, February 23, 2010 at 2:00 p.m., Room 325

Dear Chair Karamatsu and Members of the Committee:

I am Gary Slovin, testifying on behalf of **Covanta Energy Group**, the operator of the City's HPOWER facility.

Covanta **supports** the current language in H.B. 2922, HD1, which prohibits the knowing incineration or disposal of fluorescent and compact fluorescent light bulbs in landfills and waste-to-energy facilities in the State and establishes notice requirements. We believe that the language in the HD1 version of H.B. 2922 addresses the problem posed by the disposal and combustion of fluorescent and compact fluorescent light bulbs, but does not impose vicarious liability on the operator of a waste-receiving facility.

Thank you for the opportunity to submit testimony on this measure.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
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HOUSE COMMITTEE ON JUDICIARY

February 23, 2010, 2:00 P.M.
(*Testimony is 2 pages long*)

TESTIMONY IN SUPPORT OF HB 2922 HD1 WITH PROPOSED AMENDMENTS

Aloha Chair Morita and Members of the Committees:

The Hawai'i Chapter of the Sierra Club supports HB 2922 HD1, which prohibits the disposal or incineration of compact fluorescent light bulbs in landfills and waste-to-energy facilities in the State.

Three times more efficient than standard incandescent light bulbs, CFLs significantly reduce mercury, greenhouse gases and other toxic emissions coming from fossil-fired power plants. At the same time, concerns have been raised because all CFLs contain mercury and some models contain lead. The vast majority of CFLs ends up in landfills or trash incinerators where these hazardous substances can get released into the environment. For this reason, the Sierra Club is strongly in support of the intent of this bill.

As with any bill, however, improvements could be made. We need to encourage corporations to provide less-toxic bulbs, and create producer-funded retail recycling opportunities that make it as easy for customers to recycle CFLs as it is to buy them. To this end, we suggest amending the bill to include these following measures:

- Require companies selling or distributing CFLs in Hawai'i to disclose mercury content (in milligrams - mg) and any lead in solder and/or glass. This information should be made available at the time of sale in order to provide consumers with the information necessary to make an informed purchase.
- Require every manufacturer of CFLs sold in Hawai'i to create a recycling plan for end of life CFL bulbs.
- Include instructions about what to do (and not do) if a CFL breaks.¹

¹ Information on this subject is available at www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

To this end, we suggest the following language.

Every manufacturer of CFLs sold in Hawai'i shall be responsible for all of the following:

- (a) On and after January 2011, ensuring that a system is in place on each island to provide for the collection and recycling of any end-of-life CFL bulbs generated in Hawai'i.
- (b) On or before January 2011, submitting a plan to the State Department of Health for the collection, recycling, and proper management of end-of-life CFL bulbs on each island generated in this state.
- (c) The plan shall include all of the following:
 1. The methods to be used by the manufacturer to collect and properly manage spent devices generated in Hawai'i.
 2. The number and frequency of collection(s).
 3. The methods to be used to educate consumers about the opportunities presented in the plan.
 4. The funding mechanism(s) to accomplish the plan originate from the manufacturer(s).

Every distributor or seller of CFLs in Hawai'i shall be responsible for all of the following:

- (a) On and after January 2011, to publicly disclose the mercury content (in milligrams - mg) and any lead in solder and/or glass contained in each CFL sold or distributed at the time of sale or distribution.
- (b) On and after January 2011, to publicly provide instructions on how to safely handle a broken CFL bulb.

Thank you for the opportunity to testify.