

SB 245

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENT

S.B. 245, RELATING TO RECYCLING

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

February 5, 2009
4:15 p.m.

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

4 **Fiscal Implications:** DOH estimates that the additional resources needed to administer this new
5 regulatory program would total approximately \$150,000, including 2.5 FTEs.

6 **Purpose and Justification:** This bill would give store operators an opportunity to reduce waste and, in
7 general, protect the environment, from the impacts resulting from providing their customers with
8 disposable plastic bags.

9 DOH generally supports the reduction of solid waste, litter, and of the use of petroleum
10 resources. State policy already sets source reduction and recycling as the top two priorities for solid
11 waste management (HRS §342G-2(b)). We favor reducing plastic pollution because of its effect on our
12 natural environment.

13 DOH feels that private industry initiatives to encourage use of reusable bags should be
14 considered and evaluated before passing this measure to mandate plastic bag recycling until a

1 prohibition on providing plastic bags goes into effect January 1, 2011. We suggest that industry
2 measure the effectiveness of voluntary plastic bag recycling programs to gauge success.

3 This measure applies enforcement and penalties to this program. Adequate funding and
4 resources will be necessary to enforce compliance. However, we oppose funding that adversely affects
5 priorities in the executive supplemental budget.

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

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HAWAII FOOD INDUSTRY ASSOCIATION

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February 5, 2009

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

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

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

Chairs & Committee Members:

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

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

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

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

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

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

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

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

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

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

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

What we propose:

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

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



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

RE: **SB 245, Relating to Recycling**

Chair Gabbard, Vice Chair English and Committee Members

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

RMH strongly opposes SB245 in its current format. In the 2008 session, RMH stood in strong support of SB651, HD2, which proposed to establish a statewide at-store plastic bag recycling program. SB245 essentially mimics that measure, with the un-acceptable provision in §342H-H (a), which enacts a ban on January 1, 2011.

Hawaii's retailers absolutely support initiatives to preserve and protect our environment. The solution to the plastic bag issue is not prohibition of recyclable bags, but in the **wise management** of this resource, i.e., the "**reduce, reuse and recycle**" principle. We unquestionably encourage the broadest use of reusable tote bags as the ultimate solution, and have been proactive in providing these for our customers AND crediting consumers up to 5 cents per bag used at checkout. However, we do know that consumers' acceptance and use of these bags will not be universal or practical at all times and the industry must provide an alternative.

As in those cities which have banned plastic bags, Hawaii's retailers will switch to recyclable paper bags for their customers purchases. But this alternative comes at considerably high cost, not only in the actual purchase price of paper bags, but also in increased costs to ship these bags to Hawaii. For every one container that delivers plastic bags, seven containers are needed to deliver the same number of paper bags; this volume measure is critical for ocean freight. Ultimately, these costs must and will be passed on to the consumer.

Admittedly, paper is not the best choice as there are serious environmental impacts of air and water pollution and green house gas emissions with this alternative. Paper bags generate 70% more air and 50 times more water pollutants than plastic bags. Please visit the EPA Web Site: www.epa.gov/region1/communities/shopbags.html.

Plastic bags provided by retailers today are recyclable, and are reused by consumers for everyday household tasks like lining waste baskets and sanitary cleaning up after pets. If these free bags are not available, consumers undoubtedly will purchase plastic bags for these uses.

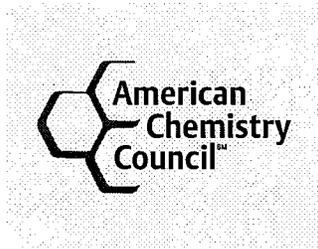
We respectfully request your consideration to amend SB245 by deleting §342H-H (a) and working with retailers to create a workable and comprehensive recycling program. Our mutual goals would be to maximize the usage of reusable bags, to provide plastic bags to consumers for their personal, practical uses, and to recycle the excess bags, without over-burdening our residents. An informal survey of our larger members revealed that collectively 10,000 tons of cardboard and plastic (bags and shrink-wrap) were shipped to the mainland for recycling last year.

Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in black ink, appearing to read 'Carol English', is written over a faint, larger version of the same signature.

President

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



February 5, 2009

To: The Honorable Mike Gabbard, Chair
Senate Committee on Energy and Environment

From: Tim Shestek
Director, State Affairs & Grassroots
American Chemistry Council

Re: **SB 245 – OPPOSE UNLESS AMENDED**

The American Chemistry Council (ACC) has taken an “oppose unless amended” position on SB 245. While we support the provisions of the bill that would create a statewide, at-store program to recycle plastic bags, we oppose the provision that would ban these products beginning in 2011. The recycling provisions contained in SB 245 are similar to legislation ACC strongly endorsed from the 2008 session (*SB 651, SD2, HD1*) that if enacted would have created a statewide plastic bag recycling program.

Recycling of plastic bags is growing very fast in the United States. In 2007 over 830 million pounds of plastic bags and wraps were recycled and recycling of this material grew over 25 percent from 2005 to 2007. According to EPA data, recycling of polyethylene bags and wraps reached 12 percent in 2007.

Prohibiting the use of plastic bags will invariably lead to an increased use of the more costly paper bag alternative, which would result in increased costs for consumers and greater impacts on the environment. In fact, a recent study of the ban on plastic bags in San Francisco shows that this policy has dramatically increased paper bag use and done little to promote reusable bags¹.

ACC urges the committee to consider the overall environmental impacts that could result with a plastic grocery bag prohibition.

- Plastic grocery bags require 70 percent less energy to manufacture than paper bags and generate 50% less greenhouse gases.

¹ Use Less Stuff, A Qualitative Study of Grocery Bags in San Francisco, September 2008, <http://cygnus-group.com/use-less-stuff/Field-Report-on-San-Francisco-Plastic-Bag-Ban.pdf>

- For every seven trucks needed to deliver paper bags, only one truck is needed for the same number of plastic bags, helping to save energy and reduce air emissions.
- Plastic bags generate 80 percent less waste than paper bags.²

In his recent review of life cycle data relating to disposable, biodegradable, and reusable grocery bags, Robert Lilienfeld of “Use Less Stuff” (www.use-less-stuff.com) concluded that “Legislation designed to reduce environmental impacts and litter by outlawing grocery bags based on the material from which they are produced will not deliver the intended results. While some litter reduction might take place, it would be outweighed by the disadvantages that would subsequently occur (increased solid waste and greenhouse gas emissions). Ironically, reducing the use of traditional plastic bags would not even reduce the reliance on fossil fuels, as paper and biodegradable plastic bags consume just as much non-renewable energy during their full lifecycle.” He notes that:

- Even though traditional disposable plastic bags are produced from fossil fuels, the total non-renewable energy consumed during their lifecycle is no greater than the non-renewable energy consumed during the lifecycle of paper and biodegradable plastic bags.³
- Paper sacks generate 70 percent more air, and 50 times more water pollutants, than plastic bags.⁴
- It takes 91 percent less energy to recycle a pound of plastic than it takes to recycle a pound of paper.⁵
- While the data appear to indicate that paper and compostable plastic bags may account for less litter, data also indicates that this finding is offset by the increased environmental impacts these bags produce versus traditional plastic bags.⁶

Furthermore, though the city of San Francisco banned plastic grocery bags, a 2008 San Francisco Streets Litter Re-Audit, a city-commissioned study, revealed that total bag litter increased by 1.5% after the ban and plastic bag litter remained the same before and after the ban at only 0.6% of the litter composition;

It does not make environmental sense to ban fully recyclable plastic grocery bags when alternative products could leave a greater environmental footprint.

² Boustead Consulting, “Life Cycle Assessment for Three Types of Grocery Bags - Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper,” 2007.

³ Évaluation des impacts environnementaux des sacs de caisse Carrefour (Evaluation of the Environmental Impact of Carrefour Merchandise Bags), prepared by Price- Waterhouse-Coopers/Ecobilan (EcoBalance), February 2004, #300940BE8. (www.ademe.fr/htdocs/actualite/rapport_carrefour_post_revue_critique_v4.pdf)

⁴ U.S. Environmental Protection Agency (EPA) website, Questions About Your Community: Shopping Bags downloaded from the Internet, May 2007.

⁵ Ibid

⁶ REVIEW OF LIFE CYCLE DATA RELATING TO DISPOSABLE, COMPOSTABLE, BIODEGRADABLE, AND REUSABLE GROCERY BAGS, The ULS Report, June 2007 <http://www.use-less-stuff.com/>

ACC encourages this committee to amend SB 245 by deleting the prohibition on plastic bags beginning in 2011 and passing a comprehensive at-store recycling program for these products.

Thank you in advance for the opportunity to provide these comments. Should you have any questions or comments, please contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com. You may also contact ACC's Hawaii based representatives Red Morris or John Radcliffe at 808-531-4551.

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

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

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

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

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

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

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

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

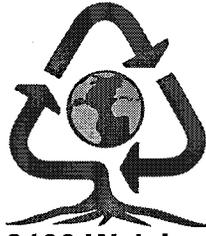
There are three separate plastic bag bills before this Committee. While certain provisions are preferable to others, it is absolutely critical that we continue this discussion and attempt to address the critical issues at stake for our environment and economy when it comes to the ubiquitous plastic bag.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

Thank you for this opportunity to provide testimony.

Sincerely,

Stuart H. Coleman
Hawaii Regional Coordinator
Surfrider Foundation

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

Re: Strong support for SB 584, SB244 & SB245

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

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

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

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

We encourage further discussion of the following questions:

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

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

Bangladesh:

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

Kenya:

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

Ireland:

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

Zanzibar

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

The European Union:

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

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

Mahalo nui,
Krista Ruchaber
Styrophobia LLC
808.741.0112



Sierra Club Hawai'i Chapter

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

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

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

(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF SB 245

Chair Gabbard and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly supports SB 245, establishing a plastic bag recycling program, with a ban on larger stores effective January 1, 2011. The proposed measures are directly related to our efforts not only to reduce the use and waste of petroleum-based plastic bags in Hawai'i, but also the solid waste crisis presently perplexing the State.

To increase Hawai'i's sustainability, oil-based plastic bag use should be significantly curtailed. Consider:

- Plastic bags contribute to litter and pose a consistent threat to avian and marine life in Hawai'i -- the endangered species Capitol of the world;
- Plastic bags are manufactured from a polluting resource that is becoming increasingly scarce;
- Plastic bags contribute to a growing trash problem on all our islands and foible the State's waste diversion efforts;
- Americans throw away **nearly 100 billion plastic bags** each year; and
- Only 0.6 percent of plastic bags are recycled.

In short, plastic bags are not being measurably recycled in Hawai'i, nor is this an efficient use of resources. Please remember, Hawai'i is faced with a solid waste crisis on most islands. A study completed for the City and County of Honolulu by consulting group R.W. Beck, the "2006 Waste Characterization Study" (available online at www.opala.org), reveals some shocking facts about Oahu's solid waste situation. Since the last waste characterization study in 1999, the trash from Oahu households increased by 30.2% from 316,491 tons annually in 1999 to 412,016 tons in 2006 (R.W. Beck, "2006 Waste Characterization Study," April 2007, at 3-11). The population increased by roughly 3% over the same period (878,906 to 906,000)—



Robert D. Harris, Director

meaning waste generation from households increased 10 times faster than population growth.
The proliferation of plastic bags contributes to this problem.

Plastic bags are an expense that can be avoided and its alternatives promoted. In Hawai'i, plastic bags are an expense -- the cost of purchasing tens of millions of plastic bags annually -- which is most certainly passed on to local consumers. In addition, plastic bags tax our economy and environment when they are littered or placed in our overflowing landfills.

For example, a recent study conducted in Seattle concluded -- even with a high 13% recycling rate (greater than the national average of 3-5%) -- approximately 1,650 tons of plastic bags were put into the landfill annually. The net cost to Seattle and ratepayers of collecting, transferring and disposing of waste was calculated to be approximately \$121 per ton or approximately \$200,000 for plastic grocery bags.

Even if plastic bags are burned at H-POWER (only on O'ahu) they are essentially converted to greenhouse gasses, further hastening global climate change, and ultimately not addressing the root of the problem. Similarly, with nearly 40% of the State's solid waste-stream able to be diverted from disposal at the landfill, plastic bags pose the single-most significant challenge to composting facilities, contaminating the compost, getting wrapped in the splines of processing equipment, and reducing the value of the compost product.

It should be noted that two highly successful business in Hawai'i -- Costco and Wholefoods -- do not offer its customers plastic bags. These businesses are flourishing. The switch by Wholefoods alone kept 100 million plastic bags out of the environment between April 22, 2008 and end of 2008.

The plastic bag measures before this Committee, SB584 and SB245, recognize the critical issues at stake for our environment and encourage consumers to take responsible, proactive action, to change their habits. We urge this Committee to consider the various approaches that numerous cities across the United States, as well as several countries around the world have taken in addressing the challenges posed by plastic bags. We hope you will move these measures forward to allow for continued discussion.

Thank you for this opportunity to provide testimony.

PLEASE PASS THIS BILL!

SB 245

RECYCLE: PLASTIC SHOPPING BAGS IN HAWAII

Thursday, February 05, 2009

4:15PM

State Capitol, Rm. 225

Energy and Environment Committee (ENE)

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

Judiciary and Government Operations Committee (JGO)

Chair: Sen. Taniguchi, Vice Chair: Sen. Takamine

Commerce and Consumer Protection Committee (CPN)

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

Dear Senators:

As a concerned citizen of the Aloha State, I am testifying in **SUPPORT** of **SB245**: *the statewide RECYCLING program of plastic bags*.

It is an environmentally responsible solution to the current barrage of plastic bags that are quickly used and discarded on our beautiful islands every year. **The only change I would like to ask for is for the plastic bags ban to take effect immediately as the recycling program takes place.**

Mahalo,

Anjie Pham

1515 Nuuanu Avenue

Honolulu, HI 96817