

SB 1059



February 6, 2011

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

From: Tim Shestek
Senior Director, State Affairs

Re: SB 1059 - OPPOSE

The American Chemistry Council (ACC) must respectfully oppose SB 1059, legislation that would ban certain retail establishments from providing customers with recyclable plastic bags. Though we support the intent of reducing bag litter and waste, we believe that the most environmentally responsible and economically sustainable solution to addressing this issue is a comprehensive program aimed at recycling these bags so that they may be used as feedstock in the production of other products, such as new bags, pallets, containers, crates, and pipe.

A growing number of states and cities around the United States – including California, New York, Delaware, Rhode Island, Chicago, New York City and Tucson – have passed legislation to promote at-store programs to collect plastic bags and product wraps for recycling as a practical and effective means to reduce waste.

In 2009, 850 million pounds of plastic bags and wraps were recycled in the U.S., and the rate has gone up 31% since 2005. Right now there are more than 18,000 places to recycle bags in the United States including at major grocery stores and national retailers. Not only can consumers recycle plastic grocery bags at these at-store drop off programs but consumers can also include bags from newspapers, dry cleaning, bread and produce together with the wraps around cases of soda, paper towels or diapers.

Furthermore, more than 90% of consumers reuse their plastic bags for various household and other functions such as trash can liners, picking up after their pets, as a storage bags when traveling, for holding wet clothes or kitchen messes after preparing food. Any suggestion that all plastic grocery bags are "single use" products is incorrect. One unintended consequence of this law could force consumers to purchase new plastic bags to replace the retail bags they previously reused. Such an unintended consequence does not make environmental sense.

In addition, proposals to ban plastic bags in most cases simply result in consumers choosing paper bags; a decision that results in substantial, yet often overlooked environmental impacts. Bear in mind the overall environmental and economic impacts that could result from widespread consumer shift from recyclable plastic to paper bags:

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

ACC encourages your committee to instead consider legislation from 2008 (HB 2434) that would have established a statewide recycling program for plastic bags. ACC was supportive of this approach to reducing bag waste and disposal and would welcome the opportunity to discuss this concept further. In our view, this approach is a much more

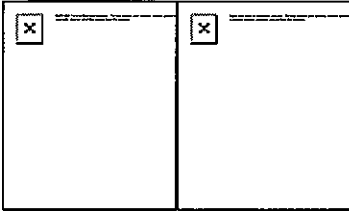


consumer and business friendly way of addressing this issue and does not result in the environmental issues outlined above.

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 Hawai'i based representatives Red Morris or John Radcliffe at 808-531-4551.

gabbard1 - Carlton

From: Lauren Suzanne Zirbel [laurenzirbel@gmail.com]
Sent: Monday, February 07, 2011 11:41 AM
To: ENETestimony
Subject: HFIA TESTIMONY
Attachments: SB 1059 AND SB 1370.doc



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. Box 235

Honolulu, HI 96813

Fax : 808-791-0702

Telephone : 808-533-1292

DATE: Tuesday February 8, 2011 **TIME:** 3:00 p.m. **PLACE:** CR 225

TO: COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair; Senator J. Kalani English, Vice Chair

FROM: Hawaii Food Industry Association - Lauren Zirbel, Government Relations

RE: SB 1059 AND SB 1370 RELATING TO ENVIROMNENTAL PROTECTION

Chairs & Committee Members:

HFIA opposes SB 1059 and SB 1370.

Paper bags are not more environmentally friendly than plastic bags. Without a fee on paper, plastic bag ban bills will simply result in a shift to paper bags. The consumer will pick up the added cost of this shift. There is no upside for the environment.

If we want to encourage reusable bag use, a fee is a good way to do so. A plastic bag ban does not accomplish this goal. More needs to be done in education to ensure that customers understand WHY this is being implemented. We don't want to see a shift to other types of single use bags. The negative energy and resource consequences of using compostable and paper bags must be understood.

Plastic bag bans do not help the environment because paper bags take more energy to produce and recycle and generate far more pollution than plastic bags.

Compostable and biodegradable bags misappropriate our food sources – such as corn – and cause serious agricultural and water usage issues in other countries.

Please consider the following pros and cons:

PLASTIC BAGS

Pros:

- They can be recycled and made into new products, which has created new markets for the recycled plastic pellets that are made into products such as children's outdoor play sets, and patio decking.
- Although not commonly understood, this is truly the best environmental option, since there is no landfilling, no discard—the entire product is used and reused.
- Reduces plastic litter.
- Bags are lightweight, convenient, and reused for other purposes within the home such as pet scooping, wastebasket liners, and lunch bags.
- There is a market for the plastic—stores can sell the recycled plastic bags they collect from customers (15-20 cents per pound)
- Compostable bag ordinance will seriously jeopardize plastic bag recycling, because compostable bags contaminate recycled bags. If degradable compostable bags are mixed in a batch of recycled plastic, it cannot be used because the compostable ingredients such as cornstarch destroy its strength.
- Strong enough to hold 25 lbs. But lightweight for consumers to carry.
- Water resistant.
- 48 cities in California have curbside recycling for plastic bags.

- Take up one-seventh of the space in a landfill than paper bags do; release 94% less pollution during manufacturing than paper bags; 70% less air pollution during manufacture than paper bags.
 - See Attachment 5 for the plastic bag industry's "Plastic Bag Recycling Support Information", a piece designed to encourage plastic bag use.
 - Costs 91 percent less to recycle equivalent weights of plastic and paper and the plastic recycling market is growing as consumers become aware of the option.
 - Plastic bags, made from natural gas, are more tree-friendly than paper.
 - It takes about 40 percent less energy to make plastic bags, which generate about 80 percent less waste than paper sacks.
- Producing plastic bags gives off just 40 of the greenhouse gases as producing paper.
- It takes 91 percent less energy to recycle a pound of plastic than it takes to recycle a pound of paper. It takes more than four times the energy to manufacture a paper bag as it does to manufacture a plastic bag. Energy to produce the bags (in British thermal units): Safeway plastic bags: 594 BTU; Safeway paper bags: 2511 BTU.
- Current research demonstrates that paper in today's landfills does not degrade or break down at a substantially faster rate than plastic does. In fact, nothing completely degrades in modern landfills due to the lack of water, light, oxygen, and other important elements that are necessary for the degradation process to be completed.

Cons:

- Currently perceived as the worst environmental option, however inaccurately.
- Downside is distain by legislators, and environmentalist consumers.
- Uses oil to manufacture, so are subject to that political argument
- Because of human behavior, they are often tossed out and are a significant source of the litter stream
- Are likely to continue to be banned from use via local ordinances.
- Plastic bags can take 1,000 years to decompose whereas paper bags take about a month to decompose
- Most plastic bags are made from polyethylene, which is made from crude oil and natural gas, nonrenewable resources.

PAPER BAGS

Pros:

- Readily available, at least for grocery and chain drug stores.

- Comparatively cheaper than plastic and compostable plastic and reusable bags (but more expensive than regular plastic bags).
- Paper is accepted in most recycling programs while the recycling rate for plastic bags is very low. Research from 2000 shows 20 percent of paper bags were recycled, while one percent of plastic bags were recycled.

Cons:

- Destroys the forests (although the forestry environmentalists have not spoken up about the move away from plastic bags increasing the use of paper bags; at some point they may begin to do so).
- Paper sacks generate 70 percent more air and 50 times more water pollutants than plastic bags.
- Paper bags are made from trees, which are a renewable resource.
- 2000 plastic bags weigh 30 pounds, 2000 paper bags weigh 280 pounds. The latter takes up a lot more landfill space
- Trees take carbon dioxide out of the air, combine it with sunlight and water and create oxygen. It's a pretty important trick that turns us all into "tree-huggers". There are even efforts underway to plant new trees as a way of absorbing some of the carbon dioxide emissions we're creating.
- Are not practical for wet weather.
- Not aware of availability of paper bags suitable for non-grocery, non-drug retailers.
- Take up more space in a landfill than plastic bags.
- Requires more room in-store for storage in back room and at point of sale.
- Takes 7 trucks to deliver the same amount of paper bags as one truck of plastic bags—generating more gas usage, more highway traffic, and more air pollution.

Thank you for the opportunity to provide this testimony.



est. 1947

Hawaii Restaurant Association

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hra@hawaiirestaurants.org

February 7, 2011

Testimony in Providing Comments to SB 1363 and SB 1059 – ENE – 2/8/11, 2:45 pm and 3:00 p.m., Rm. 225

Chair Gabbard, Vice Chair English, and Members of the Committee:

The Hawaii Restaurant Association (HRA) provides the following comments to **SB 1363 and SB 1059** that would prohibits certain businesses in the State from distributing single-use plastic checkout bags. The HRA applauds the drafter's inclusion of an exception for "[b]ags used to protect prepared foods or bakery goods."

The HRA requests further language to clarify the exception could be for "[b]ags used to protect prepared foods or bakery goods for take-out or transport." By adding the clause "for take-out or transport," the intent of the bill to exempt restaurants and bakeries would be clearly set forth resulting in less confusion among the enforcing agency, merchants, and consumers.

The HRA appreciates the intent of this bill, which is to protect the natural environment. The HRA submits, however, that plastic bags remain by far the best choice when holding containers containing freshly cooked foods, especially hot liquids and grease for those times when food containers may leak or spill.

In restaurants, plastic disposable bags are used not simply a matter of convenience but for consumer safety and other practical reasons including the prevention of leaks and spills of items that are often hot in temperature and sometimes greasy and aromatic. Unlike supermarkets that sell primarily packaged foods, restaurants sell freshly cooked foods that are most often hot and contain liquids. We noticed an exception in this bill for fresh produce, meats, and frozen items. Similarly, food from restaurants, contain "dampness" either from gravies, sauces, or the heat that results in condensation.

In addition, restaurants that are unable to use plastic bags will likely experience an increase in dissatisfied customers who will find gravies, sauces, and other liquids leaking. These negative experiences will discourage potential customers from purchasing take-out food at restaurants. In this difficult economy, consumers have already started to eat out less. This additional burden at this inopportune time would further exacerbate the economic challenges the restaurant industry currently faces. With over 3,500 locations directly employing over 82,000 dedicated people, restaurants form a cornerstone of Hawaii's economy that must be kept viable.

In summary, the HRA respectfully urges the Committee to consider these comments to **SB 1363 and SB 1059.**

Very truly yours,
The Hawaii Restaurant Association
Bryan P. Andaya / Victor Lim / Tom Jones - Govt. Relations co-chairs

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February 8, 2011

The Honorable Senator Mike Gabbard, Chair
Senate Committee on Energy and the Environment
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony supporting SB1059 and SB1370 Relating to Environmental Protection

Chair Gabbard and members of the Committees:

The Outdoor Circle strongly believes that non-reusable checkout bags are a detriment to Hawaii. They damage the unique visual wonder of Hawaii and the quality of life of our residents. They are a threat to wildlife, particularly ocean creatures that ingest or become entangled in plastic bags in particular. And they are a negative influence on our visitor industry—because when visitors see plastic bags blowing around our beaches, parks and everywhere else, it tells them that our state is unwilling to take this important step to protect the incomparable natural resources of our beautiful islands.

So for The Outdoor Circle, the question is not whether the legislature should take action to end the use and/or mishandling of non-reusable checkout bags...the questions is how to do it. And while that might be viewed as an insurmountable conundrum, we view it as an opportunity for the legislature to critically analyze the many proposals that deal with this issue and create legislation that incorporates the elements that are best for Hawaii.

That doesn't mean study it to death and put it off interminably—or even for another year. It means that there are several rational approaches to this issue that are being offered in many different bills before both the House and Senate. And it means this is the year for our legislature to show the leadership and fortitude necessary to look at all of the proposals, create the best possible solution to the problem and get it done—this year. As that process proceeds, The Outdoor Circle will have further comments on specific details of the legislation.

For now, please understand that The Outdoor Circle's position is a philosophical one: we must eliminate the threat and very real damage caused by non-reusable checkout bags. And it is our expectation that 2011 is the year to do it.

Respectfully,

Bob Loy
Director of Environmental Programs

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

HEARING Tuesday, February 08, 2011
3:00 pm
Conference Room 225



RE: SB1059, Relating to Environmental Protection

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 SB1059, which prohibits retailers in the State from distributing single-use plastic checkout bags as defined in the Act.

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. 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.

Plastic bags provided by retailers today are recyclable, and many retailers provide convenient recycle bins at their locations. The stated purpose of this bill is to reduce the production of waste via a reduction in the use of plastic bags, yet the focus is specific to the free bags provided by businesses at check out and exempts a series of plastic bags that are deemed "useful" for various reasons. Consumers report that they reuse their plastic grocery bags 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.

As in those cities which have banned plastic bags, Hawaii's retailers will switch to 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.

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 refer to the ULS Report: http://www.deq.state.mi.us/documents/deq-ess-p2-recycling-PaperPlasticSummary_2.pdf

We respectfully submit for your consideration a comprehensive recycling program that prescribes that retailers provide: 1) visible and accessible collection bins for recycling; 2) reusable bags for purchase and use in lieu of plastic; 3) education via recycling messages printed on recyclable bags; and 4) that the collected plastic bags are recycled. 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.

Our mutual goals are 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. Thank you for your consideration and for the opportunity to comment on this measure.

Carol Pregill, President

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



CONSERVATION COUNCIL FOR HAWAII

Testimony Submitted to the Senate Committee on Energy and Environment

Hearing: Tuesday, February 8, 2011

3 p.m.

Room 225

Support for the intent of SB 1059 Relating to Environmental Protection

Aloha. The Conservation Council for Hawai'i supports the intent of SB 1059, which bans single-use plastic bags. This will reduce the amount of plastic in landfills, on land, and in the ocean.

However, we urge the legislature to consider banning all single-use bags – plastic, paper, and even biodegradable/compostable ones – because all of these products require energy to manufacture and energy to ship to Hawai'i. In addition, even though some single-use bags are labeled "biodegradable" or "compostable," they do not necessarily break down under certain conditions.

Many of our residents and visitors want to protect the environment, and they will adjust by purchasing reusable bags. This positive change in behavior is long over due. Banning all single-use checkout bags will help conserve energy, reduce greenhouse gas emissions, protect marine life, and save merchants money.

Thank you for the opportunity to testify.

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www.conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

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Directors: Madelyn D'Enbeau * Maka'ala Ka'aumoana * Julie Leialoha

Executive Director: Marjorie Ziegler



Feb. 7, 2011

Committee on Energy & Environment (ENE)

RE: Strong Support for Senate Bill 1059 – Ban on Single-Use Plastic Bags

Dear Chair Gabbard and Committee Members,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 4000 members across the state, the Hawai'i Chapters of the Surfrider Foundation ("Surfrider") strongly support passage of SB1059, a bill designed to address the harms of single-use plastic and paper check out bags that are degrading the environment, harming marine life and overflowing our landfills. We support this statewide ban bill on all single-use plastic bags in conjunction with the existing bans on Maui and Kauai.

According to the EPA, millions of sea birds, marine mammals, sea turtles and fish die each year due to ingestion and entanglement in plastics. There is no reason why people can't switch to reusable tote bags and help protect these sea creatures. This bill will not only improve Hawaii's natural environment but also help counties save money by extending the life of our landfills. After the disastrous spill from our landfill recently onto the Leeward Coast, it is imperative that we reduce our waste stream dramatically, and this bill is a good start.

Governments across the world have successfully reduced plastic bag use, either through plastic bag bans, or through fees or taxes. Maui and Kauai County passed their own bans, and the Big Island and Oahu are working on their own. The following countries have all taken measures to reduce their plastic bag usage in an effort to protect their precious natural resources and valuable coastlines: Ireland, China, Tanzania, Taiwan, Australia, Italy, and South Africa. And these cities have followed their lead: San Francisco, Manhattan Beach, Malibu, Los Angeles, Edmunds (WA), Outer Banks (NC), District of Columbia, Mexico City, Rio de Janeiro and Mumbai. Eventually, all governments and people will realize how economically wasteful and environmentally damaging single-use plastic and paper bags are. Will our state be a leader or a latecomer in this movement? Hawai'i will only benefit if it reduces our waste stream.

The Hawaii Chapters are supporting SB1059 because Surfrider's mission is to preserve the health of our oceans and the quality of our beaches. Plastic bags that end up in the ocean or on our coastlines not only endanger sea turtles, seabirds, and marine mammals, but they also adversely affect the entire marine food web. Because plastic does not biodegrade, plastic waste never truly disappears, it only breaks down into smaller and smaller pieces called "micro-plastics," which are often consumed by fish and filter feeders that mistake them for food. In the ocean, these micro-plastics attract toxic chemicals and persistent organic pollutants like PCB's, which bioaccumulate as they make their way up the food chain and into our seafood. So this is a human health issue as well as an environmental hazard. (cont.)

Single-use plastic bags are also a threat to our wallets, and everyone bears the cost of these so-called “free” bags. Taxpayers spend as much as \$0.17 on each “free” plastic bag because they subsidize the recycling, collection, and disposal of these toxic tumbleweeds. Retailers spend as much as \$0.05 per bag (a price which is incorporated into the price of food and goods, then passed on to consumers) when they provide a consumer with a so-called “free” plastic bag. By reducing the amount of disposable plastic and paper bags in the environment and our landfills, the counties will save money by not having to clean them up.

We respectfully suggest that an amendment be made to SB1059 so that the ban includes all single-use paper bags as well because they are equally environmentally harmful. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,

Stuart H. Coleman
Hawaii Coordinator
Surfrider Foundation
808-942-3841

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225

Testifier position: support

Testifier will be present: No

Submitted by: gina hart

Organization: Individual

Submitted on: 2/4/2011

Joy Leilei Shih, M.A.S.
3267 Mokihana Street
Honolulu, HI 96816
(650) 380-5482
joyshih@hawaii.edu

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

Feb 8, 2011, 3:00 pm
(Testimony is 3 pages long)

TESTIMONY IN FAVOR OF SB 1059

Aloha Chair Gabbard, and Members of the Committee:

My name is Joy Leilei Shih and I am a marine biogeochemist graduate student researcher in Oceanography at the University of Hawai'i at Manoa. I received my Master of Advanced Studies in Marine Biodiversity and Conservation from Scripps Institution of Oceanography in La Jolla, CA in 2008. I have had the privilege of being trained by, working with, and discussing anthropogenic pressure on the oceans with top marine scientists and conservation experts.

That plastic pollution is harmful to the marine environment is not up for debate. Large accumulations of plastic debris have been identified in all five major oceanic gyres, carried by the major ocean currents. Inefficient and improper disposal of trash supplies these hundreds of millions of square miles affected by this phenomenon. In Hawai'i, each resident produces on average at least 6.2 lbs of opala each day. It is estimated that only a few percent of plastic shopping bags are ever recycled. The recent overflow from landfill only serves to illustrate that much of our refuse is not successfully sequestered. Plastics do not degrade but only break down and remain in the environment for a minimum of years to a more likely thousands of years. In reality, plastic does not ever truly degrade but only breaks down into small enough particles to enter the food chain, including the human seafood diet.

Plastics affect every size of marine life, from its incorporation into microscopic phytoplankton, to its ingestion by the largest marine mammals. Sea birds and sea turtles are sadly common victims of being entangled in or ingesting plastic. However, even large marine mammals are not immune, as evidenced by events such as the seven sperm whales that washed up in Fiogga, Italy in 2009, having died from ingesting large amounts of plastic, as did a gray whale in Seattle in April of last year. These are only examples of many more.

Estimates range from 100 million to one billion marine animals, including fish and invertebrates, are killed each year due to plastic debris in the ocean. Included in this are 1 million seabirds deathsⁱ and 100,000 marine mammals such as seals and whalesⁱⁱ. In 2007, University of Queensland researchers found that plastic bags are

the biggest killer of sea turtles.ⁱⁱⁱ Currently, it is estimated that there are 100 million tons of plastic in oceans around the world. It is expected that another 60 billion pounds will be produced this year alone.

12 million barrels of oil are required to produce the 100 billion plastic bags that Americans use each year, including the 300 million plastic bags used in Oahu alone. Reducing the amount of plastic bags produced would help reduce the growing pressure of our reliance on fossil fuels.

Plastic debris also acts as hosts for invasive species, carrying them to other regions of the ocean. Extensive scientific studies have described and confirmed these "hitchhikers".

As the ocean is arguably Hawai'i's most valuable resource, being part of the solution can only be considered kuleana to our culture, our islands, and ourselves.

As of November 2010, China's plastic bag ban has kept 100 billion plastic bags out of the trash, and it is estimated that it will save China 37 million barrels of oil every year.

The country of Italy implemented a nationwide ban in January of 2011 following the success of its 200 municipalities already having plastic bag bans.

The city of San Francisco passed the nation's first ban on plastic bags in 2007 and has saved over five million bags every month. Just last month, the California counties of Marin and Santa Monica joined the growing number of cities adopting a plastic bag ban.

Maui and Kauai counties have taken the lead in Hawai'i with plastic bag bans already in place. Hawai'i would be the first state in the nation with such a policy, an opportunity to telegraph to the world that Hawai'i is serious about reigning in plastic debris and its detrimental impacts. In anticipation of the APEC meeting to be hosted in Honolulu in November of this year, the state can be proud of passing such a significant piece of environmental policy, just like the much-lauded Bottle Law of 2002.

State legislation is needed for consistency across the islands, a decision that would be supported by businesses, especially chains. Businesses can also see less expenditure as fewer bags are distributed, the consistent trend across all cities, counties, and countries that have adopted a plastic bag policy. This is pro-environmental policy that would have no impact on the state budget.

This bill would require businesses with annual gross sales of over \$300,000 to stop distributing single-use non-biodegradable plastic checkout bags at the point of sale, beginning July 1, 2012. As stated in SB 1059: "The legislature further finds that the State has a compelling interest in protecting its precious natural environment by

decreasing the amount of waste that flows into its landfills. Because Hawai'i's economy, culture, and the livelihood of its people depend heavily on preserving its natural environment, the legislature finds that the State will benefit by encouraging the use of reusable shopping bags." (Page 2, Lines 9-18.) This ban would not restrict the use of plastic bags for produce, grains, small hardware items, live fish and insects, newspapers, dry cleaning, and the like.

I am available to help refine such a policy that would be most beneficial to the State of Hawai'i. Please do not hesitate to draw upon my time and effort, and fellow researchers and expert resources at my disposal in this opportunity to move forward.

I respectfully ask that this committee advance this measure.

Mahalo for the opportunity to testify.

Joy Leilei Shih

ⁱ United Nations Environment Programme (UNEP), 2005. Marine Litter, an analytical overview.

ⁱⁱ Wallace, N. 1985. Debris entanglement in the marine environment: A review. Pp. 259-277. In: R.S. Shomura, H.O. Yoshida (eds.) Proceedings of the Workshop on the Fate and Impact of Marine Debris 27-29 November 1984, Honolulu, Hawaii, July 1985. NOAA-TM-NMFS-SWFC-54.

ⁱⁱⁱ <http://www.sciencealert.com.au/news/20081403-17043-2.html>

Testimony in support of SB1059

I'm a Postdoctoral Fellow at the Hawaii Natural Energy Institute and I support the above bill banning plastic bags.

Aloha,

Scott Higgins Ph.D
1680 East West Rd
Honolulu, HI 96822

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Mariya Gold
Organization: Individual
Submitted on: 2/6/2011

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225

Testifier position: support

Testifier will be present: No

Submitted by: ROXANNE RIVERO

Organization: Individual

Submitted on: 2/7/2011

Comments:

Hi I would like to support this bill SB 1059.. banning plastic bags for businesses for the state of Hawaii, as well as the island of Oahu..

As of November 2010, China's plastic bag ban has kept 100 billion plastic bags out of

the trash, and it is estimated that it will save China 37 million barrels of oil every

year.

The country of Italy implemented a nationwide ban in January of 2011 following the

success of its 200 municipalities already having plastic bag bans.

gabbard1 - Carlton

From: Jennifer Milholen [milholen.jennifer@gmail.com]
Sent: Monday, February 07, 2011 11:56 AM
To: ENETestimony
Subject: SB1059 testimony for hearing on 2-8-11 3pm

I am resending since the original was accidentally formatted in Symbol font. Please see below:

Testimony from Jennifer Milholen
215 N. King St.
Honolulu, HI 96817

I do not support this bill in favor of allowing businesses to distribute "biodegradable" and paper bags at point of sale. While straight plastic bag bans have good intention and are doing some good, it still allows for businesses to use other unsustainable alternatives such as paper bags and bags labeled as "biodegradable."

Past and current bills up before the legislature have either banned 100% plastic bags specifically or allow for "biodegradable" and paper bags. There are some very real issues with these parameters. As has been seen on Maui and Kauai with the ban, businesses are turning to paper bags which are more expensive for the business and leads to another unsustainable practice, clear cutting for the purpose or producing paper bags. The introduction and legislated acceptance of "biodegradable" plastic bags is the most worrisome of trends happening on the outer islands and in the current proposed bills (SB 1059 & SB 1370). There is a general lack of understanding when it comes to the lexicon of "Earth-friendly" bag alternatives.

"Biodegradable" is generally thought to refer to products that are good for the environment and the ideal of products. What the word actually refers to is a product breaking down and becoming indistinguishable in soil. The definition does not put any prohibition on toxins present in the product, plastic content, or how long it takes to break down. Because of this re-appropriation of the term for the purpose of "greenwashing" and selling bag alternatives, the general public sees biodegradable as a cure all. However, the truth is that the definition allows for bags that contain +90% PLASTIC still! As long as it has as little as 3% organic material it can be labeled as "biodegradable." Once these still-plastic bags are introduced into the environment (land & marine) they break down into smaller pieces of toxic plastic that are ingested by animal life the same as 100% plastic bags. At a molecular level, these plastic pieces continue to destroy the food chain as microorganisms die from consumption. As is clear from the above, these bags represent the same if not more of a threat to Hawaii and the world's environment as single-use plastic bags.

I do not support SB1059 because it allows for the use of paper and "biodegradable" bags, which are unsustainable and potentially catastrophic to the environment and it's food chain. The allowance of paper and "biodegradable" bags in place of single-use plastic bags still represents a huge threat to the environment, arguably more. The sale of "compostable" bags would be acceptable since the industry definition of compostable allows for ZERO toxins, NO plastic, and only organic materials that will break down in 180 days under composting conditions. I DO support SB1363.

Thank you for your time.

Jennifer Milholen

Rachel Harvey
316 Keaniani St.
Kailua, HI 96734,
352-872-8622,
racheharvey@gmail.com

ENE/EDT Public Hearing
Room 225
February 8th, 2011, 3:00pm
Testimony of Rachel Harvey
In Support of Senate Bill 1059

Good afternoon Senators,

I am writing to comment in support of **Bill SB1059**. Regulating single-use plastic bags will help make Hawaii a model state for sustainable change. I encourage you to also place a ban or fee on paper bags.

Hawaii, especially Oahu, is at a crucial moment for waste management. Despite the efforts of the H-Power waste-to-energy program, our facilities and landfills are overwhelmed. According to an article in the Honolulu Advertiser (March 8, 2010), people on Oahu use an estimated "300 million bags or more annually." Legislating source reduction and behavior changing regulation is the targeted solution.

The harmful cost of single-use plastics stretches from the oil it takes to produce it, to the health of the consumer, to the cost of disposal, and finally to the marine ecosystems it wrecks. Plastic is a material that the Earth cannot digest. Almost every bit of plastic that has ever been created still exists. Once discarded in the environment, plastic breaks down into smaller and smaller particles. Patches of plastic pollution cover millions of square miles of ocean near Hawaii. Tragically, this plastic also ends up in the stomachs of marine birds and animals. Moreover, the creation and distribution of plastic products increases our polluting carbon emissions and dependence on fossil fuels.

Reusable bags allow new avenues for marketing and save the retailer and consumer money. Consumers actually pay hidden costs for so-called free bags. Further, reducing the consumption of single-use plastic bags will bring in money for our state and save money in clean-up costs. The taxpayer cost to subsidize the recycling, collection, and disposal of plastic and paper bags is more than the cost of the bag.

Our taxpayer dollars are being used to subsidize the cost of waste. Much of this money could be redirected to benefit our state. Similar laws have been passed worldwide and have proven to be successful. For example, when Washington D.C. instituted its recent five-cent fee, bag use declined from an average of 22.5 million per month to 3 million in the very first month, and fees generated about \$150,000 for use by the city's environmental programs.

This bill effectively addresses the issue of plastic pollution by positively changing consumer behavior, decreasing external costs, and decreasing the amount of waste Hawaii produces.

I am a member of Plastic Free Hawaii (Kailua Chapter), a coalition of community members and businesses that strives to educate the stores, restaurants, residents, and visitors of Kailua on the environmental and health benefits of going plastic free. <http://plasticfreekailua.blogspot.com/>

Mahalo for the opportunity to testify on this matter.

Sincerely,
Rachel Harvey

Aloha,

I strongly support SB 1059 and believe that a ban on non-reusable plastic bags for businesses with annual gross sales of over \$300,000 is appropriate. Plastic bag pollution is one of the greatest threats to Hawaii's environment, and I believe a ban will significantly reduce plastic and other non-reusable bag use in Hawaii.

Mahalo,

Charlie Taylor
1936 S. King St.
Honolulu, HI, 96826

J.D. Candidate 2011
University of Hawaii
William S. Richardson School of Law

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Brent Carman
Organization: Individual
Submitted on: 2/7/2011

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Sandra
Organization: Individual
Address: Kapaa
Submitted on: 2/7/2011

SB 1059
2/8/2011
3 pm

Dear Senators:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. I am writing in regards to SB 1059 that would ban certain businesses from using plastic bags. I encourage the committee to oppose SB 1059. This is a bill based on exaggerations, such as the supposed "Great Pacific Garbage Patch" which is correctly described at this web page as not being the towering piles of plastic that people are led to imagine:

<http://news.discovery.com/earth/ocean-garbage-patch-exaggerated-110112.html>

and ignores the fact that plastic bags can be recycled. SB 1059 also creates a health risk to customers by denying them the choice to choose how they wish to bag their merchandise by forcing them to use reusable bags that have recently been found to contain high levels of toxic lead:

<http://www.hawaiifreepress.com/main/ArticlesMain/tabid/56/articleType/ArticleView/articleId/3681/KTA-Safeway-Walgreens-Excessive-Amounts-of-Lead-Found-in-Reusable-Grocery-Bags.aspx>

Several counties in California have prepared Environment Impact Statements that have found that banning plastic bags negatively affects the environment:

<http://www.hawaiifreepress.com/main/ArticlesMain/tabid/56/articleType/ArticleView/articleId/3493/Calif-EIS-shows-plastic-bag-ban-harms-environment.aspx>

Is the Legislature going to require that an EIS be performed before systematically banning plastic bags? This bill will negatively impact businesses and ultimately customers who will be forced to absorb the extra costs incurred in implementing this bill. SB 1059 has too many exceptions, and will create confusion among businesses and customers, as illustrated in the counties that have recently enacted plastic bag bans in Hawaii. The Legislature should encourage recycling, but allow customers to make their own decisions concerning their shopping habits. I thank you for considering my testimony, and hope that it will convince you to oppose SB 1059...

Lee McIntosh

Aloha,

Please pass SB 1059 to ban all plastic checkout bags, with the exceptions noted in the bill. We need to get in synch with other jurisdictions to take concrete steps to preserve our world-famous environment. If you want citizens to have faith in the integrity of their elected representatives, listen to their voices, rather than those of well-paid lobbyists for vested interests.

Thank you for protecting our environment.

Ken Sentner
2499 Kapiolani Blvd., Apt. 2209
Honolulu, Hawaii 96826

TO: Members of the Committee on Energy and Environment

FROM: Natalie Iwasa
Honolulu, HI 96825
808-395-3233

HEARING: 3 p.m. Tuesday, February 8, 2011

SUBJECT: SB1059 Plastic Bag Ban - **OPPOSED**

Aloha Chair and Senators,

Thank you for allowing me to provide testimony in opposition to SB 1059 which would ban the distribution of plastic bags in certain situations. The bill refers to "single use plastic checkout bags" and attempts to encourage the use of "reusable shopping bags." The bill makes a distinction between plastic bags greater than 2.25 millimeters thick and those that are less. Following is a list of some of the ways in which I reuse Safeway and other checkout plastic bags, i.e., the types of bags that would be banned under this bill:

- To carry goods that I purchase at garage sales;
- To store cans and bottles until they are taken to the recycling center;
- In boxes to pad goods that are shipped to the Mainland;
- To put trash in that my boys and I pick up at the beach and parks;
- To carry toiletries when I travel, so any liquid spills are contained to the bag;
- To carry extra shoes when I travel, so they don't get my clothes dirty;
- For dirty clothes;
- To carry folders and small items when I go on errands with my bike;
- To carry groceries; and
- As liners for garbage cans.

I understand the concern about bags ending up in the ocean and offer the following suggestion. Educate people about the problem and suggest that bags only be used when needed. Many times I've seen a couple of products that could easily be carried put into a bag and then double bagged. I think this is done out of habit and without thinking. If these bags were banned, I, and many others, would need to purchase plastic bags. **Please vote "no" on this bill.**

Testimony for ENE 2/8/2011 3:00:00 PM SB1059

Conference room: 225

Testifier position: oppose

Testifier will be present: No

Submitted by: Marjorie Bonar

Organization: Individual

Submitted on: 2/7/2011

Comments:

This type of means test has been successfully litigated on behalf of the larger stores. The factors brought to court are those of discrimination, what constitutes the size of the business, the inability to in fact verify the income of a business and how that may change over the course of the year. This is a well intentioned, but not well researched bill.

Annie Lovell
Honolulu, Hawaii

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

February 8, 2011, 3:00 pm
Testimony in Favor of SB 1059

Aloha Chair Gabbard, and Members of the Committee:

I respectfully ask the Senate Committee on Energy and Environment to advance SB 1059 requiring businesses with annual gross sales of over \$300,000 to stop distributing single-use, non-biodegradable plastic bags beginning July 1, 2012.

Hawaii has gained national respect for being at the forefront of environmental legislation as a means of protecting the unique resources of the islands. Limits to these resources require the state to act quickly and responsibly in addressing environmental concerns such as rampant plastic pollution due to unregulated consumption of single use plastic bags. With over 3,000 miles between our small region of the Pacific and the contiguous states, it is important for Hawaii to address many issues independently of our mainland counterparts. Playing follow the leader and waiting until the rest of the United States passes this type of legislation will come at too high a cost to Hawaii's natural resources and human health.

It is time for the state of Hawaii to follow the lead of its counterparts. Maui and Kauai counties have taken the lead in Hawaii with plastic bag bans already in place. The new laws is undeniably an adjustment for businesses and customers alike. It seems that the most common compliant is the uncleanliness of spilled to-go containers in a re-usable bags. However, the solution to a bit of spilled poi in a cloth satchel can be identified much easier than a solution to the unsanity that will continue if we allow single-use plastic bag pollution to further deplete our energy reserves, degrade our waterways, perpetuate our waste stream, drain our economic resources, and pollute our bodies.

Dear Senate!

Please consider passing the following bills:

SB 1363, @ Tuesday, February 8, 2011 at 2:45 pm

SB 1059, @ Tuesday, Feb 8 at 3pm

SB 1370, @ Tuesday, Feb 8 at 3pm

I feel it is very important for large retailers to minimize if not cease the use of non-biodegradable plastic bags. Less plastic will cause less pollution, less waste, and will reduce stress on landfills. Please pass these bills.

Sincerely,

Danielle Best

320 Liliuokalani Ave. Apt 1503

Honolulu, HI 96815