

SB1059

TESTIMONY

Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
Committee on Judiciary and Labor
State Capitol, Honolulu, HI 96813

HEARING Tuesday, February 22, 2011
10:15 am
Conference Room 016



RE: **SB1059, SD1, Relating to Environmental Protection**

Chair Hee, Vice Chair Shimabukuro, 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,SD1, 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

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 19, 2011 6:42 PM
To: JDLTestimony
Cc: surfergirl808@msn.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1059

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: ROXANNE RIVERO
Organization: Individual
Address:
Phone:
E-mail: surfergirl808@msn.com
Submitted on: 2/19/2011

Comments:

I support SB1059 as numerous countries around the world have enacted plastic bag bans and have been successful, as well as Kauai and Maui, Hawaii is moving a plastic ban bill fwd..as a lifelong Hawaii resident i support this ban to protect our most precious resource in Hawaii please advance this measure forward. Mahalo.. Roxanne Rivero 238 Kaimanawai Place Honolulu, Hawaii 96816

SB 1059

DATE: Tuesday, February 22, 2011 **TIME:** 10:15 am **PLACE:** Conference Room 016

Aloha, COMMITTEE ON ENERGY AND ENVIRONMENT

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

From: Ewan Rayner

I am in support of SB 1059, prohibiting certain businesses in the State from distributing single-use plastic checkout bags.

Every year billions of plastic bags end up in our landfills, which are already overflowing. Hundreds of thousands of marine animals are killed annually after ingesting plastic bags that have ended up in the ocean. These animals not only die but they die in pain, choking to death or having the plastic wrap around their intestines. The Honu is one of the symbols of Hawaii. Almost 50% of dead sea turtles are found to have plastics in their stomach, much of which comes from plastic bags. When in the ocean, plastic bags resemble jellyfish, the key source of food for turtles.

Not only this but the production of plastic bags uses petroleum and is a major source of greenhouse gasses worldwide. It has been estimated that somewhere between 1 and 3% of plastic bags ever get recycled, and even if this percentage was to be increased dramatically, it would not be the answer – the recycling process also uses a lot of energy and would contribute greatly to greenhouse gasses.

This bill prohibits businesses with annual gross sales of over \$300,000 from distributing free single use bags. This is a prudent measure as there are alternatives for people to use. Re-useable bags work just as well (if not better) than plastic bags. Bags will still be available for purchase for uses such as lining trashcans, picking up pet waste etc. Also, this measure protects the economic interests of small businesses.

In my job I speak to a variety of people from a variety of different countries, and almost all are shocked at the amount of wastage and irresponsibility there is in Hawaii when it comes to dealing with our waste. Steps are being taken all over the world to

reduce our use of plastic bags and help to protect the environment. Here is an opportunity for Hawaii to take the lead in the US and be the first to take steps to reduce plastic bag usage at the state level. For a very small adjustment in people's daily lives, we could create a huge benefit for the environment.

As a final note, please correct the effective date for this measure to **July 2011**. For this bill to achieve its goals it needs to be implemented as soon as possible.

Thank you for the opportunity to testify on this measure.

SB 1059

DATE: Tuesday, February 22, 2011 **TIME:** 10:15 am **PLACE:** Conference Room 016

Aloha, COMMITTEE ON ENERGY AND ENVIRONMENT

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

From: Ewan Rayner

Proposed amendments:

Please change the effective date for this measure to **July 2011**.



February 21, 2011

To: The Honorable Clayton Hee, Chair
Senate Judiciary and Labor Committee

From: Tim Shestek
Senior Director, State Affairs

Re: **SB 1059 SD 1 - OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose **SB 1059 SD 1**, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 20, 2011 11:54 AM
To: JDLEstimony
Cc: ndavlantes@aol.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1059

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Nancy Davlantes
Organization: Individual
Address:
Phone:
E-mail: ndavlantes@aol.com
Submitted on: 2/20/2011

Comments:

Now that Hawaii County is poised to join Maui and Kauai Counties in passing some sort of legislation banning the use of single-use plastic bags, Oah'u cannot fail to act. As the Island with the largest population, we generate the most of this waste, much of it ending up in our fragile ocean environment. If the Honolulu City Council fails to act, then the State must. Uniform requirements among the counties would make it much simpler for both consumers and retailers and it would be a feather in Hawaii's cap to be the first state to tackle this problem state-wise. Thank you for this opportunity to testify.

Nancy Davlantes
47-228 Kamehameha Hwy
Kaneohe, HI 96744

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 20, 2011 12:14 PM
To: JDLTestimony
Cc: bcbonse@yahoo.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1059

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Bonnie Bonse
Organization: Individual
Address:
Phone:
E-mail: bcbonse@yahoo.com
Submitted on: 2/20/2011

Comments:

In light of the great work by Hawai`i County Council, recently moving to ban plastic bags, I urge our officials to take strong action so Hawai`i can be the first state to do what is long overdue: reduce the enormous amount of unnecessary plastic bags.
Thank you for the opportunity to give testimony on this important issue.

Scott Higgins Ph.D.
3622 Kumukoa St.
Honolulu, HI 96822
339-788-8001

SENATE COMMITTEE ON JUDICIARY AND LABOR

Feb 22, 2011, 10:15 pm
(Testimony is 3 pages long)

TESTIMONY IN FAVOR OF SB 1059

Aloha Chair Hee, and Members of the Committee:

I am in support of SB 1059.

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 respectfully recommend that Section 4 on Page 6 be amended to say “Nothing in this Act shall be construed to supersede or in any manner affect any country ordinance regulating disposable checkout bags established before January 1, 2011; provided that the ordinance is at least as stringent as the requirements of this Act.” instead of “Nothing in this Act shall be interpreted or applied so as to preempt any more stringent ordinance adopted by any county.”

I respectfully request that the language be amended to state that the effective date is July 1, 2011 instead of July 1, 2050.

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.

Scott Higgins

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>

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

SENATE COMMITTEE ON JUDICIARY AND LABOR

Feb 22, 2011, 10:15 am
(Testimony is 3 pages long)

TESTIMONY IN FAVOR OF SB 1059

Aloha Chair Hee, 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.

I am in strong support of SB 1059. Plastic bag bans have been successfully enacted in cities and countries around the world and have been an important and essential solution to the economic impact of plastic bags and their devastating effects on the environment.

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 Fioggia, 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.

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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.*

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I respectfully request that the language be amended to state that the effective date is July 1, 2011 instead of July 1, 2050.

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>

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 12:01 AM
To: JDLTestimony
Cc: mhesketts@mac.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1059

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Marvin Heskett
Organization: Individual
Address:
Phone:
E-mail: mhesketts@mac.com
Submitted on: 2/21/2011

Comments:

Aloha,

I proudly support SB1059 and respectfully request your support as well. We've learned far too much as a community in Hawaii and as ambassadors to the world to continue to ignore the devastating effects of plastic bags on our most precious resource. The minor contemporary convenience of plastic bags pales in comparison to their long term lethal effects on sea turtles, migratory sea birds fishes and general aesthetics of our tourism dependent coastal resources. Please help to slow the madness of the more than 350 billion plastic bags discarded each year and all the oil wasted to produce them. You have the unique opportunity to be part of a very progressive movement to help lead the world in turning the tide on this very bad decision made less than 50 yrs ago that should never have happened in the first place. Again, I appreciate your support of this bill and look forward to a cleaner ocean with its passage.

Mahalo,
Marvin Heskett

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 1:13 AM
To: JDLTestimony
Cc: kenzen808@gmail.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

Testimony for JDL 2/22/2011 10:15:00 AM SB1059

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Ken Sentner
Organization: Individual
Address:
Phone:
E-mail: kenzen808@gmail.com
Submitted on: 2/21/2011

Comments:

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

Committee: JDL
Room: 016
Hearing Date: 2/22/2011 10:15AM
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. 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 plastic 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 community coordinator for Plastic Free Hawaii (Kailua Chapter), a coalition of community members and businesses that endeavor 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