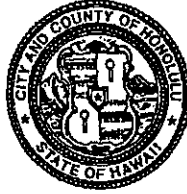


DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

PETER B. CARLISLE
MAYOR



TIMOTHY E. STEINBERGER, P.E.
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 11-22

February 9, 2011

The Honorable Hermina M. Morita, Chair
and Members of the Committee on
Energy & Environmental Protection
The Honorable Angus L.K. McKelvey, Chair
and Members of the Committee on
Economic Revitalization & Business
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Morita and McKelvey and Members:

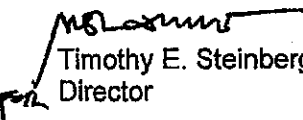
Subject: House Bill 1521, Relating to Electronic Waste Recycling

The City and County of Honolulu's Department of Environmental Services (ENV) supports the intent of House Bill 1521 to further define the requirements for manufacturer-financed electronic waste recycling programs.

We recommend that the bill be amended to more clearly define the minimum requirements for the manufacturers' recycling programs. Under the existing law, manufacturers can submit a simple mail-back program, which is woefully inadequate to address any significant diversion of electronic waste from county landfills. Manufacturers should be required to provide on-island collection sites and to be accountable for capturing a specified portion, or market share, of the electronics sold within the state.

We believe that the responsibilities for collecting and recycling electronic waste are best managed by the industry, and support the evolution of this law to strengthen those requirements.

Sincerely,


Timothy E. Steinberger, P.E.
Director



1600 Harvester Road
West Chicago, IL 60185
USA

Telephone (630) 231-6060
Facsimile (630) 231-6565
SRSinfo@simsrec.com
www.us.simsrecycling.com

HB 1521

February 10, 2011

Representative Hermina Morita, Chair House
Committee on Energy and Environmental Protection
Hawaii State Capital
Honolulu, HI

Dear Chairwoman Morita,

Sims Recycling Solutions would like to thank the Chair and the committee members for the opportunity to comment on H.B. 1521, an act relating to electronic waste recycling. Sims Recycling Solutions is an active participant in providing the citizens of Hawaii with an electronic take back service under the current electronic device recycling law. Sims has partnered with Honolulu-based Pacific Corporate Solutions to establish a convenient collection and recycling program for the consumers and businesses of Hawaii. In addition to our program in Hawaii, Sims provides similar services in many other states that have take back laws. As a result of being actively involved in the many different types of take back laws across the nation, Sims is uniquely able to see the strengths and weaknesses of the many approaches taken across the US. It is with this experience that Sims Recycling Solutions would like to state our strong support for H.B. 1521 and the improvements to the Hawaii Electronic Waste and Television Recycling and Recovery Law it will make.

Sims Recycling Solutions would like to make several comments of support on a number of specific sections of H.B. 1521. It is clear that the changes made to the existing Law by H.B. 1521 will lead to a more convenient, robust take back program.

Section 1

§339D-A Annual reporting; determination of market share.

This section, along with Section 3 of the bill, establishes a take back volume obligation for manufacturers. §339D-A requires manufacturers to provide sales data to assist the Department in determining the obligations as set forth in Section 3. The information required in this section is similar to the information required of manufacturers in many other states. Minnesota, Wisconsin, Illinois (for some products), Indiana, New York, and New Jersey (for some products) all base their published obligations on sales of a brand into their specific state. Most departments and manufacturers use national sales data,



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Facsimile (630) 231-6565
SRSinfo@sims.com
www.us.simsrecycling.com

adjusted by the population of a given state, to establish state specific sales data. Since this is already being done in numerous states, what H.B. 1521 is asking for is readily available.

§339D-C Environmental management

The proper management of collected electronics is a concern of all stakeholders. It is very difficult in these times of limited resources for the Department and many smaller manufacturers to perform the necessary audits of recyclers that should be done on a regular basis. Independent third-party certifications that audit to specific environmental standards have been required in other states. Pennsylvania and New Jersey have written into their laws and/or regulations that recyclers be certified by one of these third-party certifications such as the EPA sponsored Responsible Recycling (R2) standard. The R2 standards were developed in a multi-stakeholder process and set very high environmental criteria that all certified recyclers must meet. Sims would suggest including the R2 standards when the Department adopts their rules.

Section 2

§339D-1 Definitions

Changing the definition of covered device to include televisions and eliminating the separate definition of "covered television" combines the two current take back programs. When consumers and businesses decide to dispose of their unwanted electronics, whether a computer or a television, they want the process to be as easy and convenient as possible. Under the current Law, manufacturers of electronics do not receive credit for recycling televisions. Likewise, television manufacturers do not receive credit when they recycle covered electronics. This creates two parallel systems requiring the citizens of Hawaii to place their unwanted electronics in one return system and their unwanted televisions into a separate system that could be in a different location. The changes made by H.B. 1521 will make it easier and more convenient for the citizens of Hawaii to recycle all their unwanted electronic devices and it will give manufacturers credit for all of the material they collect, not only for the material type they originally manufactured.

Section 3

§339D-4 Electronic device manufacturer responsibility

This section establishes collection and recycling obligations for each manufacturer based on the weight of the products sold into Hawaii. The weight of material sold has a direct correlation to how much weight will eventually need to be disposed. Establishing an

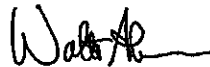
“television” as a device containing a tuner that locks onto a selected carrier frequency and is capable of receiving and displaying video programming from a broadcast, cable or satellite source. The Hawaii bill lacks the concept of a tuner and we encourage that aspect of the definition be included in the bill.

- **CEA urges you to OPPOSE HB 1521**

CEA is a strong supporter of responsible recycling efforts, but not legislation that seeks to remedy problems with an existing program whose results have not yet been published. We encourage the committee to let the current recycling law run its course before any other action is taken on the issue. Additionally, if the committee deems that action is absolutely necessary we encourage you to take a closer look modifying Section 339D-4 to clarify the process for allocating the recycling obligation across manufacturers.

CEA respectfully urges you to **OPPOSE HB 1521** when heard in the Hawaii Assembly Energy and Environmental Protection Committee. Please do not hesitate to contact me directly to further discuss CEA and our member’s opposition to HB 1521

Respectfully submitted,



Walter Alcorn
Vice President, Environmental Affairs
and Industry Sustainability
1919 South Eads Street
Arlington, VA 22202
(703) 907-7600

Before the
HAWAII HOUSE
COMMITTEE ON ENERGY and
ENVIRONMENTAL PROTECTION
Hawaii Legislature
Honolulu, HI

February 10, 2011

COMMENTS OF OPPOSITION
BY
THE CONSUMER ELECTRONICS ASSOCIATION
ON

HB 1521

CEA represents more than 2,000 companies involved in the design, development, manufacturing, distribution and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels. CEA also sponsors and manages the International CES – The Global Stage for Innovation – which is the nation’s largest annual trade event.

CEA members not only design, make and sell electronics that would be subject for collection and recycling under this bill, but most of our members currently run and operate extensive recycling programs in the state of Hawaii that would be impacted by House Bill 1521 or similar legislation.

We strongly oppose HB 1521 for the following reasons:

- **The existing law has yet to be fully implemented and evaluated.**

Reports are due to the Hawaii Department of Health on March 31, 2011 regarding the amount of electronics that were recycled in Hawaii in 2010. We suggests it may be prudent to review the existing program’s results before the legislature enacts significant changes in the law’s program architecture.

- **HB 1521 expands the targeted collection to an unreasonable and economically disastrous amount**

Of particular concern in HB 1521, as currently drafted, is Section 3, which would add a provision to Section 339D-4. The terms “market share” and “return share” are currently the means for allocating financial responsibility across manufacturers of covered electronic devices. As proposed in HB 1521(Section 339D-A(b)), a manufacturer’s “market share” will be determined as follows: “the percentage of the weight of all covered electronic devices

sold in the State comprised of covered electronic device sold by the electronic device manufacturer.” If the legislature chooses to use market share as a mechanism for allocating manufacturer responsibility this language is appropriate.

Consistent with existing Hawaii program requirements our members currently have recycling programs that provide Hawaii consumers viable options to responsibly recycle their unwanted electronics. In fact, many of these opportunities are identified and promoted through our website “MyGreenElectronics.org.”

With the proposed definition of the term “market share” as proposed in HB 1521 (Section 339D-A(b)), CEA respectfully requests that, if the legislature approved HB 1521, the proposed addition in Section 3, which would add a provision to Section 339D-4, be modified as follows:

(3) Each electronic device manufacturer’s plan shall provide for recycling covered electronic devices of an amount equal to, or greater than, the product of its percentage market share of covered electronic devices sold in the State each year multiplied by the amount of total covered electronic devices recycled by all manufacturers during the previous year as calculated by the Department.

This modification is very similar to the approach used in South Carolina and will ensure that covered electronic device manufacturers are recycling their market share of the covered devices that are collected for recycling each year.

- **The bill creates unnecessary costs with expanded collection and confusion over screen size**

First, the inclusion of non-household televisions as covered electronic devices in HB 1178 and the associated requirement that that manufacturers must pay for collection raises serious concerns. This dramatically increases the cost of collection for what is essentially a business transaction between two businesses and goes far beyond every other state with existing ewaste statutes. Businesses, non-profits and government use televisions in different ways than the household consumer and in bulk amounts. Additionally, non-household use traditionally is purchased through a contract which many times include collection services for those products. HB 1178 would needlessly introduce government involvement in current business practices; increase the cost of collection with no associated environmental benefit while also duplicating the current business as usual process for collection of electronics products.

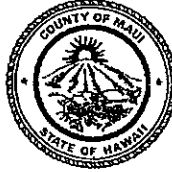
Secondly, the revised bill defines “covered electronics device” as a product with a screen greater than four inches. But it then defines “television” as having a viewable screen of nine inches or larger. It is possible to read the definitions consistently by saying it covers all covered electronics devices greater than 4 inches except for televisions where it only covers products nine inches or greater but the definitions seem out of sync.

CEA recommends policy consistency and prefers the definition of greater than 9 inches as is used in the ewaste laws in Rhode Island and Minnesota. In addition, most other states define

~~by the covered television owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the television manufacturer or television manufacturer's agent removes the covered electronic device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new television to the owner; and~~

- (1) The plan must include a description of the method(s) for the convenient collection of covered televisions at no cost to the covered entities. The recycling plan must provide collection services of covered televisions in each county of the state. In addition, for United States Postal Zip Code areas with a population greater than twenty-five thousand (25,000), the plan must provide at least one of the following collection services:
 - (a) A staffed drop off site; or
 - (b) Alternative collection service such as on-site pick-up services; or
 - (c) Collection event(s) which are periodically held at an easily accessible, central location; and
- (2) Each television manufacturer may develop its own recycling program or may collaborate with other television manufacturers, so long as the program is implemented and fully operational no later than January 1, 2011.
- (3) Mail-back only plans shall not be allowed.

ALAN M. ARAKAWA
Mayor
KYLE K. GINOZA, P.E.
Director
MICHAEL M. MIYAMOTO
Deputy Director



HB 1521
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

February 10, 2011

TO: HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION AND
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
TWENTY-SIXTH LEGISLATURE, REGULAR SESSION OF 2011

Hearing Date and Time: February 10, 2011, 11:00 am

TO: HONORABLE REPRESENTATIVE, HERMINA M. MORITA, CHAIR
HONORABLE REPRESENTATIVE, ANGUS MCKELVEY, CHAIR

TESTIMONY ON HOUSE BILL 1521, RELATING TO ELECTRONIC WASTE RECYCLING

The County of Maui Department of Environmental Management, is pleased to testify in favor of House Bill 1521 which combines the electronic waste and television recycling programs and provides other improvements to the Hawaii Electronic Waste and Television Recycling and Recovery Law passed by the State Legislature in 2008.

Maui County is grateful to the State of Hawaii for its ongoing interest in protecting the health and safety of our residents, and the protection of our environment. The law passed in 2008 was a great step towards achieving these goals.

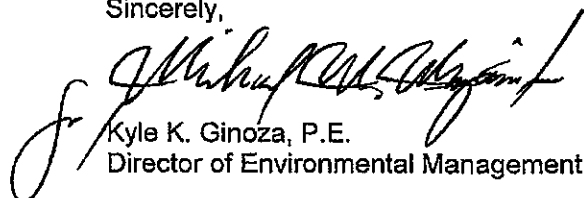
For 12 years, the County of Maui has handled electronic waste with recycling events and for the past three years, has had an ongoing twice a week collection of electronic waste. Recently, we have been able to reduce our costs through several program and transportation initiatives, but we have a long way to go to shift the financial burden to the manufacturers of these electronics from the county taxpayers. We strongly believe that House Bill 1521 can work towards this goal.

Currently, the law in place allows for manufacturers to meet the legal requirements with simple mail-back, usually internet-based, systems. These systems have proven highly ineffective both in practice and implementation. We know this because in 2010, the first year the law became effective, the volume of electronic waste in our county-supported program grew more than 45%, from 300 tons to nearly 450 tons.

We believe the law must effectively guide manufacturers to simple, recycling systems which our residents can easily work with. We support House Bill 1521 as an important step in that direction.

We thank the Committee for the opportunity to testify on this matter.

Sincerely,


Kyle K. Ginoza, P.E.
Director of Environmental Management



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

February 10, 2011, 11:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1521

Aloha Chair Morita, Chair McKelvey, and Committee Members -

The Sierra Club, Hawai'i Chapter, with 8,000 dues-paying members and supporters, **supports** HB 1521. This measure would combine Hawai'i's electronic and television recycling programs.

This bill is a logical continuation of this Legislature's efforts over the past several years to reduce electronic waste. As the Sierra Club testified last year, waste from computers, televisions, and other high-tech devices is an increasing problem. This type of waste frequently contains toxic materials, such as lead in the circuit board soldering or in the cathode ray tube. Moreover, with landfill issues on nearly every island, policies to divert waste from landfills should be encouraged.

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

Mahalo for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION AND BUSINESS

H.B. 1521, RELATING TO ELECTRONIC WASTE RECYCLING

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health

February 10, 2011
11:00 a.m.

1 **Department's Position:** The Department of Health respectfully opposes this bill.

2 **Fiscal Implications:** Unknown

3 **Purpose and Justification:** This bill proposes to restructure the Electronic Waste and Television
4 Recycling and Recovery Program operated by the Department of Health.

5 The Department of Health respectfully opposes this bill, as currently written, as it would
6 complicate administration of a program that is already underway.

7 The department prefers to focus efforts to modify the program on measures to ensure the
8 convenience of recycling programs for consumers that electronics and television manufacturers are
9 required to carry out, as currently required by statute. We have attached suggested changes to Hawaii
10 Revised Statutes Ch. 339D to this effect.

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

12

13 Attachment

14

Attachment: Department of Health's Proposed Change to the Hawaii Electronic Waste and Television Recycling and Recovery Law:

§339D-4 Electronic device manufacturer responsibility.

(c) By June 1, 2009, and annually thereafter, each electronic device manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the collection, transportation, and recycling of its covered electronic devices sold in the State, which shall be subject to the following conditions:

~~(1) The plan shall not permit the charging of a fee at the point of recycling if the covered electronic device is brought by the covered electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the electronic device manufacturer or electronic device manufacturer's agent removes the covered electronic device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new electronic device to the owner; and~~

(1) The plan must include a description of the method(s) for the convenient collection of covered electronic devices at no cost to the covered entities. The recycling plan must provide collection services of covered electronic devices in each county of the state. In addition, for United States Postal Zip Code areas with a population greater than twenty-five thousand (25,000), the plan must provide at least one of the following collection services:

- (a) A staffed drop off site; or
- (b) Alternative collection service such as on-site pick-up service; or
- (c) Collection event(s) which are periodically held at an easily accessible, central location;
and

(2) Each electronic device manufacturer may develop its own recycling program or may collaborate with other electronic device manufacturers, so long as the program is implemented and fully operational no later than January 1, 2010.

(3) Mail-back only plans shall not be allowed.

[§339D-23] Television manufacturer responsibility. (a) Beginning January 1, 2011, a television manufacturer shall recycle or arrange for the recycling of any covered television sold in the State.

(b) By June 1, 2010, and annually thereafter, each television manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the recycling of covered televisions sold in the State, which shall be subject to the following conditions:

~~(1) The plan shall not permit the charging of a fee at the point of recycling if the covered television is brought~~

(d) By March 31, 2011, and annually thereafter, each manufacturer shall submit to the department the total weight by each county of each category of covered electronic devices recycled in the previous year, which may include both a manufacturer's own covered electronic devices and those of other manufacturers.

Again, we applaud the intent of the legislation and believe with minor amendments, it will encourage the responsible recycling of electronic devices in Hawai'i, provide equal opportunities for all island consumers to participate and continue to provide flexibility for manufacturers to meet their obligation to protect the environment.

Best Regards,



Frank DeMarco
DIRECTOR

cc: Mayor William Kenoi

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 11:16 PM
To: EEPtestimony
Cc: merway@hawaii.rr.com
Subject: Testimony for HB1521 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1521

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address: PO Box 2807 Kailua Kona, HI 96745
Phone: 324-4624
E-mail: merway@hawaii.rr.com
Submitted on: 2/5/2011

Comments:

Please support and encourage responsibility in recycling e-waste for the State. This bill combines electronic waste and TV recycling programs and directs the DOH to adopt rules to allow recycling of cathode ray tubes. I hope you will fully support this bill.

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 5:55 PM
To: EEPtestimony
Cc: mrgach@att.net
Subject: Testimony for HB1521 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1521

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Michael Reed Gach
Organization: Individual
Address:
Phone:
E-mail: mrgach@att.net
Submitted on: 2/7/2011

Comments:

I urge responsibility in recycling e-waste and support this bill.

MAHALO.



Information Technology Industry Council
Leading Policy for the Innovation Economy

February 9, 2011

Representative Morita
House of Representatives
Hawaii State Capitol

RE: Opposition to Market Share Provisions of HB 1521 Relating to Electronic Waste Recycling

Dear Representative Morita:

The Information Technology Industry Council (ITI) represents numerous high-tech and electronics manufacturers in the information and communications technology (ICT) sector. Our members are global leaders in all facets of ICT innovation, from hardware to services to software, and have long been leaders in sustainability. Many exceed environmental design and energy efficiency requirements, and lead the way in product stewardship efforts. As a result, the Dow Jones Sustainability Index, the Financial Times Sustainability Index, and the Global 100 have consistently recognized numerous ITI members for their concrete environmental and sustainability achievements.

On behalf of the ICT sector, we support the State's desire to increase in-state recycling in an environmentally sound manner. We believe it is premature, however, to alter the State's methods for determining collection obligations. Hawaii's existing laws for IT equipment and televisions are still relatively new and should be given time to mature. Furthermore, as written, HB1521 could be interpreted as requiring manufacturers to collect 100% of what they sell. Given the long life of many electronic products (multiple years) this is neither feasible nor sustainable. Recycling volumes are dictated by market forces, specifically by the rate at which consumers decide to make their used property available for recovery. Manufacturers cannot compel citizens to turn over their private property at all, let alone at a presupposed frequency set by the government. Even states that have had e-recycling laws in place for many years, and have had time to progressively increase recycling rates, based on valid data, do not mandate nor do manufacturers meet 100% market share targets.

We would be pleased to discuss this recommendation in further detail.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica Logan".

Erica Logan
Director, Environment and Sustainability
Information Technology Industry Council
1101 K Street NW, Suite 610
Washington, DC 20005
Phone: 202-626-5729
Cell: 202-957-7669



Representative Hermina Morita, Chair
Representative Denny Coffman, Vice Chair
Committee on Energy and Environmental Protection

Representative Angus McKelvey, Chair
Representative Isaac Choy, Vice Chair
Committee on Economic Revitalization and Business

State Capitol, Honolulu, HI 96813

HEARING Thursday, February 10, 2011
 11:00 am
 Conference Room 325

RE: HB1521, Relating to Electronic Waste Recycling

Chairs Morita and McKelvey, Vice Chairs Coffman and Choy, and Members of the Committees:

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

RMH supports the intent of HB1521, which combines the electronic waste and television recycling programs. This is a logical progression which will make compliance more manageable.

We respectfully request your consideration of an **amendment to the definition of market share** in Section 1, (b), extracted from the South Carolina model language:

Market share, as used in this chapter, is the total weight of the manufacturer's televisions that were sold at retail in the United States to individuals during the previous program year, multiplied by the population fraction of Hawaii to the United States population, divided by the total weight of all of the televisions that were sold at retail to individuals in Hawaii during the previous program year. The population fraction is determined by using the most recent United States Census data for the total population of Hawaii divided by the total population of the United States.

Input from our members indicated that this South Carolina definition has replaced language in the E-Waste bills in Minnesota and other states, and has alleviated implementation problems.

We respectfully request your consideration of our comments and look forward to continuing the dialogue. Thank you for your attention 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

coffman3 - Sean

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 3:40 PM
To: EEPtestimony
Cc: damiansempio@yahoo.com
Subject: Testimony for HB1521 on 2/10/2011 11:00:00 AM

Testimony for EEP/ERB 2/10/2011 11:00:00 AM HB1521

Conference room: 325
Testifier position:
Testifier will be present: No
Submitted by: Damian Sempio
Organization: Individual
Address:
Phone:
E-mail: damiansempio@yahoo.com
Submitted on: 2/9/2011

Comments:

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS

Solid Waste Division

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766
TEL (808) 241-4839 FAX (808) 241-6887

February 9, 2011

**TO: HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION AND
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS
TWENTY-SIXTH LEGISLATURE, REGULAR SESSION OF 2011**

Hearing Date and Time: February 10, 2011, 1:00 am

**TO: HONORABLE REPRESENTATIVE, HERMINA M. MORITA, CHAIR
AND HONORABLE REPRESENTATIVE ANGUS MCKELVEY, CHAIR**

TESTIMONY ON HOUSE BILL 1521, RELATING TO ELECTRONIC WASTE RECYCLING

My name is Larry Dill, County Engineer, Department of Public Works, County of Kaua'i, testifying in favor of House Bill 1521 which combines the electronic waste and television recycling programs and provides other improvements to the Hawai'i Electronic Waste & Television Recycling and Recovery Law passed by the State Legislature in 2008. While the law communicates our State's commitment to protect the health and safety of our residents and to preserve the environment, it has presented challenges for Kaua'i (and all neighbor islands) in its current form.

Local recycling opportunities, even if they are periodic, have been proven to be effective here on Kaua'i. With the exception of one manufacturer, there are no companies offering recycling collection points on Kaua'i under the law. Instead of local collections that provide convenient drop off locations, many manufacturers are offering the following programs options under the new law:

1. Customers must pay to ship electronics to Oahu for recycling
2. Customers can participate in "mail back" programs which involve:
 - Going online to the manufacturer's website to report stats on what they are trying to recycle
 - Downloading a mailing label
 - Packing items for shipping, and bringing them to UPS

The public is accustomed to taking all their electronics to one location for recycling. Under the new law, all manufacturer programs are different, which makes recycling more than one item confusing and time consuming. Calls into our County Recycling Office and our follow-up research with electronics distributors indicate that people are confused by the law and unwilling to recycle using the inconvenient program options. These indicators point to a concern that the actual outcome of the law will fall short of the intent of the State Legislature.

We support the intent of the law to maintain manufacturer financial responsibility for recycling of these products and relieving the taxpayer from this burden. However, the law should require the manufacturers

An Equal Opportunity Employer

County of Kauai testimony in support of HB 1521
February 9, 2011

1. Monthly electronic waste recycling collection events
2. Permanent electronic waste recycling collection locations


Again, we applaud the intent of the legislation and believe with minor amendments, it will encourage the responsible recycling of electronic devices in Hawai'i, and provide equal opportunities for all island consumers to participate in recycling programs.

We thank the Committee for the opportunity to testify on this matter.

Sincerely,

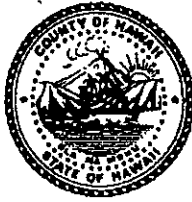

TROY TANIGAWA
ESME

Concur:


LARRY DILL, P.E.
County Engineer

William P. Kenoi
Mayor

William T. Takaba
Managing Director



Frank J. DeMarco, P.E.
Director

Hunter Bishop
Deputy Director

County of Hawai'i
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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February 9, 2011

The Honorable Hermina M. Morita, Chair
Committee on Energy & Environmental Protection
Hawai'i State Capitol
Honolulu, Hawai'i 96813

The Honorable Angus L.K. McKelvey, Chair
Committee on Economic Revitalization & Business
Hawai'i State Capitol
Honolulu, Hawai'i 96813

HEARING DATE: Thursday, February 10, 2011
HEARING TIME: 11:00 a.m.
HEARING LOCATION: House Conference Room 325

Re: Testimony on House Bill 1521, Relating to Electronic Waste Recycling

Dear Representative Morita, Representative McKelvey and Committee Members,

The County of Hawai'i Department of Environmental Management is pleased to testify regarding this bill which proposes amendments to the existing Hawai'i Electronic Waste & Television Recycling and Recovery Law passed in 2008 and implemented in January 2010.

By taking the lead with other States in passing this type of legislation, it communicates our State's commitment to protect the health and safety of our residents and to preserve the environment. However, it falls short in providing equitable services to Hawai'i Island and the other neighbor islands, leaving our residents without reasonable choices.

We are in support of the bill **only with changes** that will provide equal services to Hawai'i County residences.

One of the challenges is that most of the approved manufacturers' recycling plans require Hawai'i County consumers and other neighbor island consumers to package and mail or ship their electronic waste usually at the expense of the consumer. The results of this challenge have been very negative:

- Increase in complaints about the lack of convenience and cost;
- Reduced recycling of electronic waste due to lack of convenience and cost;
- Increased illegal dumping of electronics on public and private property;

- Increased illegal dumping at the County Recycling & Transfer Stations.

We support maintaining the financial responsibility for recycling on the manufacturers of these products and relieving the taxpayer from this burden. However, the law should require the manufacturers to provide more convenient services for the neighbor islands that would include at minimum one (1) of the two (2) following options:

- 1) Monthly electronic waste recycling collection events on Hawai'i Island (at minimum in Hilo & Kona)
- 2) Permanent electronic waste recycling collection locations on Hawai'i Island (at minimum in Hilo & Kona)

Prior to this law, the County was providing a very successful but costly electronics recycling program. It provided permanent collection drop-off sites in Hilo and in Kona. Residents and County agencies were allowed to recycle for free and businesses were required to pay a fee. The County spent approximately \$370,000.00 in FY09-10 for this program and recycled approximately 700,000 pounds. This contracted service ended April 30, 2010 and the County has been receiving illegally dumped e-waste, calls and complaints while trying to help our residents understand the new State law and how it benefits them.

E-Waste Collections Inc., a.k.a. Bay Side Computer Shop/Compucycle Kona, is the only private company that offered any on-island type of electronic waste recycling providing collection locations in Hilo and Kona. Recently they have stopped accepting materials due to financial troubles. Since the intent of the law is to require manufacturers to be financially and operationally responsible for the cost of recovery and recycling of electronics, the County of Hawai'i believes that there should be equal access to participate in manufacturers' programs in the neighbor islands, and that the Counties and its taxpayers should not continue to carry the cost of electronic waste recycling.

Additionally, the law only provides for manufacturers to annually report the total weight of CEDs recycled in the State, not by individual Counties. To properly evaluate the success of a manufacturer's program in each County, we recommend that the law be modified to require manufacturers to report total weight of CEDs recycled by County and by specific types of CEDs recycled.

Please review the proposed changes to the current law to provide more equity for our community:

§339D-4 Manufacturer responsibility. (a) *Beginning October 1, 2009, each manufacturer shall label all new covered electronic devices to be offered for sale for delivery in this State with a brand, which label shall be permanently affixed and readily visible.*

(b) (1) *By January 1, 2009, each manufacturer of new covered electronic devices offered for sale for delivery in this State shall register with the department and pay to the department a registration fee of \$5,000. Thereafter, if a manufacturer has not previously registered, the manufacturer shall register with the department prior to any offer for sale for delivery in this State of the manufacturer's new covered electronic devices.*

(2) *Each manufacturer who is registered shall submit an annual renewal of its registration with the payment of a registration fee of \$5,000, by January 1 of each program year.*

(3) *The registration and each renewal shall include a list of all of the manufacturer's brands of covered electronic devices and shall be effective on the second day of the succeeding month after receipt by the department of the registration or renewal.*

(c) *By June 1, 2009, and annually thereafter, each manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the collection, transportation, and recycling of its covered electronic devices sold in the State. Mail-back only programs shall not be acceptable. Acceptable recycling plans shall include either monthly collection events for covered electronic devices not greater than sixty (60) miles from each *High Density Population Area or provide regular collection sites not greater than (60) miles from each High Density Population Area, open a minimum of two (2) days per week, one on the weekend.*



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obligation will also encourage manufacturers to establish robust take back systems that effectively encourage and allow the citizens of Hawaii to properly dispose of their unwanted electronics.

Section 6

§ 339D-8 Enforcement

Sub paragraph (g) establishes a penalty on manufacturers that do not meet their volume obligation. Sims supports this concept. However, the penalty needs to be sufficient to encourage manufacturers to fulfill their obligation. Many other states have similar penalties in their laws. Some of those penalties are as high as \$.70 per pound. Hawaii is unique in that all of the material must be shipped off the island for proper processing. This additional transportation cost must be factored into the amount of the penalty. The goal of the Law is to have unwanted electronics properly collected and recycled, not collect money from penalties.

Sims would suggest setting the penalty at a level high enough to discourage manufacturers from simply writing the State a check and leaving their share of unwanted electronics for the State to manage. So that the committee members will fully understand Sims' position on penalties for manufacturers not fulfilling their volume obligation, in those states where there is a published volume obligation, the contracts we have signed with our manufacturers state that Sims will pay any penalty for any shortfall in collected volume. Sims is as motivated by penalties as our manufacturers are to meet the established obligations.

Sims Recycling Solutions appreciates the opportunity to make comments on H.B. 1521 and show our support for the improvements these changes will make to the Hawaii Electronic Waste and Television Recycling and Recovery Law.

Kindest Regards,

A handwritten signature in black ink that reads 'Renee St Denis'.

Renee St Denis
Vice- President
Sims Recycling Solutions