



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

In reply, please refer to:
File:

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

H.B. 2166, RELATING TO ELECTRONIC WASTE

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

January 31, 2012
8:15 a.m.

1 **Department's Position:** The Department of Health supports this bill with reservations and
2 respectfully offers comments.

3 **Fiscal Implications:** Increase manufacturer costs by requiring more convenient recycling programs.

4 **Purpose and Justification:** This bill proposes to add requirements aimed at increasing the convenience
5 of electronic device and television recycling programs currently required by the Electronic Waste and
6 Television Recycling Program. It would require manufacturers to offer monthly collection events or
7 regular collection sites within sixty miles of high density population areas and require manufacturers to
8 submit reports with a higher level of detail to the department.

9 The department agrees with this bill's attempt to increase the convenience of electronic and
10 television recycling programs. We were attempting to do this by our support of H.B. 1521 during the
11 last legislative session, which addressed recycling program convenience requirements in addition to
12 other aspects of the program. We respectfully suggest that the committee consider the language
13 contained in the latest draft of the bill, H.B. 1521, HD1.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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IN REPLY REFER TO:
WAS 12-21

January 30, 2012

The Honorable Denny Coffman, Chair
and Members of the Committee on
Energy & Environmental Protection
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Coffman and Members:

Subject: House Bill 2166, Relating to Electronic Waste

The City's Department of Environmental Services supports House Bill 2166 which will further define the minimum requirements for manufacturer-financed electronic waste recycling programs.

Under the existing law, manufacturers can submit a simple mail-back program, which is inadequate to address any significant diversion of electronic waste from county landfills. As outlined in House Bill 2166, manufacturers should be required to provide on-island collection sites and to report the amounts recycled by county and by type to the State Department of Health annually. Additionally, we recommend that the bill go further to require manufacturers 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,

A handwritten signature in black ink, appearing to read "Timothy E. Steinberger".

Timothy E. Steinberger, P.E.
Director

kawakami1 - Marissa

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 4:41 PM
To: EEPtestimony
Cc: hbishop@co.hawaii.hi.us
Subject: Testimony for HB2166 on 1/31/2012 8:15:00 AM

Testimony for EEP 1/31/2012 8:15:00 AM HB2166

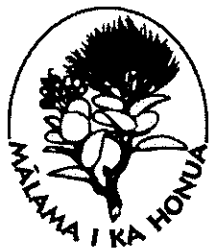
Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Hunter Bishop, Deputy Director
Organization: COH Department of Environmental Management
E-mail: hbishop@co.hawaii.hi.us
Submitted on: 1/30/2012

Comments:

Rep. Denny Coffman, Chair, and members of the Committee on Energy and Environmental Protection:

The County of Hawaii Department of Environmental Management supports HB2166, which would provide electronic waste recycling opportunities to residents of Hawaii Island and other Neighbor Islands that are now available to residents on Oahu. The bill also improves reporting requirements that will benefit Neighbor Islands. On behalf of DEM Acting Director Dora Beck and our Department's Recycling Section, I respectfully request your Committee's full support for this bill. Please contact me should you have any questions or desire additional information.

Hunter Bishop
Deputy Director
Department of Environmental Management
County of Hawaii



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
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HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 31, 2012, 8:15 am

(Testimony is 4 pages long)

TESTIMONY IN SUPPORT OF HB 2166 WITH PROPOSED AMENDMENTS

Aloha Chair Coffman and Committee Members -

The Sierra Club, Hawai'i Chapter, with 9,000 dues-paying members and supporters, ***strongly supports*** HB 2166. This bill makes necessary and vital improvements to Hawai'i's electronic waste law.

The Electronic Waste and Television Recycling and Recovery Law, Haw. Rev. Stat. Chapter 339D (Supp. 2009), was passed to address the ever-growing amount of electronic waste sent to landfills each year. It is not successful. Although well-intentioned, it has proven too weak to hold manufacturers to their recycling responsibilities. Forty-one manufacturers registered with the state of Hawai'i in 2010, but only six manufacturers collected over 98% of all recycled electronics in that year. Twenty manufacturers failed to recycle any covered electronics.¹ Apple Inc. alone accounted for 62% of all electronic waste collected and the success of its program is likely largely attributable to the fact it provides free recycling for all educational levels, including private schools.

The success of Apple's program, and similar programs in other states, suggests that convenient collection sites are integral to a well-functioning electronic recycling plan. The current law, however, allows manufacturers to simply provide a mail-back option. Of the 41 manufacturers that registered in 2010, six require customers from neighboring islands to pay for shipping to Oahu, fourteen provide only a free mail-in option, and fourteen include free mail-in as an alternative to drop-off locations on Oahu. Put another way, of the twenty manufacturers that failed to recycle any covered electronics in 2010, ten offered free mail-in as the only option for collection. One even required customers to pay for shipping.

¹ Department of Health, "Manufacturer Ranking by Pounds Recycled in 2010" (2011), available at http://hawaii.gov/health/environmental/waste/sw/hedrp/PDF_Documents/2010Rankings.pdf.

It is no wonder that consumers, particularly from the neighbor islands, complain about the effectiveness of the law.

Proposed Amendments:

I. Specify Drop-off Location Requirements.

The statute should address the minimum requirement for drop off locations without waiting for the development of agency rules (which could take years). The Sierra Club proposes the following language on page 2, subparagraph (4).

At a minimum, the plan shall provide for collection of covered electronic devices at monthly collection events or regular collection sites open at least two days per week, including one weekend day, within not more than [sixty miles from a high density population area as defined by the department in rules] twenty miles from a United States Postal Zip Code with a population greater than twenty-five thousand or as otherwise required by the department;

II. Expand to Include Television Recycling.

This bill should be expanded to include televisions, rather than simply being limited to electronic waste. It would be possible to incorporate virtually identical language into the television recycling statute (Haw. Rev. Stat. § 339D-23).

III. Realign Recycling Goals.

Hawai'i's electronic recycling law requires manufacturers to collect a proportion of the covered televisions recycled in Hawai'i during the previous year, creating a perverse incentive to operate unsuccessful recycling programs. Because the manufacturer's next-year obligation is "based on that television manufacturer's market share from the previous year multiplied by the total pounds of covered televisions recycled by all television manufacturers during the previous program year,"² manufacturers have an incentive to collect little electronic waste. Further, the law does not require manufacturers of covered electronic devices to collect any minimum weight in electronic waste.

The incentive to collect little waste would be eliminated by requiring manufacturers to collect a proportion of the covered electronic devices and televisions *sold* during the previous year. Furthermore, to promote better electronic recycling, manufacturers of both covered electronics and televisions should be required to meet yearly goals.

² Haw. Rev. Stat. § 339D-25 (Supp. 2009).

Because electronic devices and televisions are made of valuable resources that are highly recyclable, manufacturers should be encouraged to meet aggressive goals. This would move Hawai'i closer to achieving its goal of 50% overall waste diversion.³ The following suggested changes are modeled on Minnesota Revised Statutes § 115A.1314(1) (2008), which requires manufacturers to recycle 80% of the weight of covered electronics sold in the state during the previous year:

§339D-6 [~~Department responsibility.~~] Covered Electronic Device Recovery System.

(a) The department shall use state-specific covered electronic device sales data or national covered electronic device sales data available from commercially available analytical sources to determine each electronic device manufacturer's recycling responsibilities for covered electronic devices based upon the electronic device manufacturer's market share. An electronic device manufacturer's market share shall be the percentage of the weight of all covered electronic devices sold in the State comprised of covered electronic devices sold by the electronic device manufacturer. If the department uses national sales data, the department shall extrapolate data for the State from national data on the basis of the State's share of the national population. The department shall seek to establish the most accurate determination of each electronic device manufacturer's market share and may rely on supplemental sources of information to achieve this goal.

(b) No later than March 15, 2012, and annually thereafter, the department shall notify each electronic device manufacturer of its recycling obligation. Each electronic device manufacturer's obligation shall be equal in weight to 80% of that electronic device manufacturer's market share from the previous year.

(c) Beginning January 1, 2010, the department shall maintain and update a website and a toll-free number with current information on where covered entities can return covered electronic devices for recycling.

³ Haw. Rev. Stat. § 342G-3(a)(2) (Supp. 2009).

IV. Require Enforcement.

In accordance with the suggested amendments to Section 339D-6, the Department of Health should have the authority to assess penalties on manufacturers of both covered electronic devices and televisions that fail to meet their obligations. Further, the Department should have the authority to assess a different penalty to bring covered electronics and television manufacturers into compliance. The following additions reflect those changes:

§339D-8 Enforcement.

(g) If a covered electronic device or covered television manufacturer fails to recycle its market share allocation, the department shall impose a penalty of 50 cents per pound, or other penalty to be determined by the Department of Health, for each pound not recycled.

Mahalo for the opportunity to submit testimony.