

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:

SENATE COMMITTEE ON JUDICIARY AND LABOR

S.B. 1059, S.D.1, RELATING TO ENVIRONMENTAL PROTECTION

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

**February 22, 2011
10:15a.m.**

1 **Department's Position:** The Department of Health appreciates the intent of this measure to reduce
2 plastic bag waste, but respectfully opposes the measure at this time.

3 **Fiscal Implications:** The department estimates that the additional resources needed to plan, coordinate
4 and implement this new ban would total approximately \$150,000, including 1.5 FTEs. There may be
5 added costs to consumers who switch to paper bags or other reusable bags.

6 **Purpose and Justification:** The bill prohibits businesses having annual gross sales of over \$300,000 as
7 of July 1, 2012 from distributing single-use plastic checkout bags to their customers, sets administrative
8 fines, and encourages them to offer reusable bags for sale instead.

9 While the department generally supports the reduction of solid waste, litter, and the use of
10 petroleum resources, we respectfully oppose this measure.

11 The department believes a statewide ban is inappropriate at this time. The plastic bag reduction
12 ordinances for both Kauai and Maui County just took effect in early January 2011. These ordinances
13 allow local businesses to charge customers for recyclable paper bags and other reusable bags. The
14 County of Hawaii has attempted to pass a similar ordinance and may be currently reconsidering the issue
15 again. The department prefers to let counties decide how best to address the issue.

1 Passage of a statewide ban also means that the department will have to enforce the ban, conduct
2 outreach and education, and evaluate requests from businesses who claim undue hardship, with no
3 additional staff or other resources.

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

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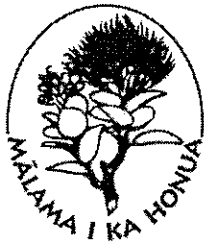
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Sierra Club Hawai'i Chapter

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

LATE TESTIMONY

SENATE COMMITTEE ON JUDICIARY AND LABOR

February 22, 2011, 10:15 A.M.
(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF SB 1059

Aloha Chair Hee and Committee Members -

The Sierra Club, Hawai'i Chapter, with 8,000 dues-paying members and supporters, *strongly supports* SB 1069 SD1. This bill prohibits the use of all single use plastic bags, which have a severe economic and environmental cost on all residents of Hawai'i.

Single use bags simply are not in our sustainable future and strong efforts should be made to discourage their continued use.

I. Reducing Our Opala Problem.

Hawai'i is faced with a solid waste crisis. The proliferation of single use bags directly contributes to this problem. They tax our economy and environment when they are littered or placed in our overflowing landfills. For example, a recent study conducted in Seattle concluded -- even with a high 13% recycling rate (greater than the national average of 3-5%) -- approximately 1,650 tons of plastic bags were put into the landfill annually.¹ The net cost to Seattle and ratepayers of collecting, transferring and disposing of waste was calculated to be approximately \$121 per ton or approximately \$200,000 for plastic grocery bags.

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

¹ See Alternatives to Disposable Shopping Bags and Food Service Items, available at <http://www.ci.seattle.wa.us/util/Services/Recycling/Reduce, Reuse & Exchange/ProposedGreenFee/index.htm>

II. Consumers Already Indirectly Pay for Single Use Bags.

“Free” single use bags are an expense that is typically not directly visible by customers. Retailers spend hundreds of millions of dollars annually to provide single-use bags to customers. For example, supermarkets can spend up to \$1,500 to \$6,000 a month just to provide single-use bags to their customers at the check-out.² Even major retailers such as Target and CVS are realizing this significant cost burden and are offering discount incentives to customers who bring their own bags.³

The cost of purchasing tens of millions of bags in Hawai`i annually is most certainly passed on to local consumers, but it is not a visible cost and, thus, normal market controls do not take place. As with anything “free,” we tend to take advantage of the ready supply plastic bags without considering the indirect costs.

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

III. Single Use Bags Tax Our Environment.

Single use bags contribute to litter and pose a threat to avian and marine life in Hawai`i. As noted by NOAA,⁴ plastic photo-degrades -- breaking down into smaller and smaller pieces due to exposure to solar UV radiation. However, when in water plastic does not get direct sunlight exposure, therefore breakdown happens much more slowly in the aquatic environment. So far as we know, plastics do not ever fully “go away,” but rather break down into smaller and smaller pieces, sometimes referred to as microplastics.

Plastics also have the potential to adsorb contaminants from the marine environment and carry these contaminants through the food chain. Plastic debris attracts and accumulates hydrophobic organic toxins such as PCBs (polychlorinated biphenyls) up to 100,000-1,000,000 times ambient seawater concentrations. These toxins can then bioaccumulate up the food chain, where they directly impact human health.

We hope you will move this measure forward. Thank you for the opportunity to testify.

² Downing, J. “Free Grocery Bags Targeted for Extinction in California,” *Sacramento Bee*, Aug. 25, 2008. Estimates from bag manufacturers and the Food Marketing Institute. Available at http://www.roplast.com/documents/Free_grocery_bags_targeted_for_extinction_in_California_-_Sacramento_Politics_-_California_Politics_Sacramento_Bee.pdf.

³ Horovitz, B. “Target, CVS Put Plastic Bags in the Bull’s-Eye, Pay for Reusables,” *USA Today*, Oct. 19, 2009.

⁴ See <http://marinedebris.noaa.gov/info/plastic.html>



LATE TESTIMONY

Feb. 21, 2011

Committee on Judiciary and Labor (JDL)

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

Dear Chair Hee, Vice-Chair Shimabukuro 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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 10:30 AM
To: JDLEstimony
Cc: chuckt5@gmail.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

LATE TESTIMONY

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

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Charlie Taylor
Organization: Environmental Law Society
Address:
Phone:
E-mail: chuckt5@gmail.com
Submitted on: 2/21/2011

Comments:

The Environmental Law Society is strongly in support of this bill. We are in support of any bill that purports to reduce the consumption of wasteful and harmful single-use plastic and/or paper bags. Thank you.



CONSERVATION COUNCIL FOR HAWAI'I

Testimony Submitted to the Senate Committee on Judiciary and Labor

Hearing: Tuesday, February 22, 2011

10:15 a.m.

Room 016

Support for the intent of SB 1059 SD 1 Relating to Environmental Protection

Aloha. The Conservation Council for Hawai'i supports the intent of SB 1059 SD 1, 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*

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President: Maura O'Connor * Vice-President: Hannah Springer * Treasurer: Kim Ramos * Secretary: Rick Barboza

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

Executive Director: Marjorie Ziegler

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

LATE TESTIMONY

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

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Alison Mito
Organization: Individual
Address:
Phone:
E-mail: yogaali@aol.com
Submitted on: 2/21/2011

Comments:



LATE TESTIMONY

HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. Box 235

Honolulu, HI 96813

Fax : 808-791-0702

Telephone : 808-533-1292

DATE: Tuesday February 22, 2011 TIME: 10:15 a.m. PLACE: CR 016

TO: COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair; Senator Maile S.L. Shimabukuro, Vice Chair

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

RE: SB 1059 RELATING TO ENVIROMNENTAL PROTECTION

Chairs & Committee Members:

HFIA opposes SB 1059.

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.

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

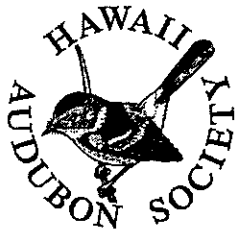
Pros:

- 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.



For the Protection of Hawaii's Native Wildlife

HAWAII AUDUBON SOCIETY

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February 21, 2011

LATE TESTIMONY

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

Hearing: Tuesday, February 22, 2011, 10:15 a.m., Conference Rm. 16

Re: SB1059, SD1 – Relating to Environmental Protection

Testimony in Support

Chair Hee, Vice Chair Shimabukuro and members of the Committee on Judiciary and Labor. Thank you for the opportunity to submit our testimony in support of SB1059, SD1, which would prohibit certain businesses in the State from distributing single use plastic bags.

The Hawaii Audubon Society was founded in 1939, and has over 1,500 active members statewide. The Society's primary missions are the protection of Hawaii's native birds, wildlife, and habitats, as well as, our aquatic and coastal resources. This includes preventing various types of waste, such as plastic bag litter, from entering Hawaii's ecosystems.

The United States Environmental Protection Agency estimated that in 2001, plastic bag, sack, and wrap consumption in the U.S. was 500 billion. Worldwide, a trillion plastic bags are consumed each year. Of those, millions end up outside of landfills, littering our land, streams and oceans. The use of plastic bags has meant a dramatic increase in the amount of sacks found floating in oceans where they choke, strangle, and starve wildlife, and raft alien species around the world.

In Hawaii, the Green Sea turtles, as well as other sea turtles, are fully protected under both the federal Endangered Species Act, and Hawaii state law. Nevertheless, in spite of this protection, plastic bags have proven deadly to sea turtles when they become entangled, or are mistaken for food or jellyfish and ingested.

We believe that our environment would be much cleaner within a few short years if consumers only used paper, biodegradable plastic or compostable bags. The very best bags for our environment are reusable natural fiber bags made out of cotton, hessian and jute.

Thus said, we support SB1059, SD1. It is a good first start. **However, we strongly believe**

that all business should be, at a minimum, restricted to using biodegradable plastic bags only, and that this measure should be further amended to reflect this preference.

Thank you for the opportunity to provide testimony here today.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Massengale", written in a cursive style.

George Massengale, JD
Legislative Analyst

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 5:07 PM
To: JDLTestimony
Cc: kelseybarden@gmail.com
Subject: Testimony for SB1059 on 2/22/2011 10:15:00 AM

LATE TESTIMONY

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

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Kelsey Barden
Organization: Individual
Address:
Phone:
E-mail: kelseybarden@gmail.com
Submitted on: 2/21/2011

Comments:

I fully support this bill. I think that we need to reduce our use of single-use plastic. It is imperative we take action and Hawaii has the opportunity to be a leader in global change.

February 22, 2011

To: Senate Committee on Judiciary and Labor

From: Susan Houghton, Director of Public Affairs and Government Relations

Re: Safeway Comments for SB 1059, SD 1

I am writing to offer Safeway's comments on SB 1059, SD 1. Our company operates 19 stores in Hawaii – of which 13 are on the island of Oahu.

We applaud your desire to tackle this important issue. We believe it is extremely important to encourage all consumers to reduce the use of both paper and plastic bags. Both have significant effects on the environment. Therefore, we respectfully request that this measure be amended to include paper as well as plastic single use bags.

We are aware that Maui and Kauai have both already adopted strict plastic bag bans, however, we believe a fee-based system on both plastic and paper is the preferred route. The city of San Francisco completely banned plastic bags several years ago – but did not address the issue of paper bag use. As a retailer with 15 stores in that city, we saw our costs for paper bags increase substantially – by more than \$1 million a year. This figure is in addition to the costs we were already absorbing to provide paper bags to our customers.

We believe consumers need a strong disincentive to truly change their behavior. By placing a fee on both plastic and paper, you would be encouraging all consumers to think "reusable." Safeway provides a number of low-cost reusable bag options and we would be happy to participate in an initial reusable bag-giveaway program to promote this important concept. We would also be happy to provide free paper or plastic bags to any customer on such federally approved low-income programs as WIC or Food Stamps.

The key to SB 1059, SD 1 is also retailer uniformity. In order to ensure there is no competitive advantage, the legislation must apply to all retailers- regardless of size or origin. We strongly prefer the pre-emptive effect of this measure to a county-by-county approach.

Thank you for the opportunity to share our views on this important legislation. Should you have additional questions, please do not hesitate to contact me at (925) 467-2212 or George Glukfeld, our Hawaii district manager at (808) 524-4554.

Sincerely,

Susan M. Houghton
Director of Public Affairs and Government Relations



February 21, 2011

LATE TESTIMONY

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

Mr. Chairman,

We appreciate the opportunity to submit our comments on SB 1059, SD 1. As you may know Times Supermarket is based on Oahu and operates 20 stores with locations in Maui, Kauai and Oahu.

As an island base company, we understand the constraints of limited space and the preservation of the unique landscape of Hawaii. It is for this reason that we support your efforts in mitigating challenging issues such as single use bags, and the disposal of bags in landfills.

Currently two island counties have implemented bag policy where we operate stores, and while we support the attempt to change consumer behavior, we believe that that best method for doing so is by implementing a fee. There are various models throughout the United States that address the use of single use bags, and while some are similar throughout states such as California, they lack a uniformed approach. Hawaii would be the first state in the union to implement a statewide policy that holds all jurisdictions to the same standard. Whether you ultimately adopt a fee or a ban, we strongly urge you to apply it to paper as well as plastic single use bags.

In Maui and Kauai we don't have the ability to charge a fee to help consumers adapt to the ordinances currently in place. Tourists have shifted to paper which is considerably more expensive and environmentally damaging to produce than plastic. The statewide adoption of SB 1059, SD 1, if applied to paper as well as plastic single use bags, would provide the ability for Times Supermarket to better manage a bag policy and continue to promote higher environmental consciences to our consumers.

Please feel free to contact me should you have any questions regarding this matter at (209) 957-2555, ext 153 or Bob Stout, President of Time Supermarket at (808) 831-0811. We thank you in advance for your consideration and we look forward to continuing the dialogue.

Respectfully,

Bob Gutierrez
Director of Government Affairs, Times Supermarket