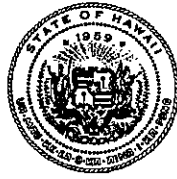


SB 197

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
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In reply, please refer to:
File:

Senate Committee on Energy and Environment
Senate Committee on Commerce and Consumer Protection

SB 197, Relating to Waste

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

February 3, 2011
2:45 p.m.

1 **Department's Position:** Support the intent of SB 197, with reservations.

2 **Fiscal Implications:** We support the intent of SB 197 but defer on the fiscal implications until the
3 Executive Budget has been finalized.

4 **Purpose and Justification:** SB 197 proposes to regulate compact fluorescent light bulbs (CFL's) by
5 requiring signage at retailers that provides information on mercury and lead contents of CFL's as well as
6 safe handling and disposal options. Additionally, manufacturers are responsible for the proper
7 collection, recycling and disposal of CFL's. By January 1, 2012 and annually thereafter, manufacturers
8 are required to submit annual waste management plans to the Department of Health that outlines
9 methods of collection, recycling and disposal; frequency of collections and ways to educate consumers
10 on proper recycling and disposal. Manufacturers and retailers are required to pay a fee to the department
11 for administration and enforcement costs.

12 This measure exemplifies the "product stewardship" concept, making manufacturers held
13 accountable for end of life of their products. The Department agrees with the concept of manufacturer
14 responsibility and supports the intent of this bill. However, as currently drafted, the bill is vague and

1 requires further clarification on which retailers would be required to pay the fee. The bill should also
2 state whether it is intended for householders only.

3 CFL's from homeowners are accepted under the City's Household Hazardous Waste Collections
4 or homeowners are advised to place them in the trash. Homeowners with long tubes may take them to
5 any Home Depot for recycling. Under the current Hawaii Administrative Rules (HAR) Title 11,
6 Management of Hazardous Waste, CFL's and fluorescent lamps are regulated as hazardous waste when
7 disposed of by businesses. Many businesses contract recycling companies to take their lamps or may
8 crush their lamps and send them for disposal. The Department is currently revising its rules to include
9 CFL's, and lamps as universal waste, which will allow for easier management and recycling of these
10 lamps.

11 Washington State recently enacted similar legislation that is scheduled to take effect in 2013. It
12 requires producers/manufacturers of mercury containing bulbs/lamps to provide a take back program for
13 single-family or multifamily households delivering no more than 15 mercury containing bulbs during a
14 90 day period. Retailers are defined as those that sell their own brand of CFL's.

15 Maine was the first state to enact a safe collection and recycling of mercury containing lighting
16 law to provide consumers drop off locations (transfer stations or hardware stores). Manufacturers pay
17 recyclers to collect from these locations.

18 The bill places requirements on the DOH program to develop a fee structure and to collect
19 money from manufacturers and retailers, to review waste management plans, to develop rules and more
20 important to reach out to manufacturers and retailers on the specifics of the law. With new stakeholders
21 involved and the DOH already short staffed, a program of this magnitude would require a minimum of
22 1.5 to 2 FTE's to implement.

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

24

Senator Mike Gabbard, Chair
Senator J. Kalani English, Vice Chair
Committee on Energy and Environment

Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair
Committee on Commerce and Consumer Protection



HEARING Thursday, February 03, 2011
 2:45 pm
 Conference Room 225
 State Capitol, Honolulu, Hawaii 96813

RE: SB197, Relating to Waste

Chairs Gabbard and Baker, Vice Chairs English and Taniguchi, 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 understands and welcomes the intent of SB197, which essentially establishes a recycling program for compact fluorescent light (CFL) bulbs.

The retail industry believes that national legislation is the ultimate and best solution. A series of individual state-by-state laws tends to confuse the consumer and forces manufacturers and retailers to absorb tremendous administrative costs. However, understanding the urgency of our addressing this issue to avoid further impact on our environment, the manufacturer responsibility model is our preferred approach.

We have concerns specific to:

- **Signage:** the information regarding mercury and lead required to be included on the signs is very product-specific. Our sales associates most likely do not have the expertise to ensure that signage is consistently posted for the appropriate product.
- **Fees:** The Electronic Device and Television Recycling Law imposes the fee on the manufacturer as consistent with manufacturer-responsible models. This provision is preferred.
- **Timeline:** we believe that the 1/1/2012 does not provide sufficient time for industry and government to develop an effective, efficient and manageable program.

A number of large retailers already have in-store return and recycle programs for CFLs. We respectfully request the opportunity to engage in further dialogue to share our practical experiences, particularly in the areas of customer service and consumer behavior. .

Thank you for your consideration and for the opportunity to comment on this measure.


Carol Pregill, President

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Sierra Club Hawai'i Chapter

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SENATE COMMITTEE ON ENERGY AND ENVIRONMENT SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

February 3, 2011, 2:45 P.M.
(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF SB 197

Aloha Chair Gabbard, Chair Baker, and Members of the Committees:

The Sierra Club, Hawaii Chapter, with 8,000 dues paying members and supporters statewide, **supports** SB 197. This measure would require signs to be displayed at the time of sale instructing consumers on the mercury content and safe disposal method of broken CFLs, as well as create a mandatory recycling program.

Three times more efficient than standard incandescent light bulbs, CFLs significantly reduce mercury, greenhouse gases and other toxic emissions coming from fossil-fired power plants. If every American home replaced just one incandescent bulb with an ENERGY STAR CFL, we would save enough energy to light more than 2.5 million homes for a year and prevent greenhouse gases equivalent to the emissions of nearly 800,000 cars.

At the same time, valid concerns have arisen because all CFLs contain small amounts of mercury and some models contain lead. The vast majority of CFLs ends up in landfills or trash incinerators where these hazardous substances can get released into the environment. The impact of throwing away millions of CFL bulbs could have a significant and negative environmental impact.

This bill takes a significant step in resolving these concerns. Specifically, it

- Require companies selling or distributing CFLs in Hawai'i to disclose mercury content (in milligrams - mg) and any lead in solder and/or glass. By making this information available at the time of sale consumers have the information necessary to make an informed purchase.
- Requires every manufacturer of CFLs sold in Hawai'i to create a recycling plan for end of life CFL bulbs.

- Include instructions about what to do (and not do) if a CFL breaks.¹

This bill creates a producer-funded recycling program that make it as easy for customers to recycle CFLs as it is to buy them. The technology already exists to separate the glass, phosphor powder, mercury and other materials in CFLs for recycling. By requiring this program to be statewide, we can ensure that all residents in Hawai'i recycle their CFLs and minimize the release of mercury into our pristine environment.

The Sierra Club respectfully asks that this committee advance this measure.

Mahalo for the opportunity to testify.

¹ Information on this subject is available at www.energystar.gov/ia/partners/promotions/change_light/downloads/Fact_Sheet_Mercury.pdf

TESTIMONY IN SUPPORT OF SB197

Chair Gabbard, Chair Baker, and members of the Committee on Energy and Environment, and the Committee on Commerce and Consumer Protection, good afternoon.

Thank you for the opportunity to testify in support of SB197.

My name is Chun Hui Chen.

We all know the effects mercury has on the human body: intestinal bleeding; damage to the brain, damage to the central nervous system, damage to the reproductive organs, and damage to the fetus, to name a few. Knowing this, we continue to permit mercury to be emitted into our environment. How is it getting there? The fluorescent lamps and compact fluorescent lamps (CFL's) that we all have in our homes are the primary culprits. These lamps contain anywhere from 5 – 7 milligrams of mercury. These fluorescent lamps and CFL's are disposed of daily in our landfills or incinerated to produce electricity. The problem with disposal and incineration is the leaching of mercury into our atmosphere, soil, groundwater, and finally into our food supply. Elemental mercury turns into methyl mercury as it moves up the food chain, increasing its potency and ill effects on humans.

It is estimated that 8 – 10 million lamps are imported into the state annually. Of these lamps imported into the state, it is estimated that 49 percent of all fluorescent lamps contain 7 milligrams of mercury, on the average, 66 percent of all CFL's contain 2.5 milligrams of mercury, on the average, and 97 percent of all high pressure sodium lamps contain on the average 30 milligrams of mercury. Although each individual lamp contains a very small quantity of mercury it takes only 1 CFL, containing 5 milligrams of mercury, to contaminate 6,000 gallons of water. Additionally, if 500,000 fluorescent lamps and CFL's combined, with each averaging 5 milligrams of mercury, were to be discarded annually, this will amount to approximately 5.5 pounds of mercury that is contaminating our air and our groundwater. We are not saying that the use of fluorescent lamps and CFL's is wrong, however, we must be mindful that they must be disposed of properly. The benefits of energy efficiency will be outweighed by its negative impact on the environment if we are not responsible for a product's end of life handling.

SB197 will go a long way in addressing this problem. Notifying the public of the dangers of improperly discarding fluorescent lamps or CFL's is the first step. Additionally, regardless of who is required to do it, a waste management plan is essential to the proper disposal of fluorescent /CFL lamps.