

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

H.B. 357, RELATING TO SINGLE-USE CHECKOUT BAGS FEES

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

January 31, 2013
8:30 a.m.

1 **Department's Position:** The department supports the administration's version of the checkout bag
2 fee collection program and therefore respectfully opposes this measure.

3 **Fiscal Implications:** This measure requires the department to undertake substantial administrative
4 duties at a significant cost to implement the checkout bag fee program. At a minimum, the annual cost
5 to the department is estimated to be at least \$800,000.

6 **Purpose and Justification:** The department supports the reduction of solid waste, litter, and the use of
7 petroleum resources. We believe that a fee of 10 or 25 cents will provide an effective disincentive and
8 reduce plastic bag waste. Further, as the state agency responsible for maintaining water quality
9 standards in our streams and ocean, we believe it is appropriate that revenues from this fee on a pollutant
10 be invested not only in pollution prevention programs but to also protect and enhance the source of our
11 island's drinking water. The health of our people will be enhanced by improving and maintaining the
12 health of our watersheds.

13 The department prefers the bag fee collection bill versions proposed by the administration,
14 H.B. 934 and S.B. 1165.

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

Promoting Lifelong Health & Wellness

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
ENERGY AND ENVIRONMENTAL PROTECTION

State Capitol, Conference Room 325
January 31, 2013
8:30AM

In consideration of
HOUSE BILL 357
RELATING TO THE ENVIRONMENT

House Bill 357 requires the collection of a 10 cent fee on single-use checkout bags. Among other recipients, portions of the revenues generated would be deposited into the Natural Area Reserve (NAR) Fund for watershed protection. The Department of Land and Natural Resources (Department) strongly supports this bill.

This measure reduces and mitigates damage from single-use checkout bags while providing wide-ranging benefits to Hawaii's environmental and economic health for current and future generations. This measure implements the central natural resource stewardship goals of the Abercrombie Administration's *A New Day in Hawaii* plan to provide funding for natural resource protection. Funding would support the Department's *The Rain Follows the Forest* plan (available online at <http://Hawaii.gov/dlnr/rain>) to implement on-the-ground actions needed to stabilize Hawaii's water sources. Projects are ready in each county to begin reaching job creation and accomplishment targets. Funds would be allocated in a statewide competitive process to maximize effectiveness and accountability.

The actions proposed in the plan protect the natural resources threatened by the consumption of single-use checkout bags from deforestation and fossil fuel use. In addition to increasing fresh water supplies, forests prevent erosion that muddies beaches, coral reefs, and fisheries. Forests reduce Hawaii's greenhouse gas emissions, and mitigate many damaging impacts from climate change. Protection sustains the native wildlife and plants unique to our islands and sacred to the Hawaiian culture. The Department's goal is to double the level of forest protection in the next ten years, requiring approximately \$11 million per year. This initiative will create over 150 local jobs. Projects are ready in each county to begin reaching job creation and accomplishment targets. Funds would be allocated in a statewide competitive process to maximize effectiveness and accountability.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Forests are enormous economic assets in Hawaii. Hawaii's native forests absorb moisture from rainfall and passing clouds that condense on the thick vegetation and can increase groundwater supply by up to 50%. However, over half of forests have already been lost to invasive species, causing extensive water loss across landscapes. Even a small percentage reduction in groundwater recharge can cost millions per year in increased pumping to transport water for human use. When groundwater levels decline to a point that they cannot be pumped, expensive alternative water sources are needed - long transport pipes, new wells, and even desalination plants. With forest degradation ongoing and accelerating, the longer Hawai'i waits to take significant action to halt this destruction, the higher the costs will be to reverse the damage and ensure Hawaii's water supply and natural beauty for current and future generations.

An October 2011 statewide poll demonstrated Hawaii's residents' willingness to support increased funding of watershed protection. In addition to a high rating of urgency to protect upland forests for water supplies, 78% of respondents were supportive of increasing funding of watershed protection from \$1 million to \$11 million. When respondents were presented with various means by which the increased funds could be raised, a majority supported the use of environment-related taxes (7.4 out of 10, with 10 indicating "Strong Support"). While the proposed bag fee is not a tax, these results suggest that the public recognizes the immediate need to significantly increase investments in watershed protection.

House Bill 357 is a responsible measure that reduces damage from bag consumption and provides dedicated funding for essential environmental programs. The Department notes that it has submitted its own and slightly different version of a bag fee proposal in the way of House Bill 834 and Senate Bill 1165.



Water has no substitute.....Conserve it

Testimony of
David R. Craddick, P.E., C.E.M.
Manager and Chief Engineer

Before the House Committee on Energy and Environmental Protection
Thursday, January 31, 2013
8:30 am
State Capitol, Conference Room 325

Honorable Chair Lee and Members of the Committee on Energy and Environmental Protection,

I am writing to you in support of House Bill 357 which would place a 10 cent fee on a single-use paper and plastic bags.

The Kaua'i Water Department is a member of the Kaua'i Watershed Alliance where we give funds for the same purpose as the referenced bill subject to matching funds from other sources. The matching funds have in the past come from state grants.

We fully support your effort in cleaning up the environment and directing some of the funds to protecting our water resources.

Your favorable consideration and support of HB 357 would be appreciated. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "D.R. Craddick".

David. R. Craddick, P.E., C.E.M.
Manager and Chief Engineer



**Testimony of Joyce Masamitsu
Associate Director of Public Policy for Verizon
Before the House Committee
Energy and Environmental Protection
H.B. 357
January 31st, 2013**

The Honorable Representative Chris Lee, Chair
House Committee on Energy and Environmental Protection
Hawaii State House of Representatives

RE: Testimony House Bill 357 – Single Use Check Out Bags

Dear Chairman Lee and the Members of the Committee,

This letter is written on behalf of Verizon in Opposition of House Bill 357, legislation that would create a special state fund and require retailers to collect a fee from their customers for every single use bag they are provided. While Verizon embraces the author's goals to support green initiatives by encouraging the use of reusable bags, HB 357 is burdensome to local businesses and unnecessary. Verizon currently complies with county ordinances adopted by Honolulu, Maui and Hawai'i to enforce environmentally friendly policies that ban single use plastic bags. Counties instead encouraged businesses to use bags that are biodegradable or made from recycled materials and forego the economic convenience of providing plastic bags to their customers. Each county passed measures they felt most appropriate to address the concerns and needs of their respective communities. HB 357 would in effect penalize businesses for efforts to comply with these environmentally friendly policies that counties have previously adopted.

HB 357 would require Verizon to abandon a national environmentally friendly policy to use bags made of 100% recyclable, biodegradable materials and that do not require the felling of trees. The irony of HB 357 is that it encourages the use of "reusable bags" that as defined in this bill include thick plastic bags that are not particularly "green" because they do not have to be biodegradable, and will eventually be disposed of by the user. Unlike large volume grocers who may provide hundreds or thousands of bags to their customers daily, and at multiple locations, Verizon does not see a cost-benefit to the imposition of a state mandated program to collect a fee at point of sale from their customers for every bag we provide them. The potential revenues generated from their ability as a retailer, to retain 10% of the \$0.10 single use bag fees they collect, does not offset the disruption to national, environmentally friendly programs they have in place today and will drive unnecessary costs to their business and to their customers.

Verizon bags that are distributed nationally to their retail stores, reflects their commitment to support green policies. The bags they provide their customers are biodegradable, made of 100% recyclable materials and do not fell old or new growth trees in the manufacturing process. Verizon bags are made primarily from bamboo pulp not wood. This environmentally

friendly policy therefore does not encourage clear-cutting deforestation practices of either old or new growth trees that could otherwise require decades for full environmental recovery. Verizon bags carry the "Perf" logo that marks the endorsement of the Petroleum Environmental Research Forum. An international non-profit organization, whose members recognize the importance of a clean, healthy environment and are committed to supporting cooperative research in the manufacturing of products that include the use of petroleum.

Verizon works every day to protect our environment and to give their customers opportunities to do the same. Environmental stewardship is ingrained in their heritage, and they take pride on having a positive influence on the environment in which they operate. The state of Hawaii should not adopt a policy to dictate what green initiatives companies may choose to adopt, but instead should encourage local business operators to embrace green policies of their choice that best fit their operational needs and cost structures.

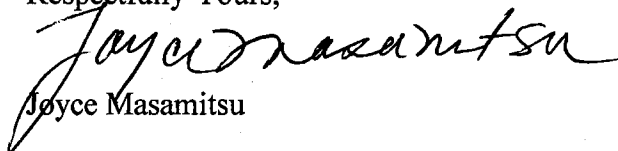
In addition to adopting an enterprise wide policy to provide environmentally friendly bags to our customers, Verizon as a good corporate citizen has instituted voluntary recycling programs for wireless devices to promote environmentally friendly alternatives for electronic waste management. Verizon joined forces with HopeLine in 2001 to create a company wide recycling program that would aid victims of domestic violence. ***The HopeLine® Phone Recycling and Reuse Program*** collects no-longer-used wireless phones and equipment in any condition from any service provider. With the funds raised from the sale of the refurbished phones, Verizon donates wireless phones and airtime to victims, and provides funding and other contributions to non-profit domestic violence shelters and prevention programs across the country. Verizon also supports the ***Call2Recycle™ Program*** which is funded by the rechargeable power industry that helps preserve the environment by keeping harmful rechargeable battery by-products out of landfills and the solid waste stream. Batteries can be returned to any Verizon Wireless retail store nationwide and customers of any wireless carrier can utilize this service to recycle both rechargeable batteries and their no-longer-used cell phone.

For the above stated reasons, Verizon does not feel that participation in a mandated, statewide requirement to impose a new fee on our customers for bags we provide is justified by the states interest in supporting green initiatives. HB 357 instead penalizes companies who may have proactively adopted alternative green policies or have altered their business processes to comply with county ordinances. If however, the Committee members decide to pass HB 357, Verizon requests your consideration for an amendment to exclude of bags that are made of recyclable materials and are decomposable and also support green policies proactively adopted by many companies.

In closing, Verizon asks Chair Lee and Vice Chair Thielen and the Members of the Committee to NOT PASS HB 357 or amend language to exclude bags that are made from recyclable materials, are biodegradable and support alternative green initiatives.

Thank you for your consideration of this amendment to House Bill 357.

Respectfully Yours,


Joyce Masamitsu

TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Single-use checkout bag fee

BILL NUMBER: SB 13; HB 357 (Identical)

INTRODUCED BY: SB by Gabbard and Ruderman; HB by Lowen and C. Lee

BRIEF SUMMARY: Adds a new part to HRS chapter 342H to establish a single-use checkout bag fee. On January 1, 2014 all businesses in the state are to charge and collect a fee of 10 cents for each single-use checkout bag that is provided to customers. Requires each customer transaction receipt shall show the number of single-use checkout bags provided and the amount of the fee charged.

Allows a business to retain up to 10% of the bag fees collected between January 1, 2014 to December 31, 2014. All fees retained shall be subject to HRS chapters 235 and 237 and any taxes imposed on the fees retained shall not be charged to the customer. Requires businesses subject to the single-use bag fee requirements to conduct educational outreach to their customers regarding the single-use checkout bag fee program.

No later than the last day of each month, businesses subject to the single-use bag fee are to remit to the department the fees collected by the last day of each month, less the allowable amount retained, during the immediately preceding month; provided that a small business may remit the fees on a quarterly basis on the last day of the month following the end of a quarter. Businesses shall be subject to penalties and interest for late or underpaid fees. The first \$1,200,000 of fees collected annually shall be expended by the department of health for administrative, audit, compliance, and enforcement activities associated with collection of the single-use checkout bag fee. If there is any remaining balance it shall be distributed as follows: (1) 20% into the environmental response revolving fund; and (2) 80% deposited into the natural area reserve fund to be expended by the department of land and natural resources for watershed protection, restoration, and acquisition.

Violations of the single-use bag fee program shall be subject to a fine of no less than \$1,000 for each violation. Further establishes provisions relating to injunctive and other relief, interaction with any county ordinances, and business reporting of the number of single-use checkout bags provided to customers and the number of reusable bags provided to customers.

Requires the department of health to submit to the legislature an annual report, no later than twenty days prior to the convening of each regular session, delineating the department's efforts to effectuate the single-use bag fee program, the number of single-use bags distributed, the statewide reduction rate in the amount of single-use bags distributed, and any recommended policy changes needed to better effectuate the single-use bag fee program.

No later than March 31, 2014 each business that is required to charge and collect the single-use checkout bag fee shall submit to the department of health a one-time report listing the number of single-use checkout bags and reusable bags provided to customers by that business for the 2013 calendar year.

Defines “single-use checkout bag,” as a bag made of plastic that is less than 2.25 mils thick, or a paper package or sack, whether recyclable or non-recyclable, that is provided by a business to a customer, and is designed for one-time use to contain and transport merchandise. A single-use checkout bag does not include: (1) bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, grains, or candies, or small hardware items; (2) bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness; (3) bags used to protect or transport prepared foods or bakery goods; (4) bags provided by pharmacists to contain prescription medications; (5) newspaper bags for home newspaper delivery; (6) door-hanger bags; (7) laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing; (8) bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags; (9) bags used to contain live animals, such as fish or insects sold in pet stores; or (10) bags used to transport chemical pesticides, drain-cleaning materials, or other caustic chemicals sold at retail. Defines “reusable bag” as a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other machine-washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick.

Appropriates \$1,200,000 in general funds for fiscal 2014 to the department of health for the initiation and administration of the single-use checkout bag fee program.

EFFECTIVE DATE: July 1, 2013

STAFF COMMENTS: While the proposed measure is to deter the use of single-use checkout bags, it should be remembered that the city and county of Honolulu passed an ordinance establishing a ban on non-biodegradable plastic bags which will go into effect on July 1, 2015, and plastic bags are banned on Hawaii, Maui and Kauai. This means the single-use bag fee will only be in effect on the island of Oahu in 2014 and will only apply to biodegradable single-use plastic bags after July 1, 2015.

This measure proposes a single-use checkout bag fee on each single-use checkout bag that is provided to customers with the revenues derived from the fee deposited into the environmental response revolving fund and the natural area reserve fund. While each single-use checkout bag provided to customers will cost customers 10 cents per bag, it is questionable whether: (1) the fee imposed would encourage customers to use reusable bags; or (2) the amount derived from this program is sufficient to address the requirements of the stated programs of the department of land and natural resources.

That said, lawmakers and taxpayers should recognize this proposal for what it is, that is, it is nothing more than another way to raise more money to fund questionable state programs. While proponents may argue that such a fee will discourage consumers from using single-use checkout bags, the real reason for this measure is to merely to raise more money to fund government programs.

Under the proposed measure, a fee is imposed for each bag provided to the consumer. A business would have to bag a customer’s purchases, then complete the transaction after counting the number of single-use checkout bags it provided to the customer. Although the proposal would allow the business to retain a portion of the fees collected, the actual amount will depend on the number of bags “sold” to customers and, therefore, it is impossible to determine whether or not the fee amount retained will be sufficient or insufficient to cover the cost of compliance with the program. Note well that the amount of the retained fee will be subject to the state’s general excise and income taxes. Thus, as drafted, this fee merely adds

to the cost of doing business in Hawaii. So much for lawmakers' lofty promise not to affect the state's fragile economy.

If the intent of this proposal is truly to protect the environment from the misuse and abuse of single-use bags, then just ban the use of such bags as the three Neighbor Islands have already done.

This disingenuous attempt by lawmakers is so transparent in its attempt to raise new revenues that it is an insult to taxpayers who are already overburdened and who have had to endure the addition of more and more taxes in recent years as lawmakers try to close the budget gap. Retailers might just welcome such a ban as it would reduce their costs since they would not have to provide bags as a courtesy. Ah, but that would mean that there would not be another source of money for lawmakers to spend.

It should be noted that in an effort to reduce the use of single-use checkout bags, several businesses have their own programs to encourage consumers to utilize reusable bags and such programs have been successful in reducing the number of plastic or paper bags provided to customers. Others, like the big box stores, do not provide their customer any type of bags to take away their purchases and that system seems to work just as well.

To reiterate, this proposal is nothing more than a grab for money. It is one more measure that will increase the cost of living and doing business in Hawaii while truly not accomplishing the goal of "cleaning up the environment" that it seems to hide behind. Lawmakers may have been successful in tricking taxpayers once with the "bottle bill," but a second time is truly reprehensible.

Note well that while \$1.2 million of the fees collected is to be expended for the administration of the program, 20% of the residual amount will be earmarked for the environmental response revolving fund and 80% is to be deposited into the natural area reserve fund for watershed protection, restoration, and acquisition. While these latter two objects of expenditure may be worthy causes, it is questionable what the relationship is between the use of single-se bags and these two programs. Thus, the fee proposed and the designated programs do not constitute an appropriate or valid user fee. While there has been demonstrated concern on the part of the administration and some legislators about the preservation of the watershed, the question is if this effort is deemed to be of such a high priority, then why is it not a priority of the taxes already paid by residents? In other words, this proposal is nothing more than an effort to find another source of funding for a program which should be paid out of the general revenues of the state and is a back door ploy to free up general fund receipts for more and new programs.

Digested 1/30/13



Representative Chris Lee, Chair
Representative Cynthia Thielen, Vice Chair
Committee on Energy & Environmental Protection
State Capitol, Honolulu, HI 96813

HEARING Thursday, January 31, 2013
 8:30 am
 Conference Room 325

RE: HB357, Relating to the Environment

Chair Lee, Vice Chair Thielen and Members of the Committee:

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. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

RMH opposes HB357, which requires certain businesses in the State to collect a 10-cent fee for each single-use checkout bag provided to customers, allows businesses to retain ten per cent of the fees, subject to income and general excise taxes, for the first year, directs use of fee revenues to fund programs to mitigate the effects of single-use checkout bags, and establishes provisions relating to violations, injunctive and other relief, county ordinances, business reporting, and audit authority.

All four counties have enacted ordinances that address the plastic/paper single-use bag issue, each in a manner that works within the environmental structure and requirements of that county. At this point, we should respect the autonomy of the counties to determine the appropriate dissolution of this issue.

Retailers with locations in each county now have four (4) different ordinances and four (4) different sets of administrative rules with which to comply. HB357 adds yet another regulation, and while businesses will be allowed to keep one-cent of the fee, this allowance is limited to one year to alleviate set-up fees, but does not address the on-going administrative costs of collecting, reporting and remitting the fees to the state. These additional costs must and will be passed on to our customers.

Of greatest concern is the added cost burden HB357 will impose on our residents. This per-bag tax is regressive and will add to the cost of living for our families and consumers who can least afford additional costs at the grocery store.

We respectfully request that you hold HB357. Thank you for the opportunity to comment.

Carol Pregill, President



CONSERVATION COUNCIL FOR HAWAII'I

Testimony Submitted to the House Committee on Energy and Environmental Protection
Hearing: Monday, Thursday, January 31, 2013 8:30 am
Room 325

In Support of HB 357 Relating to the Environment

Aloha. The Conservation Council for Hawai'i supports HB 357, which requires certain businesses in the State to collect a 10-cent fee for each single-use checkout bag provided to customers. Allows businesses to retain ten per cent of the fees, subject to income and general excise taxes, for the first year. Directs use of fee revenues to fund programs to mitigate the effects of single-use checkout bags. Establishes provisions relating to violations, injunctive and other relief, county ordinances, business reporting, and audit authority. Requires annual report to the legislature. Appropriates funds.

Invasive species are one of the most significant threats to our watersheds, native species, habitats, cultural areas, recreation areas, and agricultural lands.

Please pass HB 357. Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Hawai'i's Voice for Wildlife – Ko Leo Hawai'i no na holoholona lohiu

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www@conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 220 • Honolulu, HI 96814

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Executive Director: Marjorie Ziegler

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 357 Relating to the Environment
House Committee on Energy and Environmental Protection
Thursday, January 31, 2013, 8:30AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 357 and the proposed offset fee on single-use check out bags. The production, distribution, use and disposal of single-use check out bags are a significant contributor to litter in Hawai'i, are a threat to marine and bird life, and contribute to greenhouse gas emissions that exacerbate the effects climate change.

Climate change is an imminent and unprecedented threat to natural systems (e.g., forests, coastlines, coral reefs, wetlands) and to every person in Hawai'i that—whether they know it or not—depends on services from the natural environment for their livelihoods, health and welfare. Even if we drastically reduce CO2 emissions now, we will still feel the effects of climate change. In Hawai'i, science indicates that this may include:

- More frequent and more severe storms, and increased runoff and siltation;
- Overall, less rainfall and therefore less fresh water;
- Higher temperatures that may affect the health of forested watersheds;
- Climatic conditions even more conducive to invasive plants, insects and diseases;
- Sea level rise and high wave events that will harm coastal areas and groundwater systems; and
- Ocean acidification that will inhibit the growth of protective coral reefs.

We must plan and implement mitigative and adaptive measures to ensure the resilience of our natural and human systems. One of the most effective tools we have to help address the effects of climate change in Hawai'i is to protect our forests. Healthy and diverse Hawaiian forests that are not overrun by invasive species act like a sponge, collecting rain and moisture from passing clouds, slowly delivering fresh water into streams and aquifers, absorbing greenhouse gases, and reducing runoff and siltation into near shore waters during storm events.

For these reasons, we support this measure and particularly favor the allocation of a portion of the revenue generated to protect Hawaii's forested watersheds and to control invasive species.

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January 30, 2013

OPPOSE BILL HB357

My name is Melynda Dant and I am Vice President of Fair Wind Cruises, in Kona Hawaii. We have a 42-year old family owned business with 40 employees. We work with many mandates enforced by our counties and state governments. This bill is in conflict with the County of Hawaii Reusable Bags law. Our company has just purchased a large quantity of paper bags to meet the county laws. We also sell cloth reusable bags in our gift shop.

This bill is also in conflict with environmental common sense. Paper disintegrates much faster and easier than any thickness of plastic bag. The thicker plastic bag is not better just because you are assuming it will be reused. There is no way that anyone can be assured of reuse. This thicker plastic bag would also be much more harmful when they end up blowing around on the streets and going into the ocean. The thicker plastic could wrap around turtle flippers causing deaths, and damaging coral heads by clinging and suffocating the coral polyps.

This bill is not taking Hawaii in the right direction. Support paper bags and cloth bags, not plastic. Do not add collection of fees to be used to fund programs burdening merchants with more bookkeeping. Please do not pass this bill.



NATIONAL TROPICAL BOTANICAL GARDEN

Chartered by Congress to Create a National Resource in Conservation, Research, and Education

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January 28, 2013

Rep. Chris Lee, Chair
Rep. Cynthia Thielen, Vice Chair
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Dear Chairman Lee & Committee Members:

Testimony Supporting HB 357– RELATING TO THE ENVIRONMENT

As the Chair of the Kaua'i Watershed Alliance (KWA) and the Director and CEO of the National Tropical Botanical Garden (NTBG), I am writing to you to express my **STRONG** support of HB357.

If successfully passed, HB 357 will create a source of new revenue which can support watershed protection and invasive species control. This is critical to the long-term health of our state. Currently only about ten percent of the priority watersheds in the State are protected from feral ungulates and ecosystem transforming invasive weeds. We need to undertake large-scale watershed protection to ensure our grandchildren have clean water and a healthy environment and HB 357 can help to make this happen!

Please pass HB 357 out of Committee.

Me ka mahalo nui,

Chipper Wichman, Director and CEO



O'AHU INVASIVE SPECIES COMMITTEE

Committee on Energy and Environmental Protection
Rep. Chris Lee, Chair
Rep. Cynthia Lee, Vice Chair

Testimony of the Oahu Invasive Species Committee in support of HB 357 Relating to the Environment

House Committee on Energy and Environmental Protection
Thursday, January 31, 2013 8:30 AM, Room 325

The Oahu Invasive Species Committee supports HB 357 which would provide critical funding to keep Hawaii's forests and watersheds healthy. The Oahu Invasive Species Committee has successfully stopped the spread of many high-threat invasive plants by removing them before they reach the intact native forests at the mountain summits.

However, in our 12-year history, we have only once had a full year of funding on January 1st. One of the many effects that climate change will have on Hawaiian forests is that it will become warmer at higher altitudes, allowing invasive plants to have yet another advantage over our unique native forests. More severe storms may create openings that invasive plants will be able to colonize faster than native plants.

Although OISC has successfully eradicated some species from Oahu, there will always be more, and climate change ensures that these species may be able to move farther into the watershed than previously thought. Without dedicated funding we cannot keep up and will lose the ecosystem services that a healthy native forest provides.

Hawaii's native forests are thick with undergrowth that anchors soil to mountain, preventing erosion and ensuring that rainwater is percolated into the island's aquifer, replenishing our water supply. Invasive plants kill off this understory, leaving our island vulnerable. Keeping the watershed healthy requires hiring staff to go out and remove invasive plants. This bill will create jobs while protecting Hawaii's water supply. Thank you for the opportunity to comment.

O'ahu Invasive Species Committee



Jan.30, 2013

Committee Chairs & Members of EEM

RE: Strong Support for HB357 – Relating to Environmental Protection

Hearing on Thur., Jan. 31, State Capitol, Conf. Rm. 325, 8:30 am.

Dear Chair Tokuda, Vice Chair Kidani and Committee Members,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 5000 activists and members across the state, Surfrider's Hawaii Chapters strongly support passage of HB357, 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. This legislation will complement the plastic bag bans on Maui, Kauai, the Big Island and Oahu in 2015 by reducing the rising use of paper bags, which have a higher carbon footprint.

Last year, the Reserve Advisory Council (RAC) of NOAA's Office of National Marine Sanctuaries passed a resolution stating, "The Council believes a fee on single-use plastic and paper bags would reduce marine plastic pollution and litter throughout the islands and encourage the use of reusable bags." Approximately, 500 million single-use bags are used in Hawaii each year, and far too many end up polluting our streets, streams, coastlines and oceans. This bill will protect marine life, improve our natural environment and enhance the beauty of Hawaii for locals and visitors alike.

Washington, DC passed a similar Bag Fee Bill in 2010, and consumption of plastic bags decreased 80% in the first year and raised funds for a program to clean up the Anacostia River in our nation's capitol. Similarly, HB357 has provisions that will dramatically reduce the proliferation of plastic and paper bags, while also helping fund an important DLNR program to protect Hawaii's watersheds and sources of water. This offset fee is not a tax because it can be avoided when consumers bring reusable bags instead of wasting single-use plastic and paper bags, which is the whole purpose of the bill.

Over the last four years, we have built a diverse coalition of educational and environmental groups, local businesses and thousands of citizens to support a statewide fee bill to reduce single-use grocery bags. All of us are committed to passing this bill because we believe it's a win-win-win situation for the environment, the economy and the health of our people and our oceans.

Just as Hawaii led the way in many health care and environmental reforms in the past, we are now poised again to be one of the first states in the country to pass statewide legislation to reduce the pollution and waste from plastic and paper bags. The people of Hawaii have been waiting for this kind of popular, common sense bill, and people are watching to see what we will do. 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

SURFRIDER FOUNDATION • HAWAII CHAPTERS
2121 ALGARоба ST., #1107 • HONOLU, HI 96826
(808) 942-3841 • www.surfrider.org/oahu • scoleman@surfrider.org



Sierra Club Hawai'i Chapter

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

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

January 31, 2013, 8:30 A.M.
(Testimony is 3 pages long)

TESTIMONY IN SUPPORT OF HB 357

Aloha Chair Lee and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 10,000 dues-paying members and supporters, ***strongly supports*** the HB 357. This measure creates an offset fee for most single-use bags (whether paper or plastic) and incentivizes retail stores to encourage the use of less-harmful bags. An offset fee smartly places a fee on one of our environmental problems to fund clean water for our *keiki* and environmental protection.

I. The Importance of Protecting Hawai'i's Water Resources

We know that climate change is going to impact in Hawai'i in significant and detrimental ways. This is the new reality of today and tomorrow. We have to foresee these changes and adapt to a changing world.

The funding provided by this bill would provide a significant, long-lasting, and vital contribution to addressing one of the critical impacts of climate change and ensure Hawai'i has water for future generations.

Further, enhancing efforts to protect Hawai'i's watersheds would have the additional benefit of protecting Hawai'i's cultural legacy from the destruction of invasive species. Hawai'i is home to more threatened and endangered species than anywhere in the country. In order to ensure future generations will have the opportunity to appreciate the diversity of Hawai'i, increased protections and funding are needed today.

II. Reducing Our Opala Problem.

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

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.

III. 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 businesses 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.

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

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.

IV. 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.

Mahalo for the opportunity to testify.

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

NEIL ABERCROMBIE
Governor

SHAN TSUTSUI
Lieutenant Governor



HAWAII INVASIVE SPECIES COUNCIL

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FEDERAL
U.S. Department of the Interior
U.S. Department of Defense
U.S. Department of Agriculture

Testimony of the HAWAII INVASIVE SPECIES COUNCIL

Before the House Committee on ENERGY & ENVIRONMENTAL PROTECTION

January 31, 2013, 8:30 AM
Hawaii State Capitol, Rm 325

In consideration of HOUSE BILL 357 RELATING TO SINGLE USE CHECKOUT BAG FEES

House Bill 357 mandates the collection of a 10-cent fee for single-use checkout bags. This bill allows businesses to retain a portion of the remittance, with net revenues being 1) deposited in the environmental response revolving fund administered by the Department of Health and 2) deposited into the natural area reserve fund for watershed management and invasive species control projects administered by the Department of Land and Natural Resources. **The Hawai'i Invasive Species Council strongly supports this bill.**

The production of single-use checkout bags negatively affects ecosystem health through the use of crude oil, water, and forest resources. Further, single-use bags that are not recycled may become debris that negatively impacts native species and/or natural ecosystem processes. It is therefore logical that the collection of this fee be used, in part, for actions that promote environmental health. The use of these funds for response to environmental emergencies, watershed protection and management, and the control and/or eradication of invasive species will support the health of native ecosystems in Hawai'i that may in part mitigate the negative impacts of production and distribution of single-use checkout bags.

House Bill 357 is a logical and necessary measure to decrease the negative environmental impacts of single-use bags while concomitantly providing support for established programs that benefit Hawai'i's ecosystems and protect our way of life. Therefore the Hawai'i Invasive Species Council strongly supports this bill.

The Hawai'i Invasive Species Council is an interagency collaboration established by Chapter 194, Hawai'i Revised Statutes, for the purpose of cabinet-level direction on invasive species prevention, control, research, and outreach issues in Hawai'i.



**Testimony of the Hawaii Green Growth Initiative
In Support of HB 934/HB 357/SB 1165 Relating to the Environment**

House Committee on Energy and Environmental Protection

31 January 2013, 8:30am
Conference Room 325

Audrey Newman
Hawaii Green Growth Initiative
P.O. Box 535
Ho'olehua, Hawaii 96729

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee:

I am writing on behalf of the Hawaii Green Growth Initiative (HGG) in support of HB 934/HB 357/SB 1165. HGG brings leaders from the energy, food and environmental sectors together to achieve Hawaii's sustainability goals and to be a model for building a green economy. HGG's members include approximately 40 leaders and 30 advisors from government, private, and non-profit organizations in Hawaii.

HGG asks you to support HB 934/HB 357/SB 1165 because it creates an innovative funding source to expand protection of Hawaii's watersheds and water supply while also reducing the consumption of single-use paper and plastic bags statewide.

HGG recognizes the critical importance of Hawaii's watersheds and water supply to the long-term sustainability of our island economy, culture and environment. Watershed restoration paired with invasive species removal significantly increases water availability by decreasing erosion and siltation, which also benefits our reefs and fisheries. Healthy watersheds also help to mitigate climate change and assist in the Hawaii Clean Energy Initiative's target by absorbing greenhouse gases.

We ask for your strong support for these bills, as they are an investment in Hawaii's future. Protecting Hawaii's watersheds is the most cost-effective way to protect Hawaii's fresh water supply - this water is essential for Hawaii's inhabitants, agriculture, environment, and energy (with the emerging potential for investment in biofuels). These bills will also help decrease our carbon footprint and marine debris threats to our ocean and lands.

As a partnership representing Hawaii's leaders in environment, food and energy, HGG asks for your support of HB 934/HB 357/SB 1165.

Mahalo nui for your time and consideration,

A handwritten signature in black ink that reads "Audrey Newman". The signature is written in a cursive style and is positioned above a light gray rectangular box.

Audrey Newman
Senior Advisor, Global Island Partnership (GLISPA)
Promoting action for island conservation and sustainable livelihoods. www.glispa.org

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 8:44 PM
To: EEPtestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB357 on Jan 31, 2013 08:30AM*

HB357

Submitted on: 1/28/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 10:48 PM
To: EEPtestimony
Cc: mikagawa@hawaii.edu
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/29/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
	Individual	Support	No

Comments: Hawaii's natural resources are in decline and we have a lot of catching up to do. It will take funding from multiple sources to get the work done. This bill addresses our harmful tendency to borrow from the future by overusing "disposable" material that damages the environment.

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 10:57 AM
To: EEPtestimony
Cc: jmccay@hotmail.com
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/30/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James McCay	Individual	Support	No

Comments: Aloha and thank you for hearing these comments. I am strongly in support of HB237 for many reasons. Critical is to get more funding for DLNR programs. I have volunteered for many clean ups across the island (where we ALWAYS are cleaning up plastic bags and wastes) and the DLNR funding needs boosting if we're going to protect the valuable natural resources that tourist pay thousands of dollars daily to experience. Please support HB357 to get us less wasteful, and more beautiful! Malama Pono, James

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 10:54 AM
To: EEPtestimony
Cc: laluz@maui.net
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/30/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lucienne de Naie	Individual	Support	No

Comments: As a resident of the East Maui watershed area I see first hand the need to have a source of funding to manage and improve these lands that are held in trust by the state for the common good of all. Without management, our watersheds will continue to decline and the water they provide for agriculture, industry and domestic use will diminish as time passes. Bag fee bills have worked well in many places in the US and around the world. Please pass this bill and give our state agencies the support they need. Mahalo nui Lucienne De Naie Huelo, East Maui

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TESTIMONY REGARDING

HB357 – RELATING TO THE ENVIRONMENT

Submitted by: Cynthia K.L. Rezendes

Hearing Date/Time: January 31, 2013, 8:30 a.m.

Position: **Support**

Thank you for the opportunity to provide testimony to **support** this measure.

It has become evident over the years that improper handling of single-use checkout bag waste has created numerous problems in the environment, i.e. trash on the roads, plastic bags in our near shore waters affecting ocean animals, etc.

Even with emphasis on educating the general public on the issues of not controlling these single-use checkout bags, not enough behavioral change has been noticed over the years and further steps must be taken to ensure the health of our environment, especially our near shore environment which is critical to not only our visitor industry health but also the health of our near shore waters where gathering of fish and limu is regularly practiced.

Thank you for the opportunity to provide support for this measure that imposes a fee on these single-use bags that in turn will be used to primarily protect our natural, environmental resources.

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 11:31 AM
To: EEPtestimony
Cc: oahurandy@yahoo.com
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/30/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Ching	Individual	Support	No

Comments: The revenue from the bag fee will help to protect Hawaii's watersheds. Our watersheds are vulnerable as only 10% of them are fenced and actively managed. The bag fee could double the amount of watershed that is actively managed. And, reducing the amount of plastic bags in our landfills will help us save resources needed to manufacture the bags. And it will help us protect the marine life that feeds on ocean plankton. Many plastic bags end up in the ocean where they are mistaken for plankton by turtles, birds and other sea life.

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 30, 2013 2:46 PM
To: EEPtestimony
Cc: gentlewave@hawaii.rr.com
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/30/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments: Please pass HB 357. We must do everything we can to reduce plastic bag use.

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I am writing in support of this measure to assist Hawaii at the state level to reduce the amount of single-use bags that enter the environment either directly or indirectly via the implementation of a 10 cent fee. The fee, when collected, would then be used to protect the natural resources which are affected by the widespread adoption of single-use bags.

While I heartily support efforts to eliminate single-use bags from Hawaii (most notably, plastic), I only support the implementation of a fee/tax on single-use bags if the fees collected go directly to environment protection in Hawaii and not to be used for other purposes.

Ultimately, I support efforts both at the state and local level to wind down the use of single-use bags completely throughout Hawaii.

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 2:13 AM
To: EEPtestimony
Cc: joy.shih@gmail.com
Subject: Submitted testimony for HB357 on Jan 31, 2013 08:30AM

HB357

Submitted on: 1/31/2013

Testimony for EEP on Jan 31, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Leilei Shih	Individual	Support	No

Comments: Aloha Rep. Lee and Members of the Committee, Please move this important initiative, which would reduce the amount of detrimental plastic debris in our marine environments, and fund important initiatives to safeguard our watersheds. Mahalo for the opportunity to testify. Joy Leilei Shih Environmental Director, Ko Olina Resort & Marina

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