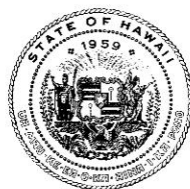


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

In reply, please refer to:
File:

HOUSE COMMITTEE ON JUDICIARY

S.B. 1135, S.D. 2, H.D. 1, RELATING TO RECYCLING

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

March 19, 2013
2:00 p.m.

1 **Department's Position:** The Department of Health strongly supports this measure.

2 **Fiscal Implications:** Undetermined.

3 **Purpose and Justification:** This bill has two purposes: first to improve the existing electronic and
4 television recycling program which has not reached its full potential and, second, to expand the program
5 to include electronic products, such as computer and TV peripherals, that are currently disposed of in
6 our landfills.

7 Hawaii has struggled to manage our waste while protecting the environment for decades. Our
8 geographic and economic isolation have driven our strategy to conserve our natural resources, reduce
9 waste, and divert as much waste as possible from our landfills.

10 Both private and public recycling programs that address paper, metal, glass and plastic materials
11 have grown over the years. Today, the rapid pace of innovation within the consumer electronics
12 industry has made electronic waste a growing component of our waste stream. We must now take the
13 next step to meet the 50% waste recycling goal set by the legislature and develop effective recycling
14 programs for e-waste.

Promoting Lifelong Health & Wellness

1 This bill proposes changes that will strengthen the existing program in two ways. First,
2 establishing convenience requirements for manufacturer’s recycling programs will make it easier for
3 Hawaii consumers to recycle their electronics or televisions. The existing law has allowed many
4 manufacturers to sponsor inconvenient programs such as those requiring the public to mail back items to
5 be recycled.

6 Second, this bill will institute mandatory recycling goals for manufacturers and increase the
7 amount of material collected and recycled. We would like the recycling goals to be set at the originally
8 proposed amounts of: 60 per cent for 2014; 70 per cent for 2015; and 80 per cent for 2016 and
9 thereafter. Our experience with computer and printer manufacturers indicates that without any goals
10 required in the law, some manufacturers will setup mail back only recycling programs that result in zero
11 pounds of e-waste being collected from Hawaii.

12 This bill has been shaped by the input of the Hawaii Electric Device Recycling Task Force.
13 When instructed by the 2012 legislature to examine the e-waste issue in greater depth, the department
14 organized a task force that represents a broad range of stakeholders. Four meetings were held where
15 substantive and productive discussions took place.

16 Reaching consensus amongst such a diverse group is difficult but the department encouraged all
17 points of view and incorporated many of the members’ suggestions into this bill.

18 Our goal is to create social and physical environments that promote and support good health for
19 all.

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

21
22
23
24

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

March 18, 2013

Testimony of **Larry Dill**, County Engineer, County of Kaua'i

Before the House Committee on Judiciary: Representative Karl Rhoads, Chair

Tuesday, March 19, 2013
2:00 pm
Conference Room 325

In consideration of
SB 1135, SD2, HD1
RELATING TO RECYCLING

Dear Chair, Vice-Chair, and Members:

My name is Larry Dill, County Engineer, Department of Public Works, County of Kaua'i, testifying in support of Senate Bill 1135, SD2, HD1 which amends and expands the Electronic Waste & Television Recycling program. While the current law communicates our State's commitment to protect the health and safety of our residents and to preserve the environment, it has presented challenges for Kaua'i (and all neighbor islands) in its current form.

Local recycling collection events, even if they are periodic, have been proven to be effective here on Kaua'i. The public is accustomed to storing their materials and transporting all brands of electronics to recycling collection events. However, manufacturers have offered few and irregular collection events under the law. Instead, manufacturers have mostly provided inconvenient programs requiring customers to ship electronics to Oahu for recycling, or to participate in complicated mail-back recycling programs. Calls into our County Recycling Office and our follow-up research with local electronics retailers indicate that people are confused by the current law and unwilling to recycle using mail-back options.

Our Solid Waste Division staff had the opportunity to be serve on the Hawai'i Electronic Device Task Force providing recommendations and input on SB 1135. We feel this bill will significantly improve neighbor island recycling programs because it requires manufacturers to conduct convenient recycling programs including collection events in each County. The manufacturer

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Rep. Karl Rhoads, Chair & Members of the Committee on Judiciary

SB 1135, SD2, HD1

March 19, 2013

Page 2

recycling programs in SB 1135 have specific parameters, at a minimum frequency of quarterly, and mail-back programs are not allowed to satisfy the requirements. We also support the bill's establishment of recycling goals and reporting requirements.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Dill", written over a horizontal line.

Larry Dill, P.E.

County Engineer

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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

LATE

KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 13-81

March 18, 2013

The Honorable Karl Rhodes, Chair
and Members of the Committee on
Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Rhodes and Members:

Subject: Senate Bill 1135, SD2, HD1, Relating to Recycling

The City and County of Honolulu's Department of Environmental Services (ENV) supports Senate Bill (SB) 1135, SD2, HD1, which amends the current statute to further define the minimum requirements for the manufacturer-financed electronic waste recycling program.

ENV participated in the task force which contributed to the provisions outlined in SB 1135, SD2, HD1, and believes that these new measures would go a long way to strengthening the program by defining clear recovery goals and requiring the manufacturers to provide greater convenience to the consumer. Under the existing law, manufacturers can submit a simple mail-back program, which is woefully inadequate to address any significant diversion of electronic waste from county landfills. Manufacturers should be required to provide on-island collection sites and to be accountable for capturing a specified portion, or market share, of the electronics sold within the state.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.
Director



**Testimony of Joyce Masamitsu
Associate Director of Public Policy for Verizon
Before the
House Committee on Judiciary
S.B. 1135 S.D. 2 H.D.1
March 19th, 2013**

The Honorable Representative Karl Rhoads
House Committee on Judiciary
Hawaii State House of Representatives

***RE: Testimony Senate Bill 1135 S.D. 2 H.D.1 – Electronic Device Recycling Act
OPPOSE***

Dear Chairman Rhoads and the Members of the Committee,

Verizon opposes Senate Bill 1135 S.D. 2 H.D.1, which seeks to expand the existing state electronic recycling program. Verizon embraces the author's intent to support green initiatives, but we believe the bill will have the opposite effect by discouraging existing recycling programs. Indeed, S.B. 1135 S.D. 2 H.D.1 appears to penalize companies that have proactively adopted green initiatives, including the recycling of electronic goods.

Today, Verizon has two different national programs in place that promote green initiatives for device recycling, refurbishing and reuse. First, our customers can participate in our popular Device Trade-In Program that allows customers to trade in their unwanted devices for a gift card. Customers can then redeem their gift card for other products and services. This program is not limited to Verizon equipment; we accept qualified equipment from other carriers as well.

Second, Verizon customers can chose to "donate" their unwanted device or accessories to HopeLine, an organization that helps victims of domestic violence. Verizon collects donated equipment in our stores sends it to HopeLine. We also provide a prepaid HopeLine envelope whenever we ship new or replacement devices to our customers so that they may donate their unwanted device directly to HopeLine. Verizon supports the HopeLine organization as part of our National Campaign to help victims of domestic violence, by providing equipment, free wireless service and grants. Last year, Verizon Wireless awarded victims of domestic violence \$10,000 in grants; 173 wireless phones with 228,000 minutes of service (estimated value \$22,800) to shelters and domestic violence agencies throughout the state of Hawaii.

As written, S.B. 1135 S.D. 2 H.D.1 would interfere with national programs that Verizon has in place today, that benefit our customers and promote green, recycling initiatives. The Legislature should instead consider a more moderate approach to the existing Electronic Recycling Program for the state of Hawaii that would allow local businesses to establish the best recycling programs that are most appropriate for their customers and business operations.

For the reasons stated above, Verizon must respectfully Oppose Senate Bill 1135 S.D. 2 H.D.1, and requests Chairman Rhoads and Members of the Committee to “*defer*” this legislation from further consideration.

Respectfully Submitted,

A handwritten signature in black ink that reads "Joyce Masamitsu". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Joyce Masamitsu



Email: communications@uluponoinitiative.com

HOUSE COMMITTEE ON JUDICIARY
Tuesday, March 9, 2013 — 2 p.m. — Room 325

Ulupono Initiative Supports SB 1135 SD2 HD1, Relating to Recycling

Dear Chair Ige, Vice Chair Kidani and Members of the Committees:

My name is Brandon Lee, Associate at the Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase renewable energy, and reduce/recycle waste. I was also a member of the Electronic Waste Task Force that provided input on the original language for this bill.

SB 1135 SD2 HD1 is the culmination of input from a wide variety of stakeholders to update a statewide policy to handle the ever-growing stream of electronic waste in Hawai'i. In 2011, an estimated 7,000 tons of electronic waste were generated on O'ahu. This quantity is expected to grow as more electronic products are consumed by the public, and as the pace of technological change and obsolescence continues at an extremely high rate. One trend that will drive quantities in the near-term is the transition from cathode ray tube (CRT) monitors to LCD flat panel monitors, resulting in large quantities of CRT material in the short-term and eventual increases in LCD material. In addition, LCD monitors are expected to have a shorter lifespan than CRT monitors, leading to a higher long-term waste generation rate.

Ultimately, as electronic waste grows as a share of our total waste stream, governmental and/or private entities will have to collect and dispose of this material, while likely passing those costs onto the residents of Hawai'i. Therefore, setting up an efficient recycling collection system will help the people of Hawai'i both economically and environmentally over the long term.

Much of the discussion related to this bill centers on the definition of what is considered an electronic device, the weight requirement, and the convenience requirement. However, some parts of the current electronic waste and television recycling program have not worked as intended. Some of this bill's least-discussed provisions attempt to fix these issues. Whether this committee decides to strengthen or weaken the bill, we ask the committee pass out these provisions to fix the current system:

- First, Ulupono Initiative invests in projects that include recycling. However, for Ulupono or any investor to put money into a project, we need to have accurate numbers to drive our funding decisions. Currently, it is challenging to obtain accurate electronic waste numbers, particularly on the neighbor islands. A large part of the problem is that much of the data is self-reported or not reported at all. This skews the accuracy of the data and is not helpful to both policymakers and government administrators. Furthermore, this is not fair to the businesses within the industry that do accurately report their data. This bill gives the Department of Health the authority to provide tangible financial penalties for failure

Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2350, Honolulu, HI 96813

808 544 8960 o | 808 544 8961 f
www.uluponoinitiative.com

to report and the ability to verify data via audits. Having accurate data allows the public and private sector to be proactive in finding feasible solutions to a growing electronic waste problem.

- Secondly, in the current system, many businesses were allowed to create a mail-back only option to recycle their electronic products. Mail-back only programs involve shipping electronic goods back to the original manufacturer located outside of Hawai'i. The effect of this was that many residents ended up not recycling. In particular, this mail-back only policy was detrimental on the neighbor islands where some companies implemented a mail-back only policy and nothing else. The program is prohibitively expensive and time consuming for both the resident and business. The challenging experience of the neighbor islanders with mail-back only programs was one of the reasons why having a convenience requirement was important to the county governments. This bill includes a much-needed provision to remove the mail-back only option.

I have also attached a document that includes the top lessons learned from other states that have implemented various forms of electronic waste laws.

We believe that by working together, we can help reduce electronic waste and improve the quality of life for Hawai'i's residents. Thank you for the opportunity to testify.

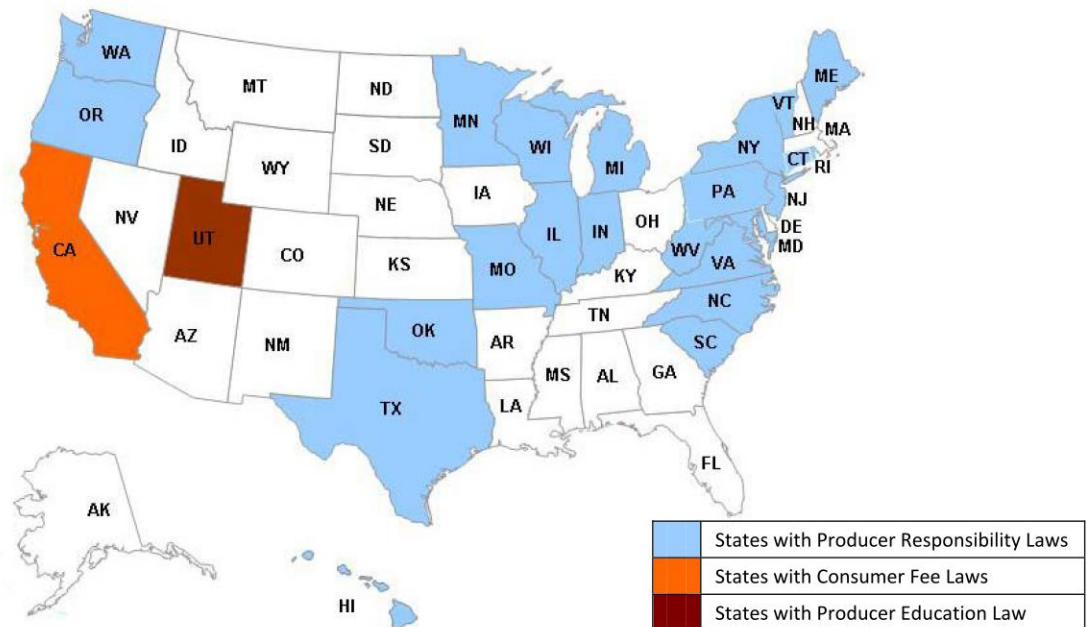
Respectfully,

Brandon Lee
Associate



Ten Lessons Learned From State E-Waste Laws

What have we learned from the 25 states that have passed e-waste laws?



Twenty five states have passed laws that mandate recycling programs for electronic waste. Twenty three of the 25 laws use some form of the “producer responsibility” approach (whereby manufacturers have financial responsibility for recycling their old products), although they do this in a few different ways, and with different details.

What have we learned from these state laws? What approach works best?

While some of these state programs are still getting underway, we now have enough data from different states to draw some conclusions about what’s working best, and what elements should be included in state bills. Of course, we will learn more as the existing programs mature, and as other states launch new programs. But we can already glean some important lessons.

What results in high collection volumes?

Let’s start with the most basic question – are any of the state programs actually getting people to bring back their products for recycling? We have long heard the manufacturers complain, “We can’t go into their houses and make consumers give us their old products.” But some states are seeing very high volumes even in the first year of their programs. Why?

The states with the highest volumes of e-waste (on a per capita basis) are Minnesota, Washington, and Oregon. States with very low per capita collection volumes are TX, VA, OK and WV.

	State	Year	Total Lbs Collected	Pounds Per Person in State
Highest volumes	Oregon	2010	24,149,774	6.31
	Washington	2010	39,467,798	5.92
	Minnesota	2009-2010	33,082,679	6.37
Lowest volumes	Texas	2010	24,370,894	0.97
	Virginia	2010	4,439,446	0.56
	West Virginia	2009	1,646,155	0.51
	Oklahoma	2009	817,277	0.22

See a full list of all state programs and volumes collected starting on page 8.

The logical question is: What’s working in MN, WA, and OR, that’s not happening in the other states? Why are MN, WA, and OR collecting six times the volume of the others? Even if you “adjust” the data in these states to compare results on the same product categories (removing the data on TV’s collected in MN, WA, and OR since the TX, VA, and OK programs don’t collect TVs), the leading states numbers are still much higher.

We have learned several lessons from these state programs about collection volumes. The first six lessons below relate to collection volumes, and the remaining address other issues in the programs.

Lesson 1:

States see high collection volumes when laws either make the collection very convenient, or they establish collection goals

All of the states with good results have laws that either make the e-waste collection infrastructure very convenient, or they actually establish specific goals that manufacturers must meet.

Convenient Collection: In Washington and Oregon, the laws establish convenience requirements: there must be a collection site in every county and in every city over 10,000 people. In Washington, 92% of residents now have a convenient collection site within 10 miles of their home. (Source: Northwest Product Stewardship Council.)

Collection Goals: In Minnesota, the manufacturers have specific collection goals each year, which are tied to how much they sold in the state in the previous year. In Year 1, the goal was 60% by weight, rising to 80% by weight in Year 2. (Other states have adopted this model, but we don’t have data yet.) If the manufacturers collect less than their goals, they must pay a fairly high price per pound for each pound they fell short (a higher price than they’d pay by actually doing it).

Policy conclusion:

Bills should include some kind of driver for high collection – either convenience requirements or collection goals or a combination of both.

Lesson 2:

Some states with higher collection numbers have a variety of collector types because their laws cover collection costs.

States (like WA and OR) with some of the highest collection numbers also generally have a variety of types of collectors – municipal governments, private companies (includes recyclers, retailers), and non-profits. (They have a fairly small number of government collection sites.) Both of these state laws require the manufacturers to cover the costs of collecting e-waste as well as the cost of recycling it. The Washington law states that manufacturer plans must, “Fairly compensate collectors for providing collection services.” While some local governments in other states will do e-waste collection without being compensated (they use taxpayer funds to cover those costs), other collector types are unlikely to participate if the law doesn’t cover their collection costs.

Policy conclusion:

Bills should encourage diversity of collector types: government, private (recyclers, retailers), non-profits by covering the costs of collection

Lesson 3:

Most manufacturers will only do what the law requires them to do and not more

We have been disappointed to learn this lesson. But it’s becoming clear that if states don’t spell out clear convenience requirements or establish collection goals, most of the manufacturers won’t make any significant effort to collect used electronics. Texas, Oklahoma, Virginia, and Missouri passed laws that require the computer companies to operate takeback programs, but the laws don’t specify any particular level of performance. Companies are free to do whatever they want (including not doing much at all). We now have two years of data from Texas, analyzed by the Texas Campaign for the Environment (which they had to obtain by FOIA requests – another lesson here – put public reporting in the law). In Year 1 (2009), Dell was the only company that took the law seriously, collecting about 15 of the 18 million lbs collected statewide. In Year 2, the volumes increased, but still only a handful of companies, notably Dell, Samsung, Sony, and a small San Antonio company called Altex, collected 92% percent of the volume. Of the 78 companies selling computers in Texas in 2010, 36 of them collected zero pounds. Computer giant HP collected only 45,931 pounds. By comparison, Dell collected 10 million pounds.

Policy conclusion:

Bills should include clear and high expectations for performance, or your program will underperform.

Lesson 4:

Many manufacturers will stop collecting when they hit their goals, so goals should be high and set as minimums, not ceilings.

In the first year of Minnesota's program, we saw that once manufacturers hit their collection goals, they put the brakes on collecting. Many collectors over-collected e-waste there, thinking they could sell it to the manufacturers who would need it to meet their goals. But some were left holding onto those pounds, once manufacturers reached their marks and didn't want to go over. This was a problem for those collectors, but it was also a problem for consumers. Collection programs that were free (to consumers) as long as the manufacturers were paying for the collection would suddenly have to start charging collection fees once the manufacturers hit their goals. This is disruptive to these programs, and we know that for some consumers, if they must pay to recycle, they won't recycle.

Oregon's program was so successful in its first year that it became clear about half way through the year that companies were on track to exceed the statewide targets. One group of manufacturers put the brakes on their recycling efforts, dropping some recyclers from their program, and telling Goodwill to stop participating in some collection events. [See "Oregon's electronics recycling too successful for some manufacturers," [The Oregonian, May 12, 2009](#).]

Some states now allow manufacturers to accrue credit for "over-collecting" (beyond their goal), which can be sold to other companies, or which can be carried over to the following year (up to 25%).

Illinois is a good example of what happens if you set your goal too low. In Year 1 (2010), companies had to meet a goal of 2.5 pounds per person, and the idea was that the goal would slowly increase over time, based on the volumes collected. But the first year goal was not mandatory, and if it turned out that their actual collection numbers were below this level, then the goal would be reduced by up to 10%. This created a clear incentive for the companies to do little in Year 1, and in fact they did little – collecting only 2.12 lbs per person, despite having a very large scope of products covered for free recycling. Now, the Illinois bill sponsor is seeking to amend the law to set the goal higher.

Policy conclusion:

- **Set your collection goals high enough to generate real collection activity**
- **Don't link your initial goal setting to the manufacturers' collection activity (or inactivity) or you will start off with a very low goal**
- **Set minimum recycling goals, not goals that act as "ceilings"**
- **Because manufacturers will stop collection when they hit their goal, consider bills that combine both collection goals and convenience requirements. New York State did this, and it seems like a good solution to make sure there is ongoing collection year round. (Program began collecting in 2011, so no data yet.)**

Lesson 5:

Manufacturers will focus efforts on urban areas, not rural ones

This is an obvious one but it's worth mentioning. It costs less for manufacturers to collect e-waste in densely populated areas, than in rural ones. This is one reason why some states (WA, OR, NY) have included some convenience language that requires collection in every county. Minnesota used a different approach – they allowed manufacturers to earn extra credit (1.5 times) for products collected in their rural counties towards their annual goal.

Policy conclusion:

States with large rural areas need to include a strategy that (like convenience measures or rural collection credits) that will make sure that your rural constituents are not neglected.

Lesson 6:

Landfill bans boost recycling levels.

Many states laws enact landfill bans, sometimes to coincide with the beginning of their collection program, sometime phased in a year or two later. But States see a spike in volumes when the bans go into effect. Maine began its collection program in January of 2006, but the landfill ban didn't take effect until July 2006. In the first six months they collected 1,291,202 lbs, but in the six months after the landfill ban took effect they collected 2,869,372 lbs. Some of that increase may have been due to maturing of the program, but since it was largely based on an existing infrastructure, they believe that the landfill ban had a big impact.

Policy conclusion:

Include in your e-waste law a disposal ban that prevents e-waste from being discarded into the municipal waste stream (landfills or incinerators)

Lesson 7:

States need to be proactive to make sure e-waste is handled responsibly.

The recycling industry has a history of “bad actors” – companies who use various low-road strategies to manage the products they collect. Some export them to developing countries. Some have stockpiled e-waste in warehouses and then disappeared, leaving behind a toxic waste dump. Some send it to processors using prison labor (particularly the federal prison UNICOR program). Some basically dump it here in the U.S. (such as the collector that loaded computers from a university in Minnesota onto a barge on a lake and then sank it). Some processors are not stooping to those measures, but they run operations that are not as safe for their workers or the environment as they should be.

We don't have federal laws that adequately regulate this industry. Some states have created their own recycling standards that recyclers must adhere to. But for most states, this step is simply too challenging – particularly for verifying compliance. Fortunately we now have two new voluntary standards and certification programs that can help here: e-Stewards and R2. While we believe that e-Stewards is a far superior standard (the R2 standard still allows exporting to developing countries and use of prison labor), states want to provide options. States can, however, show a preference for the much higher e-Stewards standard.

Policy conclusion:

- **Include language in your bill that requires all processors and refurbishment vendors handling e-waste collected in your state programs to be certified to either the R2 or e-Stewards Standards, showing a preference for e-Stewards.**
- **Include language that forbids the use of prison labor for e-waste collected in your state program.**

Lesson 8:

We want to encourage reuse, but e-waste laws can inadvertently discourage reuse if we are not careful

The last thing we want to do is to create laws that discourage legitimate reuse of products here in the U.S. (We do not support exporting non-working or untested products to developing countries, as this is usually a cover for e-waste dumping.) But there are many entities – from large commercial recyclers to small, locally based non-profits – who will reuse and refurbish used equipment for resale or sometimes for placement in non-profits or needy communities. Lawmakers need to be sure that programs don't reward recycling units more than reusing them. (This is the situation in the California program, where recyclers are only reimbursed for units recycled, but not reused. So reusable units are mostly diverted for recycling.)

Illinois has created an incentive for reuse by awarding extra credit to manufacturers toward their goals for units reused instead of recycled. Washington awards a bonus for equipment collected through charities whose main role is reuse. Washington State's law initially inadvertently disadvantaged small reuse entities that do very "light" refurbishment and local resale by including them in the restriction that collectors doing refurbishment must register as processors. They later modified their law to exempt these small guys.

Policy conclusion:

Analyze your bill language to make sure reuse is not discouraged, and include language to award extra credit toward goals for units that are actually reused.

Lesson 9:

Consumers want to be able to bring back everything – including televisions and printers

State laws must specify the "scope of products" that can be returned for free recycling. The first states to pass e-waste laws specified very narrow scopes of products, typically just computers, monitors, laptops and sometimes TVs (but some didn't even include TVs). This was often because that's politically as much as they could get passed at the time. States passing bills more recently (like New York) have been able to establish much larger scopes of products, including a wide range of computer and television peripherals, as well as basic consumer devices. Anecdotal reports from collectors show that consumers want to be able to bring back all the used electronics they have, not just a few of them, especially the larger ones (like TVs and printers). People are more likely to use programs that allow them to bring back all the items they have ready for recycling or disposal. In some states, the highest proportion of e-waste coming back (by weight) is in televisions (over 60% in WA and OR). Some states have already gone back to the legislature to amend their laws to expand their scope of products. See our [list of which products are covered by each state law](#).

Policy conclusion:

- **Include a broad scope of products for free recycling.**
- **Since new products emerge all the time, use more general terms to describe these products.**
- **If possible, create an administrative procedure for adding to the scope of products, without going back to the legislature.**

Lesson 10:

Transparency and reporting helps us to understand better what's happening in the programs

Currently, most companies do not voluntarily report (publicly) the volumes they collect in each state. The companies will promise legislators that they will operate robust takeback programs, but the only way we will know how successful they are is if we get clear reporting by each company, available to the public. For instance, in Texas, the companies report their volumes to the State, but the Texas law does not require the State to make this collection information public, so the State does not do so. An NGO there must file a Freedom of Information Act (FOIA) request each year to get that information and release it publicly. And the 2009 and 2010 numbers revealed that companies were making vastly different levels of effort. In some states, the manufacturers lobby to get this information exempted from FOIA requests.

Because these programs are still fairly new, reporting is an important way for us to evaluate the effectiveness of the programs, and to compare the different approaches between states.

The State should put out a report at least annually (but quarterly is better) on the volumes that each manufacturer has collected.

In some states companies must submit plans for approval. In Washington, the plans are made public only after they are approved. So local residents, businesses, or governments have no opportunity to comment or make suggestions on the plans before they are approved.

Policy recommendation:

Include language that requires

- **quarterly reporting from manufacturers to the State on collection volumes, by category and not exempt from FOIA disclosures**
- **quarterly public reporting by the State on the volumes collected by manufacturers**
- **making manufacturer plans (if required) public – both when they are submitted (draft plans) and after they are approved**
- **manufacturers to hold a public meeting on their proposed plans or at least provide opportunities for comments, that the State could view in its approval process**

Find more information on state e-waste laws on our [website](#).

Last updated: May 10, 2011

How much e-waste is collected in states with electronics recycling laws?

Twenty five states have passed e-waste recycling laws, and all but two are based on “Producer Responsibility.” Many programs are only just getting started. Only a few states report breakdowns by product type. This chart is updated regularly as data becomes available.

☑ means the item is collected for free recycling but the state doesn’t provide collection data by category. (Figures in purple estimated or annualized.)

KEY to Other Products: C = Cell phone, CB = Converter box for TV, D = DVD player, DPF = Digital Picture Frames; F=Fax, G = Game console, K=Keyboard, M = Mouse, MP= MP3 player, S = Scanner, Sat = Satellite receiver or cable receiver, V= VCR

Last updated: Sept 26, 2011

State	Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBS COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³	
California	Year 1	2005	☑	☑	not covered	☑	not covered	64,809,498		None, Mfgers don't participate	35,795,255	In 2002 & 2006			1.81	
	Year 2	2006	☑	☑	not covered	☑	not covered	127,979,144			35,979,208				3.58	
	Year 3	2007	☑	☑	not covered	☑	not covered	185,190,929	Portable DVD players with LCD screens added		36,226,122				5.17	
	Year 4	2008	☑	☑	not covered	☑	not covered	216,062,581			36,580,371				5.91	
	Year 5	2009	☑	☑	not covered	☑	not covered	167,876,682			36,961,664				4.54	
	Year 6	2010	☑	☑	not covered	☑	not covered	172,570,839			37,253,956			580 collectors		4.63
Hawaii	Year 1	2010	☑	Not until 2011	☑	☑	☑	3,235,432	Only IT in 2010	49	1,360,301				2.38	
Illinois	Year 1	Jan-Jun '10	3,324,947	4,674,583	2,771,516	Reported under Computers	1,689,124	1,159,071	30,183,168		52	12,830,632	2012	144	89,102	2.35
			24%	34%	20%		12%	C,D,F, G, K, M, MP, S, V								
Maine	Year 1	2006	1,205,726	2,954,848	not covered	Laptops reported under "monitors"	not covered	4,160,574			1,317,308	7/20/06			3.16	
	Year 2	2007	1,393,775	3,290,682	not covered		not covered	4,688,552			4095 unk	1,314,963			3.57	
	Year 3	2008	1,421,399	3,853,020	not covered		not covered	5,274,419	Printers, DPF, Games added for 2010			1,319,691			4.00	
	Year 4	2009	2,145,256	5,767,036	not covered		not covered	7,912,292		1,318,301			6.00			
	Year 5	2010	1,203,511	3,935,723	not covered		198,895	158 games		5,338,287	1,328,361		4.02			
Maryland		2006	Was a pilot program with limited funding. Permanent program estab. eff. Oct 2007													
	Year 1	2007	Volumes reported are from municipal (mostly county) collection programs that go beyond products covered by law (computers and displays).						908,135	FY 07-08: Total includes 2.2 Million lbs pd by producers		5,634,242				0.16
	Year 2	2008	Manufacturer registration fees used as grants to reimburse some municipal costs (see box to right of total lbs.)						12,610,690			5,658,655				2.23
	Year 3	2009							17,393,976	FY 09-10: Total includes 9 million lbs paid for by producers,		5,699,478				3.05

State	Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBS COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³	
	Year 4	2010						17,042,374		60	5,773,552		30		2.95	
Minnesota	Year 1	2007 - 08	☑	☑	☑	☑	Fax, DVD, K,	33,600,000		79	5,191,206	7/1/06			6.47	
	Year 2	2008 - 09	☑	☑	☑	☑		30,293,194		72	5,230,567				5.84	
	Year 3	2009 - 10	☑	☑	☑	☑		33,082,679		71	5,266,214				6.37	
	Year 4	2010														
North Carolina	Year 1	2010	☑	☑	☑	☑	☑ as of July 2010	K, M, S as of July 2010	9,148,000	78	9,535,483	7/1/2011			.096	
Oklahoma	Year 1	2009	☑	not covered	☑	☑	not covered	817,277			3,687,050	No ban			0.22	
	Year 2	2010	☑	not covered	☑	☑	not covered	2,554,632		36	3,751,351				1.47	
Oregon	Year 1	2009	6,144,774	10,817,023	2,031,941	Reported under computer	not covered	18,993,738			3,825,657				4.96	
		%	32.40%	57.00%	10.70%		not covered									
	Year 2	2010	6,520,439	14,972,860	2,897,973		not covered	24,149,774			3,825,657	1/1/2010	264	14,491	6.31	
	%	27.0%	62.0%	12.0%	not covered											
Rhode Island	Year 1	2009	☑	☑	☑	☑	not covered	2,823,369		46	1,053,209	1/1/08			2.68	
	Year 2	2010	☑	☑	☑	☑	not covered	Not available			1,052,567					
Texas	Year 1	2009	☑	not covered	☑	☑	not covered	15,247,207			24,782,302				0.62	
	Year 2	2010	☑	not covered	☑	☑	not covered	24,370,894			25,145,561				0.97	
Virginia	Year 1 partial	Jul - Dec 2009	☑	not covered	☑	☑	not covered	3,782,500	Actual 2Qs	37	7,882,590				0.96	
							not covered	7,565,000 ⁴	Annualized		(6 mos x 2)					
	Year 2	2010	☑		☑	☑	not covered	4,439,446 ⁵			7,882,590				0.56	
Washington	Year 1	2009	12,287,734	22,350,612	3,910,328	Reported under computer	not covered	38,548,674			6,664,195				5.78	
		%	31.90%	58.00%	10.10%		not covered						NA ⁶			
	Year 2	2010	10,738,240	24,969,639	3,759,919		not covered	39,467,798			6,664,195		280	23,801	5.92	
	%	27.20%	63.30%	9.50%	not covered											
West Virginia	Year 1	2009-10	Counties run programs partly funded by producer fees. Some producers operate own programs.				921,270 lb by counties 2009	724,435 lbs by mfgers 2009	1,646,155	For 2009 Prelim data.		1,819,777	1/1/2011			0.51
			☑	☑	☑	☑	not covered									
Year 2	2010-11	☑	☑	☑	☑	not covered			No data yet.							
Wisconsin	Year 1	Jan - Jun 2010	☑	☑	☑	☑	☑	D, F, K, M, V	10,328,779	Only 6 months	69	5,686,986	9/1/10	329	17,286	3.63
	Year 2	Jul 2010 - June 2011	☑	☑	☑	☑	☑	D, F, K, M, V	35,470,000	First full year	82	5,686,986		400	14,217	6.24
Other States Which Began Collection in 2010 or scheduled to begin collection in 2011 or later. (No data available yet)																
Connecticut	Year 1	2011	☑	☑	☑	☑	☑			Data in 2012	60	3,518,288	1/1/2011	123	28,604	

State		Year	Monitors	TVs	Computers	Laptops	Printers	Other Products See key above	TOTAL LBs COLLECTED	Notes	# Reg. Mfgers	Population ¹	Disposal Ban Effective Date	# sites	People per site ²	Lbs per capita ³
Indiana	Year 1	Apr 2010 – Mar 2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered	F, K, DVD, V		Later in 2011			1/1/2011			
Michigan	Year 1	Apr 2010 – Mar 2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Added in year 2			Later in 2011	27					
Missouri	Year	2010-11	<input checked="" type="checkbox"/>	not covered	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered			Later in 2011						
New Jersey	Year 1	2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not covered			Data in 2012			1/1/2011			
New York	Year 1	Apr 2011 – Mar 2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	C, CB, D, F, G, K, M, MP, S, Sat, V		Data in 2012			4/1/11 and 1/1/12			
Pennsylvania	Year 1	2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	K		Data in 2013			1/1/2013			
South Carolina	Year 1	July 2011- Jun 2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Data in 2012			7/1/2011			
Vermont	Year 1	July 2011 – Jun 2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	K, M		Data in 2012			1/1/2011			

Comparing data between the states.

To make fair comparisons, it's important to know that these programs are not all accepting the same products, and some collect from more than just households. (See whose products are covered on our [chart summarizing laws](#).) For instance, the California program accepts e-waste from all entities – business, consumers, etc. CA experts estimate that at least half the volume there comes from business. So those numbers should be expected to be higher than states that are only collecting from residents.

For more information on state laws: <http://www.electronicstakeback.com/promote-good-laws/state-legislation/>

¹ Population stats through 2009 from US Census annual July estimates: <http://www.census.gov/popest/states/NST-ann-est.html> .
2010 Census data: <http://2010.census.gov/2010census/data/>
2011 Census information not yet available.

² We divide total population by the number of regular collection sites (meaning those operating year round). Of course, one would need to look at the location of the sites to assess whether all areas of the state are covered, but this statistic provides a very general metric for comparing the number of sites offered between states.

³ Pounds per capita (pounds per person in the state) is used to compare collection volumes between states with different populations.

⁴ Program went into effect mid-year, so manufacturers were required to report only July – Dec 2009 collection totals. Because this was only 6 months of collection, we multiplied the volumes time 2 to estimate an annual amount (for comparison's sake). However, according to the Virginia Dept of Environmental Quality, some companies reported annual totals in their 2009 numbers. So our annualized 2009 number was likely overstated.

⁵ According to the VA DEQ, some companies have still not reported their 2010 numbers. We will revise this total, if these manufacturers report any volumes.

⁶ Washington did not include a statewide disposal ban in its law, but some counties have established disposal bans (including King County).



LATE

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Submitted Via JUDtestimony@capitol.hawaii.gov

March 18, 2013

**Representative Karl Rhoads
Chair, Committee on Judiciary**

Re: S.B.1135, S.D. 2, H.D.1 Relating to Recycling
Hearing: Tuesday, March 19, 2013 at 2:00 pm, Room 325

Dear Chair Rhoads and Members of the Committee:

On behalf of the Consumer Electronics Association (CEA)[®], I am writing to provide testimony regarding S.B. 1135, S.D. 2, H.D.1, which proposes to amend and expand the Hawaii electronics recycling law.

CEA represents more than 2,000 companies involved in the design, development, manufacturing, distribution and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels.

CEA **opposes** S.B. 1135, S.D.2 as drafted. CEA participated in the meetings of the Electronics Device Task Force, and appreciates the time and effort the Department of Health and other stakeholders expended in exploring the options to improve Hawaii's electronics recycling law.

We appreciate that there has been an effort to clarify product scope to make the proposed electronics recycling program more manageable, and note that in the current draft of the bill, our industry's products and manufacturers remain the focus of both the bill and the existing law.

However, CEA has concerns that the bill in its current form is unworkable, for the following reasons:

- The lack of definition on the current scope of products combined with the lack of flexibility on targets and responsibility allocation is a serious problem for our industry.
- CEA has concerns about a formulaic approach to either pounds goals or convenience standards. CEA introduced the concept of a collective representative industry organization several months ago during the task force meetings as an alternative process to achieve widespread coverage. However, this approach depends on not having a formulaic approach, and instead relies on active and constructive engagement with county recycling coordinators and other local stakeholders. This partnership approach has not yet been

fully discussed and accepted by all parties and more time is necessary for it to take root.

- CEA opposes the use of the term “representative organization” within the context of this legislation as it is inconsistent with our industry’s fledgling efforts to develop sustainable and collaborative recycling activities in other states. The combination of quantified statutory mandates and convenience standards in the bill, and the lack of progress with local stakeholders on this approach make representative organization approach no longer viable.
- CEA supports the first sentence in §339D-I relating to the role of counties to clarify that county collection of covered electronic devices is not mandatory. However, the remainder of that paragraph would provide a statutory requirement for manufacturers to compensate Hawaii counties. Arrangements between counties and industry can take many forms, and in this section the bill places unnecessary restrictions on county/industry arrangements. Furthermore under the current bill DOH would set mandatory collection targets and then counties would be able to “negotiate” the price for manufacturers to acquire electronic equipment necessary to meet the state mandated target. This could put our industry in an untenable position of having to pay a premium price to comply with this law for any county seeking to enhance revenues to pay for their solid waste program.

CEA notes that collection and recycling activity is increasing across all the islands even without a change in the law. While we would support making basic fixes to the law, as noted below, we also suggest that these new recycling programs, which barely have had a year of full implementation need more time, before rushing to a conclusion that a major overhaul is needed.

CEA notes that it continues to be engaged in discussions with stakeholders regarding making amendments to the existing law, and we would respectfully ask the committee to consider this approach. We have attached a proposal to start from the scope of products in the existing law, and expand the list of eligible electronic devices to create incentives for collection of a broader set of electronic devices. This approach would include the following:

- Maintaining the current scope of participating manufacturers, but renaming these manufacturers devices as “covered information technology devices” while maintaining the term “covered televisions”;
- Adding an “eligible electronic device” (EED) category that would expand the categories of devices that can be accepted by the manufacturers. This would apply to both the respective covered information technology devices and covered televisions while maintaining the respective program approaches in the law. (Note that for TV manufacturers, the use of covered information technology devices and EEDs by TV manufacturers would be limited to fulfillment of no more than 25% of their obligation)
- Requiring TV recycling plans to include a consumer outreach element. This would also clarify that the DOH outreach effort will be done in coordination with one or more manufacturer outreach programs so DOH doesn’t have to duplicate industry efforts like greenergadgets.org.
- Including a minimum target increase in the TV recycling target over the next 2 years (25% each year) to build upon the expected 43% target increase achieved by the program under the current law from 2012 to 2013.
- Eliminating the “mailback only” option for manufacturers for manufacturers of CEDs weighing more than 16 ounces.

- To address concerns that collection will not occur on the neighbor islands, requiring that “prior to approving any manufacturer take back plan, the Department of Health shall ensure that in the aggregate at least one covered electric device collection opportunity is available in each county throughout the State and in a manner as to be reasonably convenient, to the maximum extent practicable and feasible, to all citizens in the county.”
- Updating the minimum recycling standards from the outdated ISRI guidelines to the 3rd party certification systems (R2 or e-Stewards, or their future equivalent)
- Clarifying who is eligible to receive free recycling services financed by the manufacturers – for profit businesses with more than 50 employees would be excluded.

While CEA cannot support the current draft of the bill, CEA remains amenable to continuing discussions regarding the bill and the related technical issues, to see if mutual agreement can be reached to improve the existing electronics recycling law.

Thank you very much for the opportunity to submit testimony on this measure.

Sincerely,
THE CONSUMER ELECTRONICS ASSOCIATION

A handwritten signature in black ink, appearing to read "Walter Alcorn", with a stylized flourish at the end.

Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability

CHAPTER 339D
ELECTRONIC WASTE AND TELEVISION RECYCLING AND RECOVERY ACT

Part I. Definitions

Section

339D-1 Definitions

Part II. Electronic Waste Recycling

339D-2 Scope of products

339D-3 Sales prohibition

339D-4 ~~Electric~~ device manufacturer responsibility

339D-5 Retailer responsibility

339D-6 Department responsibility

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Part III. General Provisions

339D-7 Regulatory authority

339D-7.5 Manufacturer and agent responsibilities; regulatory compliance

339D-8 Enforcement

339D-9 Administrative penalties; fees

339D-10 ~~Electric~~ device recycling fund

339D-11 Financial and proprietary information; report

339D-12 Federal preemption

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Part IV. Television Recovery System

339D-21 Applicability

339D-22 Television manufacturers

339D-23 Television manufacturer responsibility

339D-24 Retailer responsibility

339D-25 Television recovery system

339D-26 Environmental management

339D-27 State procurement

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<#>Means a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally; and ¶
<#>Shall not include: ¶
<#>A covered electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; ¶
<#>A covered electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment; ¶
<#>A covered electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or ¶
<#>A telephone of any type. ¶
¶

PART I. DEFINITIONS

§339D-1 Definitions. As used in this chapter:

"Brand" means a symbol, word, or mark that identifies a covered ~~electric~~ device, rather than any of its components.

"Covered ~~electric~~ device" means a covered television or a covered information technology device. "Covered entity" means any household, government entity, business with fewer than 50 employees, or nonprofit organization exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code, regardless of size or place of operation within the State except for businesses with 50 or more employees.

“Covered information technology device” means: a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally; and shall not include:

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- (A) A covered information technology device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (B) A covered information technology device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;
- (C) A covered information technology device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or
- (D) A telephone of any type, including a mobile telephone; or
- (E) A global positioning system. ;

“Covered television” means: a television capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including without limitation any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a household; and shall not include:

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Deleted: "; ¶ Means any device that is

- (E) A covered television that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (F) A covered television that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;
- (G) A covered television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or
- (H) A telephone of any type, including a mobile telephone; or
- (E) A global positioning system.

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Deleted: ¶ A computer, computer printer, computer monitor, or portable computer;

“Department” means the department of health.

“Electric device manufacturer”:

(1) Means any existing person:

- (A) Who manufactures or manufactured covered electric devices under a brand that it owns or owned or is or was licensed to use, other than a

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license to manufacture covered electric devices for delivery exclusively to or at the order of the licensor;

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- (B) Who sells or sold covered electric devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electric devices for delivery exclusively to or at the order of the licensor;

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- (C) Who manufactures or manufactured covered electric devices without affixing a brand;

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- (D) Who manufactures or manufactured covered electric devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or

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- (E) For whose account covered electric devices manufactured outside the United States are or were imported into the United States; provided that if at the time those covered electric devices are or were imported into the United States and another person has registered as the manufacturer of the brand of the covered electric devices, this paragraph shall not apply;

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- (2) Shall not include persons who manufacture no more than one hundred covered electric devices per year.

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"Eligible Electric Device" means any peripheral intended for use with a covered electric device not otherwise specified as a covered electric device.

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"Household" means any occupant of a single detached dwelling unit or of a single unit of a multiple dwelling unit who has used a covered electric device or an eligible electric device at a dwelling unit primarily for personal or home business use.

"Market share":

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- (1) Means the calculation of a television manufacturer's prior year's sales of televisions divided by all manufacturers' prior year's sales for all televisions, as determined by the department;

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- (2) May be expressed as a percentage, a fraction, or a decimal fraction.

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"New covered electric device" means a covered electric device that is manufactured after the effective date of this chapter.

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"Person" means any individual, business, partnership, limited liability company, corporation, not-for-profit organization, association, government entity, public benefit corporation, or public authority.

"Program year" means a full calendar year beginning on or after January 1, 2010, and each calendar year thereafter beginning on January 1.

"Recover" means to reuse or recycle.

"Recycling" means processing (including disassembling, dismantling, or shredding) covered electric devices, covered televisions, eligible electric device or their components to recover a useable product; provided that "recycling" does not include any process defined as incineration under applicable laws and rules.

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"Retailer" means any person who offers covered electric devices, for sale, other than for resale by the purchaser, through any means, including sales outlets, catalogs, or the Internet.

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"Sell" or "sale" means any transfer for consideration of title, including transactions conducted through sales outlets, catalogs, or the Internet, but excluding leases.

"Television manufacturer" means a person who:

- (1) Manufactures for sale in the State a television ~~that is a covered electric device~~ under a brand that it licenses or owns; Deleted: covered
- (2) Manufactures for sale in the State televisions ~~that are a covered electric devices~~ without affixing a brand; Deleted: covered
- (3) Resells into the State a television ~~that is a covered electric device~~ manufactured by others under a brand that the seller owns or is licensed to use; Deleted: covered
- (4) Imports into the United States or exports from the United States a television ~~that is a covered electric device~~ for sale in the State; Deleted: covered
- (5) Sells at retail a television ~~that is a covered electric device~~ acquired from an importer described in paragraph (4), and elects to register as the manufacturer for those products; Deleted: covered
- (6) Manufactures televisions ~~that are covered electric devices~~ and supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State; or Deleted: covered
- (7) Assumes the responsibilities and obligations of a television manufacturer under this chapter.

In the event the television manufacturer is one who manufactures, sells, or resells televisions ~~that are covered electric devices~~ under a brand for which it has obtained the license, then the licensor or brand owner of the brand shall not be included in the definition of television manufacturer under paragraph (1) or (3). [L Sp 2008, c 13, pt of §2; am L 2009, c 183, §8] Deleted: covered

PART II. ELECTRONIC WASTE RECYCLING

§339D-2 Scope of products. The collection, transportation, and recycling provisions of this part shall apply only to covered ~~electric~~ devices used and discarded in this State by a covered entity. [L Sp 2008, c 13, pt of §2; am L 2009, c 183, §9] Deleted: electronic

§339D-3 Sales prohibition. (a) Beginning January 1, 2010, no ~~electric~~ device manufacturer or retailer shall sell or offer for sale any new covered ~~electric~~ device for delivery in this State unless: Deleted: electronic

- (1) The covered ~~electric~~ device is labeled with a brand, and the label is permanently affixed and readily visible; and Deleted: electronic
- (2) The brand is included in a registration that is filed with the department and that is effective pursuant to section 339D-4(b)(3).

(b) Beginning April 1, 2009, the department shall maintain a list of each registered ~~electric~~ device manufacturer and the brands reported in each ~~electric~~ device manufacturer's registration and a list of brands for which no ~~electric~~ device manufacturer has registered. The lists shall be posted on the department website and shall be updated by the first day of each month. Each retailer who sells or offers for sale any new covered ~~electric~~ device for delivery in this State shall review these lists prior to selling the covered ~~electric~~ device. A retailer is considered to have complied with subsection (a) if, on the date a new covered ~~electric~~ device was ordered by the retailer, the brand was included on the department's list of brands reported in an ~~electric~~ device manufacturer's registration. Deleted: electronic

§339D-4 Covered Information Technology device manufacturer responsibility. (a) Beginning October 1, 2009, each ~~covered information technology~~ device manufacturer shall Deleted: Electronic

label all new covered information technology devices to be offered for sale for delivery in this State with a brand, which label shall be permanently affixed and readily visible.

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

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

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

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

(1) The plan shall not permit the charging of a fee at the point of recycling if the covered information technology device is brought by the covered information technology device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the covered information technology device manufacturer or covered information technology device manufacturer's agent removes the covered information technology device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new covered information technology device to the owner; and Each covered information technology device manufacturer may develop its own recycling program or may collaborate with other covered information technology device and covered television manufacturers, so long as the program is implemented and fully operational no later than January 1, 2010; and

(2) Beginning January 1, 2014 and thereafter plans that contain only a mail-back option shall not be allowed for all covered information technology device and covered televisions weighing more than 16 ounces.

(d) By March 31, 2011, and annually thereafter, each covered information technology device manufacturer shall submit to the department the total weight of all covered electric devices and eligible electric devices recycled in the previous year, which may include both an covered information technology device manufacturer's own devices and those of other manufacturers.

(e) By July 1, 2011, and annually thereafter, the department shall publish a ranking of all covered information technology device manufacturers selling covered information technology devices in the State, based upon the annual total weight of covered information technology devices and eligible electric devices recycled by each covered information technology device manufacturer in the previous year.

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(f) The State may adopt regulations allowing a procurement preference based upon an covered information technology device manufacturer's ranking.

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(g) The department shall review each covered information technology device manufacturer's plan and, within sixty days of receipt of the plan, shall determine whether the plan complies with this part. Prior to approving any manufacturer take back plan, the Department of Health shall ensure that in the aggregate at least one covered electric device collection opportunity is available in each county throughout the State and in a manner as to be reasonably convenient, to the maximum extent practicable and feasible, to all citizens in the county. If the plan is approved, the department shall notify the covered information technology device manufacturer or group of covered information technology device and covered television manufacturers. If the plan is rejected, the department shall notify the covered information technology device manufacturer or group of covered information technology device and television manufacturers and provide the reasons for the plan's rejection. Within thirty days after receipt of the department's rejection, the covered information technology device manufacturer or group of covered information technology device and television manufacturers may revise and resubmit the plan to the department for approval.

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(h) The obligations under this part for a covered information technology device manufacturer who manufactures or manufactured covered information technology devices, or who sells or sold covered information technology devices manufactured by others, under a brand that was previously used by a different person in the manufacture of covered information technology devices, shall extend to all covered information technology devices bearing that brand.

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(i) Nothing in this part is intended to exempt any person from liability that the person would otherwise have under applicable law.

[§339D-5] Retailer responsibility. Beginning January 1, 2010, retailers shall make available to their customers information on collection services in the State, including the department's website and toll-free telephone number. Remote retailers may include this information in a visible location on their website to fulfill this requirement.

[§339D-6] Department responsibility. Beginning January 1, 2010, the department shall maintain and update a website and a toll-free number with current information on where covered entities can return covered information technology devices for recycling.

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[PART III.] GENERAL PROVISIONS

[§339D-7] Regulatory authority. The department may adopt rules, pursuant to chapter 91, necessary to implement this chapter. [L Sp 2008, c 13, pt of §2]

[§339D-7.5] Manufacturer and agent responsibilities; regulatory compliance. Each covered information technology device manufacturer and covered television manufacturer shall be responsible for ensuring that the manufacturer and its agents follow all federal, state, and local regulations when collecting, transporting, and recycling covered electric devices, or eligible electric devices, and adopt environmentally sound recycling practices for the covered electric devices and eligible electric devices.

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§339D-8 Enforcement. (a) The department may conduct audits and inspections to determine compliance under this chapter. Except as provided in subsection (c), the department and the attorney general shall be empowered to enforce this chapter and take necessary action against any covered information technology device or television manufacturer or retailer for failure to comply with this chapter or rules adopted thereunder.

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(b) The attorney general may file suit in the name of the State to enjoin an activity related to the sale of covered information technology devices or covered televisions in violation of this chapter.

(c) The department shall issue a warning notice to a person for the person's first violation of this chapter. The person shall comply with this chapter within sixty days of the date the warning notice was issued or be subject to the penalties provided by law or rule, including, but not limited to, penalties set forth in subsections (d) through (g). A retailer that receives a warning notice from the department for a violation of section 339D-3(a) or 339D-24(a) shall submit proof to the department, within sixty days from the date the warning notice was issued, that its inventory of covered electric devices offered for sale is in compliance with this chapter.

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(d) Any retailer who sells or offers for sale an unlabeled covered electric device in violation of section 339D-3 or 339D-24, respectively, or any covered electric device manufacturer that fails to comply with any provision of section 339D-4 or 339D-23, respectively, may be assessed a penalty of up to \$10,000 for the first violation and up to \$25,000 for the second and each subsequent violation, in addition to any additional penalties required or imposed pursuant to this chapter.

(e) Except as provided in subsection (d), any person who violates any requirement of this chapter may be assessed a penalty of up to \$1,000 for the first violation and up to \$2,000 for the second and each subsequent violation, in addition to any additional penalties required or imposed pursuant to this chapter.

(f) The department shall determine additional penalties based on adverse impact to the environment, unfair competitive advantage, and other considerations that the department deems appropriate.

(g) If a covered television manufacturer fails to recycle its market share allocation, the department shall impose a penalty of 50 cents per pound for each pound not recycled.

§339D-9 Administrative penalties; fees. (a) In addition to any other administrative or judicial remedy provided by this chapter or by rules adopted under this chapter for a violation thereof, the department is authorized to impose by order administrative penalties and is further authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney's fees and costs, or to bring legal action to recover administrative fines and fees and costs, including attorney's fees and costs.

(b) Notwithstanding subsection (a), the department shall not have the authority to assess any fees, including an advanced recycling fee, registration fee, or other fee, on consumers, covered television manufacturers, or retailers for recovery of covered televisions except those noted in sections [339D-4] and 339D-22.

[§339D-10] Electric device recycling fund. (a) There is established in the state treasury the electric device recycling fund into which shall be deposited all fees, payments, and penalties collected by the department pursuant to this chapter.

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(b) The electric device recycling fund shall be administered by the department of health. Moneys in the fund shall be expended by the director solely for the purpose of implementing and enforcing this chapter.

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§339D-11 Financial and proprietary information; report. (a) Notwithstanding any law to the contrary, financial or proprietary information, including trade secrets, commercial information, and business plans, submitted to the department under this chapter is confidential and is exempt from public disclosure to the extent permitted by chapter 92F.

(b) The department shall compile the information submitted by covered electric device manufacturers and issue a report to the legislature no later than April 1, 2012, and annually each year thereafter.

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§339D-12 Federal preemption. (a) Part II of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the collection and recycling of covered information technology devices that substantially meets the intent of part II of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered information technology devices from covered entities in the United States.

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(b) [Part IV] of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the recycling of covered televisions that substantially meets the intent of [part IV] of this chapter.

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[PART IV.] TELEVISION RECOVERY SYSTEM

[§339D-21] Applicability. The recycling provisions of this part shall apply only to covered televisions used and discarded in this State by a covered entity.

[§339D-22] Television manufacturers. (a) No television manufacturer shall sell or offer for sale any new covered television in this State unless:

- (1) The covered television is labeled with a brand, whether licensed or owned, and the label is permanently affixed; and
- (2) The brand is included in a registration that is filed with the department and that is effective pursuant to subsection (b).

(b) By January 1, 2010, before selling or offering for sale any covered television in the State, each television manufacturer shall register with the department and pay to the department a registration fee of \$2,500. Thereafter, if a television manufacturer has not previously registered, the television manufacturer shall register with the department prior to any offer for sale for delivery in this State of the television manufacturer's new covered televisions.

(c) Each television manufacturer who is registered shall submit an annual renewal of its registration and payment of a registration fee of \$2,500 to the department by January 1 of each program year.

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

(e) A television manufacturer shall provide the department with contact information for the television manufacturer's designated agent or employee whom the department may

contact for information on the television manufacturer's compliance with the requirements of this section.

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

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

- (1) The plan shall not permit the charging of a recycling fee to a covered entity at the point of recycling whether it be a special event, dropped off at a permanent collection site or picked up from a household; transportation/collection fees are allowed to cover the cost of household pickup; and
- (2) Beginning January 1, 2014 and each year thereafter the plan shall include a mechanism for providing public education about recycling opportunities to consumers. This outreach may be conducted by individual manufacturers, a group of manufacturers, a trade association or some combination thereof; and
- (3) Beginning January 1, 2014 and each year thereafter the plan shall include a description of the methods for the convenient collection of covered electric devices at no cost to the owner except as provided for in subsection.
- (4) Beginning January 1, 2014 and each year thereafter plans for television manufacturers that contain only a mail-back option shall not be allowed.

(5) Each television manufacturer may develop its own recycling program or may collaborate with other covered electric device manufacturers, so long as the program is implemented and fully operational no later than January 1, 2011.

(c) The department shall review each television manufacturer's plan and, within sixty days of receipt of the plan, determine whether the plan complies with this part. Prior to approving any manufacturer take back plan, the Department of Health shall ensure that at least one covered electric device collection opportunity is available in each county throughout the State and in a manner as to be reasonably convenient, to the maximum extent practicable and feasible, to all citizens in the county. If the plan is approved, the department shall notify the television manufacturer or group of covered electric device manufacturers. If the plan is rejected, the department shall notify the television manufacturer or group of covered electric device manufacturers and provide the reasons for the plan's rejection. Within thirty days after receipt of the department's rejection, the television manufacturer or group of covered electric device manufacturers may revise and resubmit the plan to the department for approval.

(d) No later than January 31, 2012, and each year thereafter, each television manufacturer shall report to the department the total weight of covered televisions and the weight eligible electric devices, respectively, that the television manufacturer collected in the State and recycled during the previous year.

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§339D-24. Collector registration. (a) By January 1, 2014, all collectors shall register with the department, using forms prescribed by the department, and pay to the department a registration fee of \$250. Thereafter, if a collector has not previously registered, the collector shall register with the department prior to accepting covered electric devices. A registration shall be valid until December 31 of each year.

(b) Collectors shall submit an annual renewal of its registration with the payment of a registration fee of \$250, by January 1 of each year.

(c) Collector record keeping requirements. Collectors shall maintain records for a minimum of five years for the following:

(1) The amount, in weight, of covered electric devices it has collected for recycling and reuse and the amounts sent for recycling and reuse; and

(2) Bills of lading or weight tickets for all covered electric devices sent for recycling or reuse.

(d) Collector reporting requirements. By March 31, 2015, and annually thereafter, each collector shall report to the department the weight of all covered electric devices collected for recycling or reuse in the previous year for the purposes of this chapter. Reports shall be submitted on forms prescribed by the department and shall indicate the weight of covered electric devices sent to each recycler. Collectors shall also report the amount of covered electric devices reused.

(e) Collector responsibility. Collectors shall possess and maintain all necessary business and environmental permits.

§339D-25. Recycler registration. (a) By January 1, 2014, all recyclers shall register with the department, using forms prescribed by the department, and pay to the department a registration fee of \$250. Thereafter, if a recycler has not previously registered, the recycler shall register with the department prior to accepting covered electric devices. A registration shall be valid until December 31 of each year.

(b) Recyclers shall submit an annual renewal of its registration with the payment of a registration fee of \$250, by January 1 of each year.

(c) Recycler record keeping requirements. Recyclers shall maintain records for a minimum of five years for the following:

(1) The amount, in weight, of covered information technology devices and covered televisions it has received for recycling or reuse; and

(2) The amount, in weight, of covered information technology devices and covered televisions it has recycled and reused; and

(3) The amount, in weight, covered information technology devices and covered televisions collected for recycling for each manufacturer.

(d) Recycler reporting requirements. By March 31, 2015, and annually thereafter, each recycler shall report to the department the weight of all covered information technology devices and covered televisions collected for recycling and reuse in the previous year. Reports shall be submitted on forms prescribed by the department and shall indicate the weight of covered information technology devices and covered televisions collected by county and the manufacturer for which it was collected.

(e) Recycler responsibility. Recyclers shall possess and maintain all necessary business and environmental permits.

(f) Recycler certification requirements. The recycler utilized by a manufacturer to recycle electric devices has achieved and maintained third-party accredited certification from: the Responsible Recycling (R2) Practices Standard, the e- Stewards Standard; or an internationally accredited third-party environmental management standard for the safe and responsible handling of electric devices.

[§339D-26] Retailer responsibility. (a) Beginning January 1, 2011, no retailer shall sell or offer to sell any covered television in this State unless a visible, permanent label clearly identifying the manufacturer of that device is affixed to the equipment and the covered television manufacturer has registered with the State.

(b) Beginning January 1, 2011, retailers shall make available to their customers information on collection services for discarded televisions in the State and shall include the department's website address and toll-free telephone number. Remote retailers may include this information in a visible location on their website to fulfill this requirement.

(c) Retailers shall not be liable in any way for electronic data or other information that a consumer may have stored on a covered electric device or eligible electronic device that is recovered or recycled.

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[§339D-27] Television recovery system. (a) The department shall use state-specific television sales data or national television sales data available from commercially available analytical sources to determine each television manufacturer's recycling responsibilities for covered televisions based upon the television manufacturer's market share. If the department uses national sales data, the department shall extrapolate data for the State from national data on the basis of the State's share of the national population. The department shall seek to establish the most accurate determination of each television manufacturer's market share and may rely on supplemental sources of information to achieve this goal.

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(b) No later than March 15, 2012, and annually thereafter, the department shall notify each television manufacturer of its recycling obligation. Each television manufacturer's obligation shall be based on that television manufacturer's market share from the previous year multiplied by the total pounds of covered televisions recycled by all television manufacturers during the previous program year. For purposes of making this calculation, for the program year beginning January 1, 2014, if the total pounds of covered electric television devices recycled by all television manufacturers during the previous program year increased by less than 25 percent over the previous year the department shall establish the cumulative obligation for all television manufacturers at an amount up to 25 percent greater than the cumulative obligation for all television manufacturers. For the program year beginning January 1, 2015, if the total pounds of covered electric television devices recycled by all television manufacturers during the previous program year increased by less than 25 percent over the previous year the department shall establish the cumulative obligation for all television manufacturers at an amount up to 25 percent greater than the cumulative obligation for all television manufacturers.

(c) Beginning January 1, 2014 television manufacturers may count the weight of covered electric IT devices and eligible electric devices towards meeting up to 25% of their obligation.

(d) Beginning January 1, 2014 television manufacturers that collect and recycle more than their obligation may carry those pounds forward as credits towards meeting the obligation of that manufacturer in any of the subsequent 3 program years.

(e) The department shall develop a consumer education program about the covered television recycling program.

(f) Beginning January 1, 2011, in conjunction with one or more manufacturer outreach programs the department shall display on its website a toll-free number and current information on covered television recycling locations.

[§339D-28] Environmental management. (a) All covered information technology devices, covered televisions and eligible electronic devices recovered pursuant to this part shall be recycled in a manner that complies with all applicable federal, state, and county laws and requirements.

(b) All covered information technology devices, covered televisions and eligible electric devices recovered pursuant to this part shall be recycled in a manner that follows the standards established under "Responsible Recycling Practices for Use in Accredited Certification Programs for Electronic Recyclers" or "e-Stewards Standard for Responsible Recycling and Reuse of Electronic Equipment" or an equivalent independently audited certification standard for electronics recycling, or use a recycler that has a current certification indicating the recycler complies with the standards described in those standards.

[§339D-29] State procurement. All state and county agencies that purchase or lease any covered television shall require each prospective offeror to certify compliance with this part. Failure to provide certification shall disqualify the prospective offeror.

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LATE

Representative Karl Rhoads, Chair
Representative Gene Ward, Vice Chair
Committee on Judiciary

HEARING Tuesday, March 19, 2013
2:00 pm
Conference Room 325
State Capitol, Honolulu, HI 96813



RE: **SB1135, SD2, HD1, Relating to Recycling**

Chair Rhoads, Vice Chair Ward, 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 SB1135, SD2, HD1, which amends and expands the Electronic Waste and Television Recycling Program.

We do not disagree with the intent of SB1135, SD2, HD1; however, as written it is unworkable and does not fully address the concerns of the stakeholders, particularly those of the producers and manufacturers that bear the responsibility of implementing this program. Problematic are compliance logistics, broad definitions, and uncertainty over fees.

- In Section 1: “§339D-A Recycling goals. Subsection (a) prescribes that “*The department shall use the best available information to establish the weight of all **electric devices** sold in the State.*...” as a basis for establishing recycling goals for “**electronic device manufacturers or representative organizations.**” The terms “covered electronic devices or electric devices” are used when referencing affected products; however, Section 3 provides separate definitions for covered electronic devices and electric devices. Further, Sections 4, 5, and 7 all refer to **covered electronic device manufacturers or representative organizations.**
- In Section 2, §339D- (page 7), the Department of Health is granted authority to adopt rules to refine the definitions of “**covered electronic devices,**” “**electric device,**” and “**peripheral**” as it deems necessary. We believe that clearer definitions should be included in the statute.
- Section 5, subsection (b) (1) allows the Department of Health to determine the **registration fees** for electronic device manufacturers or representative organizations based on an analysis of the department’s needs and the number of manufacturers registering with the department. We believe that setting fees for government programs this encompassing is the purview of the Legislature.

RMH is appreciative of having had the opportunity to participate on the electric device recycling task force; the issue of electronic waste merits mindful and serious consideration. We respectfully urge this committee to **hold SB1135, SD2, HD1.** We ask that the Legislature focus on the current Hawaii **Electronic Device Recycling Program** as a basic framework, and, via further discussions with the stakeholders, secure amendments to assure its success. Once this is accomplished, we will have a workable template with which to expand. At that time, there should be a review of **electric** products in the marketplace and a determination made regarding their impact on the waste stream and the feasibility of recycling. These products would then be prioritized and an orderly and cost-effective phase-in developed. Thank you for your consideration.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
1240 Ala Moana Boulevard, Suite 215
Honolulu, HI 96814
ph: 808-592-4200 / fax: 808-592-4202



March 18, 2013

Testimony of Zero Waste Kaua'i

Before the House Committee on Judiciary:
Representative Karl Rhoads, Chair

Tuesday, March 19, 2013
2:00 pm
Conference Room 325

In consideration of
SB 1135, SD2, HD1
RELATING TO RECYCLING

Dear Chair, Vice-Chair, and Members:

My name is Pat Gegen, Chair of Zero Waste Kaua'i, a local non-profit organization advocating sustainable solid waste management policies. Zero Waste Kauai is submitting testimony supporting SB 1135 SD2, HD1 with recommendations.

SB 1135 would amend and expand the Electronic Waste & Television Recycling program, to require manufacturers and importers to provide a more convenient and efficient collection system for consumers. The Bill was originally intended to also expand the range of electronic devices covered by the current law to include a majority of electrically powered small appliances and devices.

While the current law communicates our State's commitment to protect the health and safety of our residents and to preserve the environment, it has presented challenges for Kaua'i (and all neighbor islands) in its current form. Local recycling collection events, even if they are periodic, have been proven to be effective here on Kaua'i. The public is accustomed to storing their materials and transporting all brands of electronics to recycling collection events. However, manufacturers have offered few and irregular collection events under the law. Instead,

manufacturers have mostly provided inconvenient programs requiring customers to ship electronics to Oahu for recycling, or to participate in complicated mail-back recycling programs.

SB 1135 would create a much needed registration and reporting system, set mandatory collection and recycling goals for manufacturers, and foster a collaborative programmatic framework for the State to work with both manufacturers and the counties in implementing the program. We feel this bill will significantly improve neighbor island recycling programs because it requires manufacturers to conduct convenient recycling programs including collection events in each County.

However Zero Waste Kauai requests the Committee revise the current draft to return the definition of covered electronic devices to include other small electronics besides computers and televisions, as it was originally intended by the Hawai'i Electronic Device Task Force. Adding the full range of small electronic devices to the program will help keep valuable materials from our landfills, maximize convenience for residents, and increase the efficiencies of the operations.

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

Sincerely,

Pat Gegen

Chair, Zero Waste Kauai



March 18, 2013

Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair
Committee on Judiciary

HAWAII HOUSE OF REPRESENTATIVES
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

HEARING: Tuesday, March 19, 2013
2:00 PM
Conference Room 325

Re: CEDIA's opposition to Senate Bill 1135, SD2, HD1 in its current form

Dear Representative Rhoads, Representative Har, and members of the committee:

On behalf of the Custom Electronic Design & Installation Association (CEDIA), thank you for allowing us the opportunity to provide written testimony opposing Hawaii Senate Bill 1135, SD2, HD1, in its current form, legislation that amends and expands the Electronic Waste and Television Recycling Program.

CEDIA raises concerns with Senate Bill 1135, SD2, HD1, with its broad and problematic definitions of "covered electronic device," "electric devices," and "peripheral."

CEDIA is the professional trade association representing companies that specialize in planning and installing electronic systems for the home. These systems include residential networking, home automation / communication, media rooms, home theaters, single /multi-room entertainment, and integrated whole-house subsystems providing control over lighting, security, and heating, ventilation & air conditioning (HVAC) systems.

CEDIA represents seven member companies who work in the residential electronic systems industry in Hawaii. All of these companies are electronic systems contractors (ESCs), many of which are independent retailers and installers representing a vital part of small business in Hawaii.

CEDIA participated on the Department of Health's Hawaii Electric Device Recycling Task Force and was glad to serve as a resource throughout the task force's work. Electronic waste is an important issue for CEDIA's Hawaii-based members. We strongly encourage further discussion by all stakeholders, and coming to a workable solution that takes into account Hawaii's unique situation before moving Senate Bill 1135, SD2, HD1, forward.

As currently written, Senate Bill 1135, SD2, HD1, has the following very broad and problematic definitions:

“Covered electronic device”: (1) Means [~~a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally;~~] electronic equipment intended for use by consumers, governmental institutions, educational institutions, and businesses; such as televisions and their peripherals; computers and their peripherals; and similar devices used by consumers and businesses; and (Page 9, lines 6 -15).

“Electric devices” means any device or appliance that operates on electricity. (Page 7, lines 14 – 15).

“Peripheral” means any electrically powered device intended for use with a computer, television or similar device. (Page 8, lines 3 – 4).

CEDIA raises concern with these broad and problematic definitions and feels the expanded definitions listed in Senate Bill 1135, SD2, HD1, would impact a substantial number of industries and countless number of product categories.

From the perspective of the residential electronic systems industry, the expanded definitions in Senate Bill 1135, SD2, HD1, would include (though not limited to) the following product categories: motorized window shades, motorized screens, and television lifts. These are important product categories for electronic systems contractors, but would unintentionally be defined into the expanded product scope. This could discourage these specialty equipment manufacturers to sell products both in or into Hawaii and make it more difficult for electronic systems contractors to provide solutions to their customer’s electronic systems projects.

These are examples of how Senate Bill 1135, SD 2, HD1, would impact some of the product categories used in the residential electronic systems industry --- one of numerous industries that would be impacted by the expanded definitions of Senate Bill 1135, SD2, HD1. CEDIA strongly encourages an examination of the definitions of “covered electronic device,” “electric devices,” and “peripheral” before moving Senate Bill 1135, SD 2, HD1, forward.

On behalf of CEDIA, thank you for the opportunity to share our concerns on Hawaii Senate Bill 1135, SD2, HD1, in its current form. CEDIA looks forward to working with members of the Committee on Judiciary, Department of Health staff, and other industry stakeholders on this important issue to Hawaii and the residential electronic systems industry. Thank you for your time and consideration.

Respectfully submitted,



Darren Reaman
Director of Public Policy
Custom Electronic Design & Installation Association (CEDIA)
(800) 669-5329 ext. 144
dreaman@cedia.org

March 18, 2013

House Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Sharon E. Har, Vice-Chair
Hawai'i State Capitol
Honolulu, HI 96813

**RE: Hawai'i Senate Bill 1135 HD1: Electronic Device Recycling Act
OPPOSE**

Dear Representatives Rhoads, Har, and Committee Members,

The Technology Association of America (TechAmerica) must respectfully remain opposed to **SB 1135 HD1**, which would create an expanded electronic device recycling program in Hawai'i. While we appreciate and support the effective management of electronic waste, we do not believe that this bill yet represents an efficient or practical approach to achieving such ends. Instead, we would encourage the Legislature to consider more incremental changes to the existing law that encourage greater rates of recycling in Hawai'i.

TechAmerica is the leading voice for the U.S. technology industry – the driving force behind productivity growth and job creation in the United States and the foundation of the global innovation economy. Our member companies are leaders in environmental sustainability, renowned for their proactive efforts to reduce the environmental impacts of their products throughout the product lifecycle: from design, to use, to end-of-life.

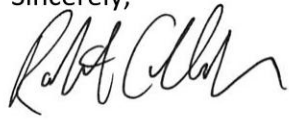
First, we appreciate the significant changes that have been made to SB 1135 throughout the legislative process that address some of the concerns articulated by industry stakeholders. Most recently, we appreciate the removal of the specific, increasing mandatory recycling rates for manufacturers from the bill.

However, we still believe that this bill represents a significant rewrite of Hawaii's existing e-waste law and that a more nuanced approach could be undertaken to refine the current law where necessary and achieve the meaningful gains in recycling that all stakeholders desire.

For example, the convenient collection requirements in the bill based on geography and population are an unnecessary and continue to be problematic. We additionally remain concerned with Section 339D of the bill which requires manufacturers to reimburse county agencies for any collection of devices undertaken by the county and made available to the manufacturer.

For these and other reasons, TechAmerica must respectfully remain **OPPOSED** to **SB 1135 HD1**. If you have any questions, I can be reached at (916) 443-9088 or robert.callahan@techamerica.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Callahan". The signature is fluid and cursive, with the first name "Robert" and last name "Callahan" clearly distinguishable.

Robert Callahan
Director, State Government Affairs
California & Hawai'i

cc: The Honorable Donna Mercado Kim, Hawaii State Senate

Hawai'i State House of Representatives
The Twenty-Seventh Legislature
Regular Session of 2013

March 19, 2013

TO: House Committee on Judiciary

TIME: 2:00 PM

PLACE: Conference Room 325 Hawaii State Capitol 415 S. Beretania St.

RE: SENATE BILL 1135, SD2, HD1 RELATING TO RECYCLING

Chair Rhoads, Vice Chair Har, and members of the Committee,

We appreciate the opportunity to testify on Senate Bill 1135, SD2, HD1, relating to recycling. Although we opposed an earlier version of this bill, the current version substantively addresses our concerns.

We offer the following comments:

This bill is the result of extensive work performed by volunteer members and key stakeholders, including numerous government officials, on a Task Force to address the issue of electronic device recycling. As manufacturers of a variety of tools, we have been keenly interested in and support the work of the Task Force. We believe that improving recycling of computers and televisions is laudable.

We objected, however, to the proposed expanded definition of "electric device" proposed in the initial draft of the bill as overly broad and beyond the scope of the Task Force's recommendations. The earlier draft of this measure would have included long-life, higher value power tools, which are designed for many years of use. We believe the inclusion of such items would be counterproductive to the bill's intent. Due to the high value of their components, which often include copper, power tools are very frequently recycled after many years of use. There has been no indication that these tools are causing landfill or disposal problems; in fact, many power tools are passed between generations, altogether avoiding the waste stream.

We appreciate the opportunity to testify on this measure and request to be included in any further discussion.

Makita U.S.A., Inc.

Stanley Black & Decker, Inc.

(DeWalt, Porter Cable, Black & Decker)

Robert Bosch Tool Corporation

(Bosch, Skil, Dremel, Rotozip, Nelson and Gilmour)

Techtronic Industries Company

(Milwaukee Electric Tool and Ryobi Tools)

SB1135

Submitted on: 3/18/2013

Testimony for JUD on Mar 19, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marty McMahon	Ecycling (Maui County Electronics Recycling)	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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Aloha,

I want to emphasize to the lawmakers that the key aspect of this legislation is the closing of the "mailback" loophole currently being used by the majority of manufacturers to skirt paying a fair share of the electronic recycling costs.

The current law has made several manufacturers work closely with us for a fair and equitable balance of cost and service to our Maui residents. But we still have a large cost which is not paid for - that of onground collections.

SB1135 makes sure that manufacturers help to pay for this service, thus removing the cost to the taxpayer and putting where it belongs - to the consumers of the products being recycled.

Thank you.

Marty McMahon
Manager
Maui County Ecycling

SB1135

Submitted on: 3/18/2013

Testimony for JUD on Mar 19, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Paul J. Buklarewicz	Recycle Hawaii	Support	No

Comments: Dear Chair, Vice-Chair, and Members: My name is Paul J. Buklarewicz, Executive Director of Recycle Hawaii, a local non-profit organization advocating sustainable solid waste management policies. Recycle Hawaii is submitting testimony supporting SB 1135 SD2, HD1 with recommendations. SB 1135 would amend and expand the Electronic Waste & Television Recycling program, to require manufacturers and importers to provide a more convenient and efficient collection system for consumers. The Bill was originally intended to also expand the range of electronic devices covered by the current law to include a majority of electrically powered small appliances and devices. While the current law communicates our State's commitment to protect the health and safety of our residents and to preserve the environment, it has presented challenges for Hawaii Island (and all neighbor islands) in its current form. Local recycling collection events and drop-off depots, even if they are periodic, have been proven to be effective here on the Big Island. The public is accustomed to storing their materials and transporting all brands of electronics to recycling collection events. However, manufacturers have offered few and irregular collection events under the law. Instead, manufacturers have mostly provided inconvenient programs requiring customers to ship electronics to Oahu for recycling, or to participate in complicated mail-back recycling programs. The OEMs (original equipment manufacturers) have simply not stepped up to the plate in shepherding the end-of-life recycling of their products, with the costs of doing so borne by our local neighbor island communities. SB 1135 would create a much needed registration and reporting system, set mandatory collection and recycling goals for manufacturers, and foster a collaborative programmatic framework for the State to work with both manufacturers and the counties in implementing the program. We feel this bill will significantly improve neighbor island recycling programs because it requires manufacturers to conduct convenient recycling programs including collection events in each County. However Recycle Hawaii, whose members have served on the DOH E-waste Task Force as resident stakeholders, requests the Committee revise the current draft to return the definition of covered electronic devices to include other small electronics besides computers and televisions, as it was originally intended by the Hawai'i Electronic Device Task Force. Adding the full range of small electronic devices to the program will help keep valuable materials from our landfills, maximize convenience for residents, and increase the efficiencies of the operations. The elimination of small electronic devices from the recycling plan does not serve the needs of our island communities, the local stakeholders, concerned about landfill diversion of potentially toxic electronics. We thank the Committee for the opportunity to testify on this matter.

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SB1135

Submitted on: 3/17/2013

Testimony for JUD on Mar 19, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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SB1135

Submitted on: 3/18/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maupin	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Marquita Granda	Individual	Support	No

Comments:

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LATE

SB1135

Submitted on: 3/18/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Billett	Individual	Support	No

Comments: This is so important and I whole heartedly support this endeavor.

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Submitted By	Organization	Testifier Position	Present at Hearing
jonathan jay	Individual	Support	No

Comments: please pass and expand electronics recycling. mahalo.

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Submitted By	Organization	Testifier Position	Present at Hearing
Tek Nickerson	Zero Waste Kauai	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Raebeck	Individual	Support	No

Comments: I support this bill. And I am also in agreement with the testimony of Zero Waste Kaua`i, who are in a unique position to understand the complexities and ramifications of this issue.

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