

SB 318

RELATING TO CONSUMER PROTECTION.

Prohibits the sale of any plastic carryout bag that is labeled inconsistently with ASTM International standards for the degradability of plastic products. Requires manufacturers and suppliers to furnish members of the public with information and documentation demonstrating compliance with this Act within ninety days of request.

Takes effect 1/1/2014.

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Committee on Energy and Environment

Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair
Committee on Economic Development, Government Operations & Housing

State Capitol, Honolulu, HI 96813



HEARING Tuesday, February 12, 2013
 3:00 pm
 Conference Room 225

RE: SB318, Relating to Consumer Protection

Chairs Gabbard and Dela Cruz, Vice Chairs Ruderman and Slom, and Members of the Committees:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

RMH strongly opposes SB318, which prohibits the sale of any plastic carryout bag that is labeled inconsistently with ASTM International standards for the degradability of plastic products and requires manufacturers and suppliers to furnish members of the public with information and documentation demonstrating compliance with this Act within ninety days of request.

Since most plastic carryout bags are reused by consumers for waste disposal, i.e., trash can liners, bags for wet garbage, and receptacles for animal waste, and it's estimated that 90% of such bags are burned and converted to energy at H-Power, it is unclear as to why consumers need to be provided with a certification or protected from inaccurate information as to their degradability.

Maui, Kauai and Hawaii Island have banned plastic bags; this labeling requirement will have no impact on their residents. The City & Council of Honolulu has an ordinance that, effective July 1, 2015, only biodegradable plastic and recyclable paper bags will be permitted. The ordinance defines "biodegradable" as "a substance that can be broken down in the environment by natural processes." The Director of the Department of Environmental Services should address further defining "biodegradable" in the rules process if deemed necessary.

We especially oppose the expanded definition of "reusable bag." All four county ordinances contain essentially the same definition: "Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: 1) cloth or other washable fabric; or 2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick." There are a myriad of reusable bags for sale in the marketplace that comply with this definition, including the ingenious hand-crafted bags that fold into small pouches and those made from scraps of fabric, including old jeans. The legislature should encourage this "Craft Fair" commerce, not put impossible restrictions on it.

SB318 is unnecessary and imposes costly regulations where none are needed. We respectfully ask that you hold this measure. Thank you for the opportunity to comment.

Carol Pregill, President

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



HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. Box 235
Honolulu, HI 96813
Fax : 808-791-0702
Telephone : 808-533-1292

DATE: Tuesday, February 12, 2013

PLACE: Conference Room 225

TIME: 3:00 p.m.

TO: COMMITTEE ON ENERGY AND ENVIRONMENTAL

Sen. Mike Gabbard, Chair; Sen. Russell E. Ruderman, Vice Chair

FROM: Hawaii Food Industry Association: Lauren Zirbel, Executive Director

RE: SB 318 RELATING TO CONSUMER PROTECTION

Chair & Committee Members:

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

The Hawaii Food Industry Association would like to ask that this measure be amended.

Requiring manufacturers and suppliers to furnish members of the public with information and documentation demonstrating compliance with this Act within ninety days of request is too difficult. Retailers may have to furnish hundreds of thousands of requests from members of the public. We would ask that retailers only be required to furnish the State with information and documentation demonstrating compliance with this Act.

Mahalo for the opportunity to provide this testimony.

Dear Sirs,

My name is Adrian Hong and I am the General Manager of Island Plastic Bags, Inc. Island Plastic Bags, Inc. is a local, family owned business that manufactures plastic bags as well as biodegradable bags on Oahu. I am writing to show my support for the intent of SB No. 318. I believe that there should be regulation surrounding environmental marketing claims. Right now there is no way for consumers to know whether a product is truly biodegradable or to compare biodegradable products. Without this information, consumers do not know whether their buying decisions are actually helping or hurting the environment. That is why I feel it is important to set a standard of biodegradability for manufacturers to meet. Such a standard would have the following benefits:

- Manufacturers would have a set definition for their products to meet instead of having to meet multiple definitions/standards of biodegradability.
- Consumers would know that biodegradable products are in fact biodegradable and more beneficial to the environment than products that are not labeled biodegradable.
- Consumers and manufacturers would be able to compare different biodegradable technologies against a standard.

Overall, setting a standard for biodegradability would remove a significant amount of ambiguity for both consumers and manufacturers in the marketplace.

However, the current standard in the bill, ASTM D6400, is unnecessarily restrictive. ASTM D6400 is a standard for compostability not biodegradability. If the bill passes unmodified then a significant number of environmentally friendly products would be unable to be marketed as such because they meet the standard for biodegradability but not compostability. I do not believe this is the intent of the bill's creator. In order to avoid this undesirable outcome ASTM D6400 should be replaced with another ASTM standard in the bill.

Right now a subcommittee of ASTM International is currently working on a new standard specification for biodegradability. The subcommittee, which includes ECM Biofilms (one of our vendors), has been working with companies, the Plastics Environmental Council, North Carolina State University, Georgia Tech, as well as others to create this new standard specification, which should be adopted by ASTM in early 2013 (preliminary date is April 2013). Once this standard is approved, products that want to be certified as meeting the standard will have to be tested, which will take approximately 6 – 9 months.

I believe that once this standard specification is approved it will be an improvement over previous ASTM standards on biodegradability and should be the standard specification that products in Hawaii claiming biodegradability must meet. Given that this standard specification has not been finalized yet the bill should be tabled until the standard has been approved. I also believe that SB No. 318 should require manufacturers to print the ASTM standard specification that it passed on the bag itself as well as the contact information of the manufacturer so that the consumer can obtain additional information on the product.

Should you have any questions or comments concerning this letter, please do not hesitate to contact me at ipbakhong@hawaii.rr.com.

Sincerely,

Adrian Hong

SB318

Submitted on: 2/9/2013

Testimony for ENE/EGH on Feb 12, 2013 15:00PM in Conference Room 225

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Troy Abraham | Individual | Support | No |

Comments: