

SB 2356

Measure Title: RELATING TO RECYCLING.

Report Title: Recycling; Electronic Devices; Department of Health; Electronic Device Recycling Fund

Description: Requires electronic device manufacturers to provide a convenient location in each county to accept electronic devices for recycling that shall be open at least one day per week. Allocates a percentage of the fees collected for the electronic device recycling fund to each county to be used for recycling electronic devices.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



GARY GILL
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENT
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

S. B. 2356, RELATING TO RECYCLING

Testimony of Gary Gill
Acting Director of Health

January 30, 2014; 2:50 p.m.

- 1 **Department's Position:** The Department of Health supports the intent of this measure and
2 recommends amendments.
- 3 **Fiscal Implications:** The proposed measure will not change the amount of money collected
4 under the Electronic Waste and Television Recycling and Recovery Act. The proposed measure will
5 allocate a percentage of the annual fees collected by the department to each county to pay for recycling
6 electronic devices.
- 7 **Purpose and Justification:** The department supports the intention of this bill as it aims to
8 improve the current Electronic Waste and Television Recycling Program by setting a convenience
9 requirement for electronic device manufacturers. This bill would require electronic device
10 manufacturers to provide a convenient location in each county to accept electronic devices for
11 recycling that shall be open a minimum of one day per week. However, this bill only amends HRS
12 339D-4, the section on electronic device manufacturer responsibility. This bill should also amend

Promoting Lifelong Health & Wellness

1 Section 339D-23, the section on television manufacturer responsibility to include the same
2 convenience requirement for television manufactures.

3 This bill also allocates a percentage of the annual fees collected to be distributed to the counties
4 to pay for recycling electronic devices. The program currently contracts with the Hawaii, Maui and
5 Kauai counties to assist in the collection and recycling of electronics. In FY 13 and FY 14, the program
6 allocated \$100,000.00 to each neighbor island county for electronics collection and recycling. Annual
7 registration fee revenues were \$320,000.00 for CY 2012 and \$330,000.00 for CY 2013.

8 The department currently does not provide support to the City and County of Honolulu for
9 electronics recycling (as they declined the opportunity for funding). However, under this proposal
10 the department would be required to provide the City and County of Honolulu a percentage of the
11 manufacturer registration fees as indicated in statute. While the current draft of the bill does not
12 indicate the percentages to be provided to each county, assuming that the distribution of the money
13 will be based on population, future allocation to the neighbor islands would be drastically reduced.
14 The department views the amendment to include in statute an allocation of the registration fees
15 collected to each county as unnecessary since we already provide funding to each of the neighbor
16 island counties.

17 The bill should leave allocations unspecified in statute, which would allow the department
18 to continue re-distributing funds declined by the City & County of Honolulu to the neighbor island
19 counties. The need for additional electronics recycling opportunities is greater on the neighbor
20 islands. Oahu residents benefit from more electronic recycling opportunities relative to the
21 neighbor islands because of the island's population concentration and lower shipping costs.

22 We look forward to working with the legislature and all interested parties while we remain
23 focused on our goal to strengthen our electronics recycling law to enhance recycling opportunities and
24 environmental protection.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



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

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

January 29, 2014

IN REPLY REFER TO:
WAS 14-12

The Honorable Mike Gabbard, Chair
and Members of the Committee on
Energy Environment
The Honorable Will Espero, Chair
and Members of the Committee on
Public Safety, Intergovernmental and
Military Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair Espero, and Members:

SUBJECT: Senate Bill 2356: Relating to Recycling

The City and County of Honolulu's Department of Environmental Services (ENV) supports an amendment to the current statute that would further define the minimum requirements for the manufacturer-financed electronic waste recycling program. Senate Bill (SB) 2356 takes a partial step in requiring manufacturers to provide a convenient location in each county, but falls short in not additionally requiring the manufacturers to capture a specific portion, or market share, of the electronics sold within each county.

Under the existing law, manufacturers can submit a simple mail-back program, which is inadequate to generate any significant diversion of electronic waste from county landfills, and leaves the neighbor islands particularly under serviced. E-waste collection has been concentrated on Oahu, and even here recycling companies have complained that manufacturers do not provide adequate financial support.

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.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina", is written over a large, stylized, circular flourish.

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



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January 29, 2014

Via email: ENEstimony@capitol.hawaii.gov

Senator Mike Gabbard
Chair, Senate Committee on Energy and Environment

Senator Will Espero
Chair, Senate Committee on Public Safety, Intergovernmental and Military Affairs

***Re: SB 2356 Relating to Electronics Recycling
Hearing: Thursday, January 30, 2014, 2:50 p.m., Room 225***

Dear Chair Gabbard, Chair Espero and Members of the Joint Committees:

On behalf of the Consumer Electronics Association® (CEA), I am writing to provide **comments** on SB 2356, which proposes to amend the existing statutes relating to the electric device recycling program.

CEA represents more than 2,100 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.

SB 2356 would establish a formula for distributing proceeds from the manufacturer registration fees to Hawaii counties, and require that all manufacturer electronics recycling programs provide weekly collections in each county.

CEA recognizes the benefits achieved from the State's distribution of manufacturer registration fees to the counties. In 2013, a portion of manufacturer fees collected under the current state law were distributed to county recycling programs. This enabled county recycling programs to put out Request for Proposals (RFPs), for which various electronics recyclers put in no cost bids that were funded by one or more manufacturers. This system seems to be working for the neighbor islands, and CEA is open to formalizing the use of existing manufacturer registration fees to facilitate additional collections, particularly for the neighbor islands.

However, CEA has concerns that the weekly collection requirement in each county is impractical and excessive CEA therefore opposes the additional open-ended requirement proposed in the bill:

CEA Testimony Regarding SB 2356 Relating to Electronics Recycling
January 29, 2014


Each electronic manufacturer shall provide a convenient location in each county to accept electronic devices for recycling that shall be open a minimum of one day per week;

If this requirement were implemented, it would require the 62 manufacturers currently registered under the state electronics recycling program to provide a weekly collection in each county. This requirement would be overkill. If the funding proposal in the bill formally establishes a distribution system by the State to the counties as is currently the practice, and manufacturers continue to subsidize recycler bids as they have been doing, this additional collection requirement is simply not necessary.

CEA remains committed to increasing education and awareness around recycling opportunities, and notes that CEA and its manufacturer members have worked over the past year to bolster collection opportunities by increasing collection events in Hawaii. CEA has also increased promotion and public outreach of its Greenergadgets.org website, which lists Hawaii e-waste collection locations by zip code, and has also recently, added a list of Hawaii collection events.

Thank you for the opportunity for our industry to comment on SB 2356. If you would like to discuss our recommendations further please do not hesitate to contact me at (703) 907-7765 or walcorn@ce.org, or Allison Schumacher at 703-907-7631 or aschumacher@ce.org.

Sincerely,
THE CONSUMER ELECTRONICS ASSOCIATION



Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability

SB2356

Submitted on: 1/28/2014

Testimony for ENE/PSM on Jan 30, 2014 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Graham Ellis	President- Hawaii Sustainable Community Alliance	Support	No

Comments:

Recycle  Hawaii

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www.recyclehawaii.org • info@recyclehawaii.org

FEIN: 99-0293381

To: Honorable Senator Mike Gabbard
Chair of the Energy & Environment Committee

Date: January 29, 2014

Re: SB2356 – Related to the Recycling of Electronic Devices

Recycle Hawaii is a non-profit 501(c)3 dedicated to promoting recycling and sound resource management. Since our founding in 1992, we have played a key role in the introduction of every major resource collection and waste prevention initiative the public currently enjoys, including state policy related to the recycling of electronic waste. Our experience with this component of the waste stream goes beyond politics, from 2004 through 2010 (the year the state electronics program went into effect), we were involved hands on, diverting over 2.3M pounds of electronics from the landfill. We know what works and what doesn't. The current program, through which manufacturers can fulfill their obligations by offering mailback opportunities, doesn't work.

SB2356 is needed to compel the manufacturers to offer opportunities that will promote and support the recycling of their products. We welcome the introduction of language that requires convenient drop-offs on each island and we urge this committee to pass the bill. We also support the allocation of funding in excess of program administrative costs in ways that increase the collection and diversion of electronic waste, but we feel that creating a county-by-county formula, especially one based on population, electronic device sales volumes or current recycling rates, is counterproductive.

Since the program began in 2010, the Hawaii State Department of Health has proven itself to be a responsible and honest broker in the process; we prefer to have these excess

funds allocated at the discretion of DOH, according to where they can have the greatest positive impact. Currently, the City and County of Honolulu is well-served by the collection programs established through the manufacturers plans while Hawaii County struggles to keep up with the demand for e-waste recycling services, especially in rural areas. A population based formula would direct funds where they are not needed.

Another consideration is the dynamic nature of the recycling industry; changes occur so rapidly that the public interest is much better served by giving regulators flexibility than by establishing provisions that can only be changed by legislation.

Finally, directing these funds to the counties decreases the likelihood of an eventual private sector takeover of the process. The public is best served when private industry provides recycling services; government's role is to create initiatives and incentives not compete with business. On Hawaii Island, we have a single private sector e-waste collector located in Hilo and open seven days a week from 7:30am to 5:30 pm, providing the service the public wants. . . e-waste collection any day of the week. If DOH were to provide private sector incentives with this excess funding rather than give it to the county to defray the costs of its once-a-month collections the public would be much better served.

Mandating the distribution of the funds to the counties is counterproductive. We therefore suggest that section (b) read thus: Annual fees collected for the electronic device recycling fund in excess of administrative costs shall be distributed at the discretion of the Department of Health for the purpose of increasing electronic recycling rates throughout the state.

Sincerely,
Paul J. Buklarewicz
Executive Director
Recycle Hawai'i

Dell Statement

1/30

Senate Energy and Environment Committee &

Senate Committee on Public Safety, Intergovernmental and Military Affairs

SB 2356, Related to Recycling

Commented [FV1]: Roxanne, you can add appropriate title for submission to committee.

Commented [RG2R1]:

Dell respectively must oppose SB 2356 as introduced. We are very proud of our proactive and aggressive efforts in the area of the environment, particularly in the area of electronic waste recycling. Unfortunately, we do not believe that SB 2356 is in the best interests of an effective recycling program in Hawaii for a number of reasons:

Mandatory Collection Centers

- The requirement for a mandatory collection facility in each county for each manufacturer would result in dozens of manufacturer collection sites in areas with low population and collection volumes. This would unnecessarily increase the already high costs of manufacturer collection, transportation and processing programs for electronic devices.
- The requirement for these centers to be open one day a week simply adds to the costs since the facilities would have to be leased, secured and managed 7 days a week, even though they would be open only one day a week.
- A better solution would be to provide an incentive for manufacturers to establish collection centers in higher cost, rural neighbor islands by providing 3X credit for each pound collected on those islands

Use of Manufacturer Registration Funds for County Recycling Operations

- Manufacturers pay a \$5,000 fee each year to the Department to register their recycling programs. The registration fee is set in the law at that level. The purpose of the fee should be to cover the administrative costs to the Department to receive manufacturer applications, review recycling programs, increase public awareness and enforce requirements set forth in the law. Dell believes that the fee is adequate to cover those administrative costs. The registration fees should not be used to subsidize the costs of

county recycling programs. Manufacturers assume all the costs of establishing and operating their recycling programs under Hawaii law. They should not assume the additional costs of government recycling programs over which they have no control of costs.

- A possible solution may be to offer an incentive to manufacturers for a credit per pound (e.g., 2x) for pounds manufacturers collect from county collection programs under mutually agreed to contracts between manufacturers and counties.

Dell cannot support SB 2356 as currently written. We believe that there are other solutions to resolve the concerns addressed by SB 2356. We look forward to working with the sponsors and the committee to ensure the success of Hawaii's electronic waste recycling program.



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Senator Mike Gabbard,
Chair, Hawaii Senate Committee on
Energy and the Environment

Senator Will Espero,
Chair, Hawaii Senate Committee on Public Safety,
Intergovernmental and Military Affairs

January 28, 2014

**Subject: Senate Bill 2356, relating to Electronic Device Recycling
Hearing January 30, 2014**

Dear Chair Gabbard, Chair Espero, and Members of the committees,

Thank you for the opportunity to convey my thoughts on SB 2356. I am writing to provide you with Sims Recycling Solutions' recommendations on the proposed changes to the existing Electronic Waste and Television Recycling and Recovery Act (Chapter 339D) that would be made as a result of SB 2356.

Background

Sims Recycling Solutions is the world's leading electronics recycler, with over 40 facilities in 14 countries. Sims Recycling Solutions has been an active participant in providing the citizens of Hawaii recycling services since the Act was implemented in 2010. We accomplish this by working closely with Pacific Corporate Solutions (PCS) of Aiea, HI. The services PCS and Sims Recycling Solutions provide meet the requirements established in the Act and are performed on behalf of a number of registered manufacturers of electronic equipment. Since the Act was implemented, the manufacturers who contract with Sims Recycling Solutions to provide collection and recycling services in Hawaii have been responsible for recycling almost 60% of the total reported volume of the program. They are also responsible for recycling over 1,000,000 pounds of additional television volume that does not show up on the Department's reports. The service Sims provides has collected unwanted electronics from the citizens of Hawaii of every county in the state. Sims Recycling Solutions is also providing similar take back service throughout the United States, Canada, and Europe. It is with this extensive experience that we provide the following suggestions in order to help to enhance the effectiveness and efficiencies of the take back system for the citizens of Hawaii.

SB 2356

SB 2356 is an effort to improve and fix some of the issues with the current electronic waste and television recycling program in the state. The issues were thoroughly discussed and analyzed during the Hawaii Electronic Device Recycling Task Force meetings the legislature directed the Department of Health hold in the fall of 2012. Sims Recycling Solutions was an active participant in the task force meetings. SB 2356 addresses a limited number of the issues that were brought



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forward by the counties, the recyclers, the manufacturers, and the citizens of Hawaii. There are many other issues not addressed in SB 2356 that make the current law ineffective and inefficient.

Sims believes a comprehensive bill, addressing a whole range of issues, is a more prudent course of action. Introducing bills that address one or a limited number of issues at a time will create a piecemeal law and is not an efficient use of legislative resources.

Recommendation

Sims Recycling Solutions recommends the Senate focus their energy on the governor's bill, SB 2857. SB 2857 addresses a number of issues of the current law that were identified during the task force meetings. Though SB 2857, as currently written, does not "fix" all of the problems in the current program, it provides a substantial framework for the Senate to work from to make those needed improvements. SB 2857 has also been referred to the Committee on Energy and the Environment.

Thanks you for allowing Sims to provide you with these comments. We look forward to our continued participation to help improve the recycling opportunities to the citizens of Hawaii.

Sincerely,

A handwritten signature in cursive script that reads 'Larry King'.

Larry King
Legislative Analyst

Sims Recycling Solutions
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United States

Telephone: +1 916 240 3668

SB2356

Submitted on: 1/28/2014

Testimony for ENE/PSM on Jan 30, 2014 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Gina Franchini	Individual	Support	No

We see too many TVs, computers, monitors and other electronic devices on our highways and other public places. We need more convenient places to dispose of these devices.

Mahalo,

Richard Bidleman
Pahoa

SB2356

Submitted on: 1/29/2014

Testimony for ENE/PSM on Jan 30, 2014 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Sherrie Moore	Individual	Support	No

SB2356

Submitted on: 1/29/2014

Testimony for ENE/PSM on Jan 30, 2014 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Stetson	Individual	Support	No

Comments: Convenient electronics disposal is a badly needed public service in Hawaii. This bill would also serve to reduce/prevent the misuse of landfill disposal.

Aloha,

I am writing in support of Senator Ruderman's bill, Senate Bill 2356 - Relating to Recycling, which has been scheduled for hearing on Thursday, January 30, 2014 at 2:50pm in Conference Room 225.

SB2356 requires electronic device manufacturers to provide a convenient location in each county to accept electronic devices for recycling that shall be open at least one day per week. It also allocates a percentage of the fees collected for the electronic device recycling fund to each county to be used for recycling devices.

Mahalo,

Julie Mitchell
PO Box 139
Kurtistown, HI 96760

SB 2356

Aloha

As a retired US Forest Service technician with field research experience, I've seen appliances of all sorts dumped into locations that weren't designated recycling sites for them and electronics are even worse to dispose of than aged washing machines and even refrigerators. While working my way through grad school, as a Veteran Aviation Electrician USN / USNR, and having been a ground electricians helper for a county in Florida, I was tasked to replace the PCB ballast transformers in the student union (as long as I could tolerate the attitude there). The transformers had to be in lined and sealed drums before they could be removed from the campus. Most people do not seal their electronic waste nearly as well, so there is a definite need for a dedicated electronics disposal / recycling centers within easy reach of population centers. All they need is for someone to field strip the electronics assembly of their circuit boards, so it would be so much easier to dispose of them, but unfortunately many people do not think of that.

Mahalo for reading this far,
Dave Kisor, Veteran 8326/8327 USN / USNR, USFS 1311/GS-07 (Ret),
Geographer (yes, I have degrees in it and I am also aware most Americans are blatantly oblivious to the actual nature of the discipline) cat person and Nerd

||||| =^.^= |||||
<hr>

Cats & computers. Bring them into your home and your life is no longer your own.

Don't get upset when things don't work, but rather be amazed when they do!

SB2356

Submitted on: 1/29/2014

Testimony for ENE/PSM on Jan 30, 2014 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Robert ortman	Individual	Support	No

Comments: My wife and I support SB2356. Recently had to dispose of microwave oven in landfill container at transfer station. That's not right. Robert Ortman

Aloha,
I am in favor of SB2356.
Mahalo,
Jahnava Baldassarre
Pahoa