

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

In reply, please refer to:
File:

SENATE COMMITTEE ON WAYS AND MEANS

SB 2857 SD1, RELATING TO ELECTRONIC WASTE RECYCLING

**Testimony of Gary Gill
Deputy Director, Environmental Health Administration**

**February 19, 2014
9:15 a.m.**

1 **Department's Position:** Comments

2 **Fiscal Implications:** Undetermined

3 **Purpose and Justification:** This bill proposes to amend and strengthen the Electronic Waste and
4 Television Recycling and Recovery Program. The bill addresses the areas of concern to the department:
5 1) create recycling goals to ensure adequate performance from each manufacturer's program; 2) create
6 requirements for those programs to ensure reasonably convenient recycling options for the public; and 3)
7 institute penalties for under-performing (or non-performing) recycling programs. It proposes new
8 approaches to manufacturer recycling goals and recycling program convenience requirements.

9 We appreciate the efforts of the Senate Committee on Energy and Environment's work to
10 improve the bill. We note that the current version poses no impact on state finances. The department
11 has had ongoing discussion with major stakeholders in the E-Waste Recycling program and will
12 continue to work to improve the program. We respectfully request that the Committee on Ways and
13 Means approve this measure to allow discussion to continue.

14 Thank you for the opportunity to submit these comments.

Promoting Lifelong Health & Wellness



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February 18, 2014

Via email: WAMtestimony@capitol.hawaii.gov

Senator David Ige
Chair, Senate Committee on Ways and Means

Re: SB 2857, S.D. 1 Relating to Electronic Waste Recycling
Decision Making: Wednesday, February 19, 2014, 9:15 a.m., Room 211

Dear Chair Ige and Members of the Committee:

On behalf of the Consumer Electronics Association® (CEA), I am writing to **oppose** S.B. 2857, S.D. 1, 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.

S.B. 2857, S.D. 1 amends Hawaii's existing law that provides for recycling of electronic devices and televisions. CEA appreciates its discussions with the Department of Health and believes that fixes to the current law can and should be made (such as eliminating mail-back programs as a compliance option). However, CEA has serious concerns that his measure as drafted is overly burdensome, will be costly to the businesses it affects, and will not achieve the desired outcome of more recycling in the state of Hawaii.

CEA strongly opposes a 50% pounds sold requirement. Under this measure, at §339D-A (c) (page 1, Section 1, lines 14-18), manufacturers would be required to meet a 50% pounds-sold recycling target. This would be onerous on computer manufacturers, because much of their sales in Hawaii are to commercial or government customers who already have well-established systems in place to recycle their old computer equipment. The current law already requires manufacturers to offer take-back services to business. Computers already are recycled in very high rates from business institutions due to high value recovery, data security, leasing take-back, technology refresh with local companies, and other B2B arrangements. It is not reasonable to expect that manufacturers would break those existing, entrenched, and well-functioning business arrangements to pry away material just to meet targets. Nor would such activity add any environmental value. Furthermore, with CRT TVs soon phasing out of the recycling stream, a 50% target will become untenable and extremely difficult to sustain due to declining weight of products recycled.

Convenience requirements are not practical. Under the bill at §339D-B (b) (Page 2, Section 2, lines 20-22), the convenience obligations would require that each of the more than a dozen different recycling plans submitted to the Department of Health (DOH) provide for at least one collection service at various frequencies on each island. While CEA appreciates the attempt in the S.D. 1 to create a formula for the frequency of collection, it would simply not be reasonable or practical to require each of those 12-20 different manufacturer-financed recycling programs (some of the 50+ registered manufacturers work together in small groups) to each have collection service that would provide for at least one collection service on every inhabited island with a population greater than one thousand. We think this would be overkill.

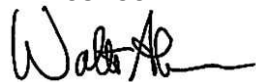
CEA opposes eliminating limitations on the Department to assess fees. Finally, CEA strongly objects to the changes proposed to §339D-9 (b) (Page 11, Section 5, lines 8-12), which removes the limitation on DOH's authority to assess fees, including an advanced recycling fee, registration fee, or other fee, on consumers, television manufacturers, or retailers for recovery of covered televisions. CEA does not see a reason why giving DOH any more authority to impose fees makes sense at this time.

Manufacturer recycling initiatives have made improvements to the existing collections system. CEA believes that, rather than proposing legislation that is unworkable, more attention and resources should be focused on the actual collection and recycling of used electronics. CEA and our members have voluntarily worked to increase manufacture-financed collection opportunities and public awareness about these opportunities throughout the State on several fronts. First, CEA is working with representatives of the retail industry on a pilot program to utilize empty shipping containers to take e-waste from Hawaii to the mainland for recycling. Second, CEA is promoting a new web page on CEA's recycling website, www.greenergadgets.org/hawaii, which shows the locations of all manufacturer-sponsored electronics collection events in the State. Third, CEA has been promoting manufacturer-financed events and other collections through media, advertisements and social media in Hawaii.

CEA notes that the target for TV recycling increased by more than 40% from 2012 to 2013. Based on an informal survey of several TV recycling programs, CEA expects this target to increase again in 2014 based on 2013 collections in excess of the target.

CEA notes that it is willing to work on fixes to the existing law; however, the onerous requirements in the current draft of the bill are not something that CEA can agree to. With the increased collections and consumer education under the existing law, CEA is not yet convinced that amending the law is necessary. However, CEA remains open to continuing to work with the Legislature and DOH to improve consumer electronics recycling in the State.

Sincerely,
THE CONSUMER ELECTRONICS ASSOCIATION



Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability