

# SB1227 SD1

Measure Title: RELATING TO FOOD WASTE.

Report Title: Commercial Organic Material; Waste; Disposal; Transfer; Landfills

Description: Prohibits the disposal of commercial organic material waste at landfills or waste-to-energy facilities in the State. Requires all generators of commercial organic material to use alternative means of disposal, such as donation, compost, biofuel production, anaerobic digestion, thermal combustion of organic materials, or animal feed. Effective July 1, 2050. (SD1)

Companion:

Package: None

Current Referral: ENE, CPN

Introducer(s): DELA CRUZ, Inouye

<u>Sort by Date</u>		<b>Status Text</b>
1/28/2015	S	Introduced.
1/28/2015	S	Passed First Reading.
1/28/2015	S	Referred to ENE, CPN.
1/30/2015	S	The committee(s) on ENE has scheduled a public hearing on 02-05-15 2:45PM in conference room CR225.
2/5/2015	S	The committee(s) on ENE recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in ENE were as follows: 4 Aye(s): Senator(s) Gabbard, Green, Galuteria, Ihara; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Slom.
2/12/2015	S	Reported from ENE (Stand. Com. Rep. No. 134) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/12/2015	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/20/2015	S	The committee(s) on CPN will hold a public decision making on 02-24-15 9:30AM in conference room 229.

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
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SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE**

Tuesday, February 24, 2015  
9:30 A.M.

**SENATE BILL NO.1227 SENATE DRAFT 1  
RELATING TO FOOD WASTE**

Chairperson Baker, and Members of the Committee:

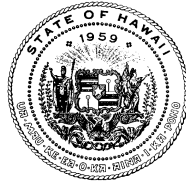
Thank for the opportunity to testify on Senate Bill No. 1227 S.D. 1, relating to food waste. The bill prohibits the disposal of commercial organic material waste at landfills or waste-to energy facilities and use alternative means of disposal, such as donation, compost, biofuel production, anaerobic digestion, thermal combustion or organic materials or animal feed. The department offers comments.

The United States Swine Health Production Act requires that any food waste containing any meat products fed to swine be properly treated to kill disease organisms. Raw or undercooked meat may transmit infectious or communicable disease, such as foot and mouth disease. States have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine. Any person who willfully violates the provisions of this Act will be guilty of a misdemeanor and will be fined or imprisoned

The department is concerned that if there is limited available alternative routes for food waste, the increased volume of food waste diverted to animal feed may be overwhelming for the swine industry.

Thank you for the opportunity to testify on this measure.





**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
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**Testimony in OPPOSITION to S.B. 1227, S.D. 1**  
**RELATING TO FOOD WASTE**

**SENATOR ROSALYN BAKER, CHAIR**  
**SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**  
Hearing Date: February 24, 2015                      Room Number: 229  
Time: 9:30am

1 **Fiscal Implications:** Unknown. No funding is provided to enforce the prohibition; possible  
2 increased cost to generators on neighbor islands.

3 **Department Testimony:** The Department respectfully opposes this measure, which prohibits  
4 generators of commercial organic material from disposing organic waste into landfills, waste-to-  
5 energy facilities, or incinerators. Outside of donation and pig farms, the neighbor islands  
6 currently do not have food waste management facilities. As such, we believe this proposed  
7 prohibition as currently written is premature. We also believe exemptions to this prohibition in  
8 the event that diversion options are not available or economically viable should be provided;  
9 otherwise, organic waste generators may be faced with no options for disposal, leading to either  
10 non-compliance with this measure or illegal dumping.

11 Assuming that the intent of the measure is to divert large quantities of food waste from landfills  
12 and H-power, the City and County of Honolulu already has a food waste recycling ordinance that  
13 requires large food establishments to recycle food waste. We understand from the City that the  
14 generators that fall within their purview already recycle their food waste. Thus, we believe this  
15 existing ordinance addresses majority of the waste stream that is targeted in this measure. We  
16 also note the proposed language prohibits the disposal at waste-to-energy or incineration  
17 facilities, but allows for thermal combustion, all of which applies to H-power, and therefore  
18 conflicting.

19 In addition, the Department opposes this measure because we do not have the resources to  
20 enforce the proposed prohibition. The measure will require oversight over a new set of regulated  
21 entities, not ones that are already regulated under 342G or H. Our staff is primarily funded by  
22 the collection of the solid waste management surcharge, which its revenue decreased over recent  
23 years. In order to accommodate reduced revenue and increased personnel costs, we have already  
24 cut or reduced services, such as state-wide solid waste management planning, compliance

1 monitoring of solid waste facilities, enforcement of battery and tire retailers, and municipal solid  
2 waste landfill operator training.

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

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**Executive Officers:**

**John Schilf, RSM Hawaii - Chairperson**  
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**Lisa DeCoito, Aloha Petroleum - Treasurer**  
**John Erickson, Frito-Lay - Secretary**  
**Lauren Zirbel, Executive Director**

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**TO:**  
**COMMITTEE ON CONSUMER PROTECTION**  
Senator Rosalyn H. Baker, Chair  
Senator Brian T. Taniguchi, Vice Chair

**FROM: HAWAII FOOD INDUSTRY ASSOCIATION**  
Lauren Zirbel, Executive Director

**DATE:** February 24, 2015  
**TIME:** 9:30am  
**PLACE:** Conference Room 229

**RE: SB1227**

**Position: Comments**

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.

HFIA supports the intent of this measure. However, this type of mandate cannot functionally be enacted until the state creates an alternative waste distribution system for commercial organic material waste.

There are a number of challenges that need to be addressed during the creation of this sort of system, such as disposing of post consumer waste in a sanitary and economical way. HFIA would be willing to participate in discussions and work with the state to address those challenges, discuss what kind of waste distribution systems might be created, and find ways to implement them in order to keep commercial organic material waste out of landfills in the future.

Thank you for the opportunity to testify.

Dante K. Carpenter  
3054 Ala Poha Place, #401  
Honolulu, HI 96818

HAWAII STATE SENATE – REGULAR SESSION 2015  
COMMITTEE ON COMMERCE & CONSUMER PROTECTION (CPN)  
Feb. 24, 2015  
Conference Room 229; 9:30 am

SB1227, SD1 – RELATING TO FOOD WASTE

Chair Sen. Rosalyn Baker, V. C. Sen. Brian Taniguchi and Committee Members:

Good morning. My name is Dante Carpenter, Secretary-Director with Carbon Bio-Engineers, Inc. (CBEI), which together with Carbon Geo-Tek (CGT), owns and operates a processing facility located at Campbell Industrial Park in Kapolei. Its mission is the “design and development of systems to convert organic, commercial and industrial waste of high carbon content into valuable by-products.” This system employs the use of Thermal Combustion of Organic Materials, aka TCOM process, a hybrid gasification carbonization process that can reduce various organic feedstock(s) and tires (non-fossil fuel) into carbon products and synthetic gas. The CBEI process has a negligible effect on the environment by outperforming the minimum allowed for EPA’s Emission Standards.

We strongly urge that SB 1227, SB1 which incorporates, among other changes, amended language in Section 2., Chapter 342G- , (b) the expression “thermal combustion of organic materials,” a term which is often referred to as the “TCOM Process,” a special process unique to carbonizing organic materials as previously stated.

Further, in conjunction with the amended language proposed, we would invite the Chair and all members of the Senate Commerce and Consumer Protection Committee to visit our processing site located at the corner of 94-1221 Ka Uka Boulevard in the Campbell Industrial Area to witness the system in operation. We are in the process of installing updated equipment into the operations controls section and are nearly complete.

Finally, this discussion is timely and we strongly recommend SB1227, SB1 be amended accordingly.

Mahalo a nui loa.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPN Testimony](#)  
**Cc:** [amybrinker@mac.com](mailto:amybrinker@mac.com)  
**Subject:** \*Submitted testimony for SB1227 on Feb 24, 2015 09:30AM\*  
**Date:** Sunday, February 22, 2015 6:02:38 PM

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**SB1227**

Submitted on: 2/22/2015

Testimony for CPN on Feb 24, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Brinker	Individual	Support	No

Comments:

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

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPN Testimony](#)  
**Cc:** [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
**Subject:** \*Submitted testimony for SB1227 on Feb 24, 2015 09:30AM\*  
**Date:** Friday, February 20, 2015 5:06:12 PM

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**SB1227**

Submitted on: 2/20/2015

Testimony for CPN on Feb 24, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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