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GOVERNOR



CURT T. OTAGURO
Comptroller
AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
CURT T. OTAGURO
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
ON
FEBRUARY 12, 2019, 2:00PM
CONFERENCE ROOM 229, STATE CAPITOL

S.B. 240
RELATING TO CONSTRUCTION WASTE

Chair Nishihara, Vice Chair Wakai and Members of the Committee, thank you for the opportunity to testify on S.B. 240.

The Department of Accounting and General Services (DAGS) supports the intent to incorporate the international green construction code and minimum requirements for the recycling, reuse, donation, and resale of non-hazardous construction waste. However, we have concerns on the proposed language of the bill for the following reasons:

1. It is too broad in scope and applicable in that it applies to every type of and size of construction projects.
2. It will increase costs and administrative oversight in all public and private construction projects.
3. There may not be adequate mechanisms available for recycling, reuse, donation and resale of non-hazardous waste.

Thank you for the opportunity to testify.



**TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS
State Capitol, Conference Room 229
415 South Beretania Street
1:15 PM**

February 12, 2019

RE: SENATE BILL NO. 240, RELATING TO CONSTRUCTION WASTE

Chair Nishihara, Vice Chair Wakai, and members of the committee:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in **STRONG OPPOSITION** to H.B. 562, which proposes to require the Hawaii state building codes to incorporate the international green construction code. This bill also sets specific targets for the recycling, reuse, donation, and resale of non-hazardous construction waste.

The bill amends the Hawaii State Building Code to require that the following be diverted from disposal and made available for recycling, reuse, donation, or resale:

- (1) Not less than **sixty-five per cent (65%)** of non-hazardous construction waste from the construction, deconstruction, or demolition of **public buildings**; and
- (2) Not less than **fifty per cent (50%)** of non-hazardous construction waste from the construction, deconstruction, or demolition of **private buildings**.

The Hawaii State Building Codes shall specify the method for verification of compliance with this subsection.

The bill will also require that all recycling, reuse, donation, and resale provisions required by this amendment shall comply with the following requirements:

- (1) The location for collection, separation, and storage of recyclable construction materials and construction waste shall be identified;
- (2) The type of construction materials and construction waste to be diverted from disposal by efficient usage, recycling, reuse, donation, or resale shall be specified by type;
- (3) The percentage of construction materials and construction waste to be diverted shall be specified and calculated by volume; and



- (4) Receipts or other documentation related to diversion shall be maintained through the course of construction, deconstruction, or demolition and made available for inspection by an appropriate designee of the State or county.

Recycling of demolition materials is currently being done by the processes used by the various landfills in the types of demolition materials they will accept for disposal. Reuse and resale of construction waste is done on a case-by-case basis due to the additional and substantial cost and time required to deconstruct materials. In addition, the "paper trail" imposed in this bill to document the types of materials and percentages will add more additional cost and time to a project.

Mandating this type of requirement to recycle/reuse construction waste will make certain projects uneconomical. It may prevent a homeowner from renovating their home to provide shelter for their family (i.e. multi-generational housing) which in Hawaii's high-cost housing market, is quite common.

Rather than mandating compliance with "green" construction practices, perhaps the Legislature should look for creative ways to incentivize the market to move further in that direction. It may provide better results without impacting local families.

We are in **STRONG OPPOSITION** to H.B. 562, and appreciate the opportunity to express our views on this matter.

AMERICAN INSTITUTE OF ARCHITECTS

February 12, 2019

Honorable Clarence Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Re: Senate Bill 240 Relating to Construction Waste

Dear Chair Nishihara, Vice-Chair Wakai and Members of the Committee,

My name is Daniel Chun Government Affairs Commissioner of the American Institute of Architects Hawaii State Council (AIA) **OPPOSING** the current language of Senate Bill 240.

AIA **opposes** framing the International Green Construction Code IGCC as one of model codes upon which state building code is based. Hawaii has numerous existing regulations governing design and construction of buildings. Rather than add another, we much prefer relying upon existing regulations which can be amended. The basic IBC building code book costs \$110. The separate IGCC code book costs \$116 - leaving some of our members saying ICC is more interested in boosting book sales!

Proposed HRS Section 107-25 I(7) language is flawed in that none of the other model codes have statutory language citing particular sections of that code OR amending sections of that code. Amendments are the purview of the State Building Code Council. You could mandate this recycling without framing IGCC as model code.

Where are your legislative priorities?

A popular local newspaper columnist recently asked this question related to several other issues. Last year you had bills seeking to reduce the cost of state buildings. Affordable housing remains one of our greatest challenges. Your passage of SB 240 is going to increase construction costs by an admittedly unpredictable dollar number; creating budget problems.

Discussion:

1. State Building Code is not the place to be regulating construction operations. For example, job safety is regulated by DLIR. Construction noise is regulated by DOH. Discovery of human remains is regulated by DLNR; and so forth.
2. State Building Code SBC regulates only state-funded construction. There could be home-rule question of what happens with privately-funded construction if a county wants to amend this requirement out of county

- building code? SB 240 is the first place where private construction is being regulated. Our understanding is that counties may amend SBC to be less stringent in their county adoption.
3. A state divided into islands with no road connections is one big reason for high construction costs. This bill aggravates that situation.
 4. State Building Code Council relies largely on volunteer technical expertise as governors consistently fail to fund its operations. The Council would need to review and amend IGCC for conflicts or redundancy with existing Hawaii building development regulations.
 5. Architects must design for the owner's budget. Limited dollars are better spent on long-term quality and energy efficient performance instead of one-time episode in building life.
 6. There are too many kinds of construction projects to make such a broadly worded mandate. Waste is already a separate waste stream and recycling may already exceed the numbers in this bill; adding only more paperwork.
 7. It is difficult to track waste from specific projects due to common materials like framing lumber and gypsum board. What is "waste" on one project is sometimes transferred for use on another project. Many small construction companies use one common trash bin to consolidate waste from several houses; saving hauling / disposal costs. More potentially useful excess material like ceramic tile and paint is typically left on site for future use.
 8. Enforcement is most problematic. It may fall to special inspection requirements certified by the architect but performed by the contractor. The normal "penalty" for non-compliance to a code is reconstructing. There will be project-specific need or temptation to "loosely" meet the mandate for this impractical requirement; causing normally law-abiding people to commit falsehoods. We cannot have this kind of culture in Hawaii's construction industry.

AIA requests that you hold this bill in committee. Thank you for this opportunity to **OPPOSE** the current language of SB 240.



Re-use Hawai'i
preserve | provide | sustain

February 11, 2019

Senator Clarence Nishihara, Chair,
Committee on Public Safety,
Intergovernmental and Military Affairs

RE: SB240

Dear Chair, Vice Chair and Committee Members,

Re-use Hawai'i is a non-profit organization working to keep building materials out of the landfill and provides them to the community as an affordable resource.

SB240 is a crucial step to help Hawai'i become more sustainable, self-reliant and resilient. Construction and Demolition waste is the single largest contributor to our waste stream in Hawai'i representing 30% of all the material going into the landfill. On Oahu alone, over 400 structures are demolished each year. Only 10% of these are deconstructed and salvaged for reuse.

Furthermore, the production of building materials consumes a tremendous amount of energy. When these items are kept out of the landfill and preserved for reuse, all the energy that was invested into them is also saved. For every ton of wood products that are salvaged in Hawai'i, 60 pounds of greenhouse gases are avoided by reducing the need to harvest and produce new products.

These salvaged materials also become an affordable community resource helping Hawai'i families, especially those that can't afford to buy new materials.

For 12 years Re-use Hawai'i has diverted 11 million pounds of good reusable materials from the waste stream, valuing over 8 million dollars. We envision a future where natural resources are more broadly preserved by the construction industry in Hawai'i and the community benefits from the availability of locally sourced affordable building material.

Mahalo nui loa,

Quinn Vittum
Executive Director
Re-use Hawai'i

SB-240

Submitted on: 2/11/2019 12:46:18 PM

Testimony for PSM on 2/12/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



LATE

February 10, 2019

Senator Clarence Nishihara, Chair, and Committee Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs,

RE: ICC Supports Passage of SB 240

Dear Chair, Vice Chair and Committee Members:

The International Code Council is a 60,000 member, non-profit public benefit corporation dedicated to helping the building safety community and construction industry provide safe, sustainable, energy-efficient and affordable construction through the development of codes and standards used in the design, build and compliance processes used by state and local governments, including the State of Hawaii and its Counties.

SB 240 proposes the beginning of a construction waste diversion process for public and private buildings and the amount of deconstructed materials to be diverted are set at a reasonable percentage amounts. These materials are to be diverted away from depositing them in a landfill or incinerating them. SB 240 is recognized as a beginning point to help divert and recycle or repurpose construction waste materials. **Repurposing and recycling materials uses less energy than is needed to extract, transport, and process raw materials into new products.** Diverting organic wastes such as wood and paper will reduce the methane released as these materials decompose. The reduction will reduce greenhouse gas emissions, and **benefit the Island State's Environment.**

ICC strongly supports the SB 240.

Sincerely,

Kraig Stevenson, CBO
ICC Government Relations
kstevenson@iccsafe.org
562-201-9209



LATE

Email: communications@ulupono.com

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, & MILITARY AFFAIRS
Tuesday, February 12, 2019 — 1:15 p.m. — Room 229

Ulupono Initiative Supports SB 240, Relating to Construction Waste

Dear Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

My name is Murray Clay and I am Managing Partner of 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 produced food; increase affordable, clean, renewable energy; and better manage waste and fresh water resources. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

Ulupono supports SB 240, which requires the State building codes to incorporate the International Green Construction Code and minimum requirements for the recycling, reuse, donation, and resale of non-hazardous construction waste, because it aligns with our goal of reducing waste in Hawai'i.

This bill is a crucial step to help Hawai'i become more sustainable, self-reliant and resilient. Construction and demolition waste is the single largest contributor to our waste stream in Hawai'i, representing 30 percent of all the material going into the landfill. On O'ahu alone, more than 400 structures are demolished each year. Only 10 percent of these are deconstructed and salvaged for reuse.

The production and shipping of building materials consume a tremendous amount of energy. When these items are kept out of the landfill and preserved for reuse, all the energy that was invested into them is also saved. For every ton of wood products that are salvaged in Hawai'i, 60 pounds of greenhouse gases are avoided by reducing the need to harvest and produce new products.

These salvaged materials also become an affordable community resource, helping local low to moderate-income Hawai'i families, especially those that cannot afford to buy new materials.

As Hawai'i's waste issues become increasingly complex and challenging, we appreciate this committee's efforts to look at policies that address these issues.

Thank you for this opportunity to testify.

Respectfully,

Murray Clay
Managing Partner

Investing in a Sustainable Hawai'i

LATE

SB-240

Submitted on: 2/12/2019 9:49:30 AM

Testimony for PSM on 2/12/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Chatterson	Testifying for Zero Waste Oʻahu	Support	No

Comments:

February 12, 2019

Aloha Chair Nishihara and Committee on Public Safety, Intergovernmental, and Military Affairs,

I am writing in **strong support of SB240**, which would establish minimum requirements for the donation, recycling, reuse, and resale of non-hazardous construction debris and align Hawai'i with the International Green Construction Code.

Currently, most construction debris is sent to landfill throughout the islands. With the ever growing amount of development in Hawai'i, it is important that we consider the waste footprint of these projects. We do not have the land to cheaply house the waste of development projects that are making money for the few while using the natural resources and land capitol of the people who live here.

At the least, we need to require and enable ways for developers to salvage as much of the construction material as possible.

Mahalo for your consideration,

Nicole

Nicole Chatterson,

Director, Zero Waste Oʻahu

