



STATE OF HAWAII
STATE PROCUREMENT OFFICE

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TESTIMONY
OF
BONNIE KAHAKUI, ACTING ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE HOUSE COMMITTEE
ON
ENERGY AND ENVIRONMENTAL PROTECTION

March 15, 2022, 9:00 AM

SENATE BILL 2662 SD2
RELATING TO CONSTRUCTION WASTE

Chair Lowen, Vice Chair Marten, and members of the committee, thank you for the opportunity to submit testimony on SB2662 SD2. The State Procurement Office (SPO) offers the following comments for page 2, SECTION 2, lines 7 to 21, and page 3, SECTION 2, lines 1 to 2 of the bill as follows:

The bill is unnecessary as HRS §196-9, *Energy efficiency and environmental standards for state facilities, motor vehicles, and transportation fuel*, already requires "(b) With regard to buildings and facilities, each agency shall:

(5) Incorporate principles of waste minimization and pollution prevention, such as reducing, revising, and recycling as a standard operating practice in programs, including programs for waste management in construction and demolition projects and office paper and packaging recycling programs; and

(7) Procure environmentally preferable products, including recycled and recycled-content, bio-based, and other resource-efficient products and materials."

Additionally, HRS §103D-1005, *Recycled products*, states, "(a) To encourage the use of recycled products, contracts shall be awarded to the lowest responsible and responsive bidders, with preference being given to the products containing recycled material." HRS §103D-1005(b) goes on to state that the SPO with the assistance of the office of solid waste management in the department of health, shall develop a recycled product procurement program that shall require state purchasing agencies and urge county purchasing agencies to:

- (1) Apply preference to the purchase of products with recycled content before purchasing products without any recycled content;
- (2) Be consistent with applicable federal specification standards incorporated in Executive Order No. 12873, signed by the President of the United States on October 20, 1993, and any subsequent amendments to that order; and
- (3) Ensure, to the maximum extent economically feasible, the purchase of materials that may be recycled, or reused when discarded, and to avoid the purchase of products deemed environmentally harmful.”

As a result of HRS §103D-1005, the procurement policy board adopted rules (i.e., Hawaii Administrative Rules Title 3 Chapter 124, Subchapter 4, *Recycled Products*) governing the preference for recycled products with the objective to promote the use of recycled products by state and county public purchasing agencies. The purpose of this subchapter is to establish percentages of preference, the method of determining the recycled content to qualify various products for preference, and the application of the preference, as well as require that this preference applies to all solicitations issued pursuant to HRS §103D-302, *Competitive sealed bidding*.

Furthermore, HRS §342G-1, *Definitions*, already defines recycling as follows:

““Recycling” means the collection, separation, recovery, and sale or reuse of secondary that would otherwise be disposed of as municipal solid waste, and is an integral part of a manufacturing process aimed at producing a marketable product made of postconsumer material.”

Lastly, the recycling of construction waste is already done by the processes used by the various landfills in the types of materials they will accept for disposal. For instance, there are currently two landfill sites on Oahu: (1) City and County of Honolulu-owned Waimanalo Gulch Sanitary Landfill (WGSL); and (2) PVT Land Company’s privately owned landfill. WGSL is Oahu’s only municipal solid waste (MSW) landfill while PVT landfill is designated for Construction and Demolition (C&D) waste only. As Oahu’s only C&D landfill, PVT only accepts waste from C&D projects such as wood, plastic, metal, wire, concrete, roofing materials, masonry, siding, asphalt, and dirt. Metal items are reclaimed from the waste that enters PVT and shipped elsewhere for recycling.

Reference: <https://www.pvtland.com/landfill/>.

NOTE: According to the City and County of Honolulu’s Refuse Division’s “Rules and Guidelines for Businesses,” effective January 13, 2003, C&D waste from commercial and government agencies were no longer accepted by any City disposal facility and to contact PVT Land Company. As a result, PVT Land Company really is Oahu’s only C&D landfill provider and is usually procured via Sole Source procurement for State agencies to dispose of C&D waste.

Reference: <https://www.honolulu.gov/opala/quick-links/waste-drop-off-locations/rules-for-businesses.html>.

Thank you.

SB-2662-SD-2

Submitted on: 3/11/2022 8:06:44 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Kauai women's caucus	Support	Written Testimony Only

Comments:

we need to find ways to reduce our dependency on landfills in a sustainable way and decrease methane and carbon emissions they produce. Construction waste a large part of current materials in our landfills



Environmental Caucus of The Democratic Party of Hawai'i

To: The Honorable Nicole E. Lowen, Chair
The Honorable Lisa Marten, Vice Chair
Committee on Energy & Environmental Protection

Re: **SB 2662 SD 2 – RELATING TO CONSTRUCTION WASTE**
Hearing: Tuesday, March 15, 2022, 9:00 a.m., Conference Room 325 & Videoconference
Position: **Strong support with Amendments**

Aloha, Chair Lowen, Vice Chair Marten and Members of the Committee on Energy & Environmental Protection:

The Environmental Caucus of the Democratic Party of Hawai'i stands in **strong support of with amendments**. This measure would require the State Building Codes to incorporate the International Green Construction Code. It further sets specific targets for the recycling, rescue, donation, and resale of non-hazardous construction waste.

However, our strong support of this measure is contingent on **amending SB 2662 SD 2 by deleting on Page 2, Lines 1 and 2, the words “or renewable gaseous fuel.”** The Environmental Caucus does not support incineration of construction waste and debris as a method of “recycling.”

The Environmental Caucus supports this bill as there is a need for increased recycling and diversion of construction debris. The adoption of the “international green construction code” by the international code council will surely address material resource conservation and efficiency; construction material management; construction waste management and waste management; and construction material reuse and recycling.

In addition, incentivizing construction debris recycling by giving contract priority to offerors that use the greatest amount of recycled material for construction; measured by square footage, recycle the greatest amount of material from demolition, measured by tonnage, or recycle the greatest amount of material for construction and demolition, combined is a welcomed and needed incentive for the construction industry to recycle and reuse demolition waste material.

This measure will also assist in curbing illegal dumping of construction materials, construction waste, and demolition waste material, including related packaging.

Please support and pass this bill.

Melodie Adyja

Alan Burdick Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-2662-SD-2

Submitted on: 3/13/2022 9:10:00 PM

Testimony for EEP on 3/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Climate Protectors Hawai'i	Support	Written Testimony Only

Comments:

To: The Honorable Nicole Lowen, Chair, the Honorable Lisa Marten, Vice Chair, and Members of the House Committee on Energy and Environmental Protection

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: Hearing SB2662 SD2 RELATING TO CONSTRUCTION WASTE.

Tuesday March 15, 2022, 9:00 a.m., by videoconference

Aloha Chair Lowen, Vice Chair Marten, and Members of the House Committee on Energy and Environmental Protection!

Position: **Climate Protectors Hawai'i Strongly Supports SB2662 SD2!**

Hawai'i needs to reuse, recycle, donate, and resell construction and demolition waste in order to divert it from our landfills! This is urgent because we have limited landfill space and face a climate emergency. The production of new building materials consumes a tremendous amount of energy. When construction and demolition wastes are kept out of the landfill and saved for reuse, all the energy that was invested into them is preserved. Reportedly, for **every ton of wood products that are salvaged in Hawai'i, two tons of greenhouse gases are avoided by reducing the need to harvest and produce new products.**

This measure would help Hawai'i divert construction and demolition waste from our landfills. It would require the State Building Codes to incorporate the International Green Construction Code. The bill further sets specific targets for the recycling, rescue, donation, and resale of non-hazardous construction waste.

The Climate Protectors Hawai'i supports this bill as there is an urgent need for increased recycling and diversion of construction and demolition debris. The adoption of the "international green construction code" by the international code council will surely address material resource conservation and efficiency; construction material management; construction waste management and waste management; and construction material reuse and recycling.

Please pass this important bill to divert construction and demolition waste from our landfills and avoid substantial greenhouse gas emissions by reusing materials.

Mahalo!

Climate Protectors Hawai'i (by Ted Bohlen)



1156 Lunaapono Place
Kailua, HI 96734
808-263-9663
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March 15, 2022

RE: SB2662 – Written Testimony
State of Hawaii
House of Representatives

To Whom it May Concern:

I am writing in support of SB2662, a positive first step for the State to take action to improve the standards for which homes are built in the islands. As a general contractor, long committed to providing homeowners with the highest standards of construction, we have created a niche in building homes to current IBC standards, which include, International Energy Conservation Code (IECC), International Green Construction Code (IgCC) as well as Energy Star, Indoor AirPlus and other third-party certifications such as LEED. For many of my clients, it is no surprise that the state is far behind in code compliance, efficiency standards, energy conservation and general sustainability when it comes to the construction sector. This is often a topic for many homeowners who are even the slightest bit savvy, particularly those moving from another state where code is up to date and represents the importance of these standards, whereby providing reassurance to homeowners that their needs are effectively being met.

While I understand change is not easy, particularly in a deep-rooted industry like construction, the importance of adopting the IgCC, IECC and other relevant code compliance is not to create a burden on the industry but to provide a peace of mind for all homeowners that their interests are being protected. Particularly, in a place where resources are limited and often strained. The difference between a code built home as required in Hawaii versus a current IBC home is unimaginable and almost shameful. An analogy I often use is our state's code disparity is like offering a 2006 Ford F150 for the price of a 2022 Ford F150, the home being constructed out here are already out of date before they are even lived in. Not to mention, by all aspects of compliance and efficiency, they are inadequate and short-changing the occupants.

For most people, renovating or building a new home is the biggest financial investment that can be made besides purchasing the home and often that can pale in comparison to the work that is being done. The state's lagging code compliance and failure to adopt important conservation practices is not only a disservice to our residents but those that will inherit the future. The impact is dramatic and longstanding, without question, the construction industry is a leader in resource consumption and waste output, whether it be from materials, natural resources, technologies, or the hellacious carbon footprint. Rather than maintaining an outdated and inefficient status quo, adopting these codes, which are tried and true strategies implemented throughout much of the country, we can sequester an industry that is failing its consumers and move it forward to a more sustainable, affordable and durable future.

With Gratitude,

Mike Fairall
808-306-1992



**Testimony to
The Committee on Energy and Environmental Protection**

Tuesday, March 15, 2022

9:00 AM

**VIA Video Conference and Conference Room 325
Hawaii State Capitol**

SB 2662 SD2

Chair Lowen, Vice Chair Marten, and members of the committee,

Hawaii Gas **supports SB 2662 SD2**, which requires state building codes to incorporate the international green construction code; sets specific targets for the recycling, reuse, donation, and resale of non-hazardous construction waste.

Hawaii Gas is a national leader in the transmission and distribution use of hydrogen in our clean energy mix, and it is our vision to continue to lead the gas industry in its ability to safely, affordably, and reliably increase the amount of renewable resources in our utility pipeline.

As Hawaii marches forward to meet the 2045 clean energy goals, it is imperative that the state turn to as many options as feasibly possible to embrace green technologies and standards. This bill is a good step in that direction.

Construction waste can be converted to a renewable resource to create renewable fuel that can replace fossil fuel based gas. Hawaii Gas supports the use of construction waste for recycling, and to also allow what cannot be recycled to be utilized for fuel for transportation and energy

Thank you for the opportunity to testify.

March 14, 2022

Committee on Energy and Environmental Protection
RE: SB2662 SD2



Dear Chair Lowen, Vice-Chair Marten and Committee Members,

Re-use Hawai'i is a non-profit organization working to keep building materials out of the landfill for the purpose of reuse. The materials we recover are provided to the community as an affordable resource. For 15 years Re-use Hawai'i has diverted a total of 14 million pounds of good reusable materials from the waste stream, valuing over 10 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.

SB2662 is a crucial step to help Hawai'i become more sustainable, self-reliant, and resilient. Annually, Oahu generates 2.2 million tons of waste; Construction and Demolition waste is the largest contributor to the waste stream in Hawai'i accounting for 30% of the material sent to the landfill. Landfill facility capacity and closures on O'ahu, Kaua'i, Maui, and Hawai'i Island is a major concern making waste reduction a top priority for the sustainability of our island home. The construction industry can save on disposal costs and provide building owners with a tax-deduction if salvaged materials are donated to a non-profit.

Furthermore, the production of new building materials consumes a tremendous amount of energy. When these items are kept out of the landfill and saved for reuse, all the energy that was invested into them is preserved. For every ton of wood products that are salvaged in Hawai'i, 2 tons of greenhouse gasses are avoided by reducing the need to harvest and produce new products.

Salvaged materials also become an affordable community resource and can be redistributed by organizations such as Habitat for Humanity, Nanakuli Housing Corporation, and Re-use Hawai'i. At our Redistribution Centers in Kaka'ako and Kailua-Kona, we have served 40,000 unique community members including homeowners, renters, farmers, students, artists, film set designers, contractors, and non-profits.

We strongly support SB2662 and suggest only one amendment related to producing "fuel for transportation or renewable gaseous fuel". If materials are to be used to make fuel, it is important that a specific end-user who will produce the fuel be identified upfront and that wood waste and other materials suitable for gasification are not stored for more than 12 months in a landfill cell.

The passage of SB2662 will be a crucial step in cultivating the circular economy in Hawai'i and lessening our reliance on landfills.

Mahalo nui loa,

A handwritten signature in black ink that reads "A. Quinn Vittum".

Quinn Vittum, Executive Director

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcawhawaii.org
Website: www.gcawhawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 15, 2022

TO: HONORABLE NICOLE LOWEN, CHAIR, HONORABLE LISA MARTEN,
VICE CHAIR, COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION

SUBJECT: **OPPOSITION OF S.B. 2662 SD2, RELATING TO CONSTRUCTION
WASTE.** Requires state building codes to incorporate the international green
construction code. Sets specific targets for the recycling, reuse, donation, and
resale of non-hazardous construction waste.

HEARING

DATE: Tuesday, March 15, 2022
TIME: 9:00 a.m.
PLACE: Room 325, Video Conference

Dear Chair Lowen, Vice Chair Marten, and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

GCA is in **opposition** of S.B. 2662 SD2, which requires state building codes to incorporate the international green construction code. Sets specific targets for the recycling, reuse, donation, and resale of non-hazardous construction waste.

We have concerns because this measure will increase the cost and administrative oversight of construction projects at a time when the state is facing a housing crisis. The final hours before bid submission is already hectic and this will further exacerbate the problem. Further, how is the information going to be verified? This mandate will be another potential source of bid protests that will slow procurement down and increase costs.

The recycling of construction waste is already done by the processes used by the various landfills in the types of materials they will accept for disposal.

Additionally, it is unclear if the language mandates the selection of the offeror using the greatest amount of recycled material even if there are issued raised with past performance. We suggest that the Legislature look for ways to incentivize these "green" construction practices instead.



**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
State Capitol, Via Videoconference
415 South Beretania Street
9:00 AM**

March 15, 2022

RE: SB 2662 SD1, RELATING TO CONSTRUCTION WASTE

Chair Lowen, Vice Chair Marten, and members of the committee:

My name is Daryl Takamiya, 2022 President 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 opposition to SB 2662 SD2, Relating to Construction Waste. This bill would require state building codes to incorporate the international green construction code, and sets specific targets for recycling, reuse, donation, and resale of non-hazardous construction waste.

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. The cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Adding more mandates to the cost of building will further raise this price.

Thank you for the opportunity to share our concerns.



Restore the Commons

Tuesday, March 15, 2022, 9:00 am

House Committee on Energy and Environmental Protection

SENATE BILL 2662 – RELATING TO CONSTRUCTION WASTE

Position: Support without previous amendments

Me ke Aloha, Chair Lowen, Vice-Chair Marten, and Members of the Committee on Energy and Environmental Protection

Anyone who has spent time at a construction site is familiar with the enormous waste going on. Labor costs are high enough that speed is the key element to getting the job done. Materials are forfeit, discarded, junked at the end. This bill seems to want to make more money from such waste by adding to our greenhouse gas emissions load, hastening our demise as a planet. It does little to prevent the expiration of our landfill utility, seeking merely to excuse needless waste by gasifying a portion of it. This model of civilization is dying as we watch, creating climate change we are not evolved for, threatening all life. Because the worst has yet to hit our shores, we remain happily ignorant, complacent, and irresponsible.

The original bill requires better accounting of materials, preserving extended use for valuable materials, but offends those working fast and loose. Passing the buck to new enterprise supported by federal investments is irresponsible accounting. Please restore the original language of the bill and begin the responsible accounting for materials that are expensive to ship and deleterious to waste.

The construction industry we need is thoughtful service to local working families through affordable housing, careful accounting, retrofits and upgrades, recycling, with small innovative business entrepreneurs. Rough and ready slam-bam construction for people who don't live here is distorting our sensibilities and moral values.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'āina;