



STATE OF HAWAII
DEPARTMENT OF HEALTH
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doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB0486
RELATING TO COMPOSTING**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/17/2021 Room Number: Via Videoconference

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The Department of Health (Department) agrees that composting is a
3 great option for organics management and landfill diversion, and offers comment on SB0486.
4 The bill proposes to exempt “artisan scale” composting facilities from Department regulations,
5 provided that they do not pose a vector, dust, or odor problem as determined by the Department,
6 and meet other limitations. “Artisan scale” composting facilities are defined as receiving an
7 average of one cubic yard per month, non-pathogenic organic materials at a site controlled and
8 owned by the waste generator with the finished compost applied and controlled by the same
9 waste generator.

10 The Department is concerned with a blanket exemption of all Department rules as their
11 purpose is to protect human health and the environment. Although we understand the need to
12 eliminate the burden imposed by certain rules/requirements, eliminating compliance with all
13 Department rules could compromise public health and welfare.

14 In general, by exempting these facilities from the Department’s solid waste regulations,
15 we lose the ability to evaluate the potential impact of the operation and require appropriate
16 controls that are protective of human health and the environment. Similarly, we lose the ability
17 to enforce the implementation of these design and operational procedures that could prevent
18 vector, dust, and odors. We also lose the ability to obtain records for the purpose of calculating
19 waste diversion numbers to support the Aloha+ Challenge diversion goals.

1 The Department prefers to address small composting operations through the
2 Department's solid waste regulations, however, if the Legislature chooses to codify this
3 exemption, we ask the Legislature to consider the following recommendations: (1) Exempt
4 artisan-scale operations from only composting permitting requirements under HRS 342H and
5 related rules. If the facility is not to produce nuisance conditions, such as dust, the remaining
6 applicable Department regulations should remain enforceable. In addition, the Department
7 regulates the National Pollutant Discharge Elimination System (NPDES) permit program.
8 Composting facilities have federally regulated Standard Industrial Classification codes in 40
9 CFR 122.26(b)(14) and are required to obtain NPDES permits for industrial storm water
10 discharges. NPDES permits are also required for composting facilities that have point source
11 effluent discharges to State surface waters. Therefore, exemption of state regulations regarding
12 NPDES permitting will not absolve the composters' responsibility of complying with federal
13 NPDES permitting requirements, and the implication in the bill is that it will be removed.
14 (2) Remove requirements that will be difficult to enforce, such as determining what is an
15 unreasonable impact to neighbors. (3) Require artisan composters to maintain records. Being
16 that there is no permitting or notification requirements for these types of facilities, the
17 Department will only become aware of their existence through complaints. Documentation that
18 these facilities only accept one cubic yard of waste per month, does not maintain waste for more
19 than a specific amount of time, and only accept non-pathogenic waste would be necessary, and is
20 the only reasonable means to determine whether these composters are complying with these
21 requirements. (4) Limit the amount of time waste can remain on-site from thirty six months to
22 twelve months to ensure waste is composted and not just dumped. (5) Define non-pathogenic
23 organic materials for clarity. Non-pathogenic organic materials should be defined as green waste
24 or yard trimmings, agricultural plant materials, vegetable and fruit waste, coffee grounds and tea
25 leaves. (6) Placement of this proposed statutory language should be codified in HRS chapter
26 342H rather than chapter 225P.

27 **Offered Amendments:**

1 “§~~225P-~~ 342H-4.5 Artisan-scale composting operations. Artisan-scale composting
2 operations that are sited on land zoned industrial or agricultural shall be exempt from department
3 of health compost permitting requirements [~~rules; provided that such operations do not produce~~
4 ~~vectors, dust, or odors that unreasonably impact neighbors of the operation, as determined by the~~
5 ~~department~~]; provided [~~further~~] that no waste accepted shall remain on-site for more than [~~thirty-~~
6 ~~six~~] twelve months. No more than one artisan-scale composting operation shall be located on
7 geographically contiguous land owned or operated by the same person. [~~Sufficient bulking agent~~
8 ~~shall be used to provide proper aeration and control leachate migration. Precipitation, surface~~
9 ~~water, and groundwater that has come in contact with yard trimmings or the resultant product of~~
10 ~~an artisan-scale composting operation shall not be considered leachate if it is managed within the~~
11 ~~site and is allowed to enter a surface waterbody or a conveyance to a surface waterbody and does~~
12 ~~not cause a violation of state water quality standards.] In order to maintain the compost
13 permitting exemption, an artisan scale composting operation shall maintain documentation that
14 the operation is in compliance with this section. Documentation shall include but is not limited
15 to the amount and type of waste accepted, the date at which the waste was accepted at the
16 artisan-scale composting operation, and when and where the finished compost is land-applied
17 within the artisan-scale composting site. All artisan-scale composting operations shall make
18 records available for the department to review upon request.~~

19 For the purposes of this section, “artisan scale composting operation” means a facility
20 that accepts, measured on a monthly average, no more than one cubic yard of green waste or
21 yard trimmings; agricultural plant materials; vegetable and fruit waste; or coffee grounds and tea
22 leaves per month, and have no more than twelve cubic yards of material being composted at any
23 given time [~~non-pathogenic organic materials~~], at a site controlled and owned by the waste
24 generator with the finished compost applied and controlled on-site by the same waste generator.”

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

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON
AGRICULTURE AND ENVIRONMENT**

**TUESDAY, FEBRUARY 17, 2021
1:00 PM
VIA VIDEO CONFERENCE**

**SENATE BILL NO. 486
RELATING TO COMPOSTING**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 486 relating to composting. This bill extends the capacity for capturing and processing organic waste and defines a class of artisan-scale composting operations that are exempt from department of health regulations. The Department has concerns with SB486 and offers comments and a clarifying amendment.

The proposed definition of artisan scale composting requires finished compost to be applied and controlled by the waste generator. While the language of the bill proactively restricts the inclusion of pathogenic organic material at the facility, enforcement by Department of Health (DOH) would be difficult because it does not have extant authority and regulations to ensure bulking agents such as green waste are free from insects, plant diseases and noxious weed seeds. The bill allows artisan scale composting to be exempt from DOH regulations that would reduce/eliminate the risk posed by proper composting to address these issues. Restricting the waste generator's ability to distribute finished product will facilitate the intent of this bill without imposing the risk of artisan scale composting transmitting invasive species, plant pathogens and



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weeds to others unknowingly. The department requests this definition be amended to further specify that finished compost must not be distributed and remain on premises, as follows:

At Page 6 Lines 4-6 (new language bolded and underlined)

"...site controlled and owned by the waste generator with the finished compost applied and controlled **on-site** by the same waste generator."

Thank you for the opportunity to testify on this measure.



Environmental Caucus

The Democratic Party of Hawaii

February 15, 2021

Re: **Bill #SB486**

Related to Waste Management Hearing: February 17, 2021

Position: **Strong Support**

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Agriculture and Environmental Committee,

The Environmental Caucus of the Democratic Party of Hawai'i (The Party) stands in strong support of SB486, which exempts artisan-scale composting operations from department of health regulations to divert organic materials from Hawaii's landfills.

Existing Department of Health regulations for composting are outdated and prohibitive. As we adhere to laws written over 20 years ago, the rest of the nation is moving forward with programs that ease restrictions on composting. This nationwide trend is driven by the need to take decisive action in the era of global warming. Diverting organics to compost piles significantly reduces methane production in landfills, while adding finished compost to soils improves their health and increases their capacity to capture carbon. This bill brings Hawai'i into alignment with reforms being made nationwide. Both Ohio and Guam have had success in their regulations to encourage new programs.

As municipalities across the US take decisive action to reap the many benefits of composting, Hawaii residents are held back by outdated state regulations that treat diverting and processing organic waste as an industrial activity. This bill will align Hawaii with the national trend towards easing restrictions on composting by specifically acknowledging the benefits of small-scale composting efforts that are clearly not industrial in nature and by allowing them to take place on industrial and agricultural lands provided they establish a ½ mile buffer zone around the waste or disposal facility.

Finally, a widespread distributed system of artisan scale composting operations represents the most effective means for capturing and processing organics with the least impact to the environment. Such operations pose no public health threat and there is no reason to hold back



Environmental Caucus The Democratic Party of Hawaii

operators at this scale as DOH updates the regulations that govern commercial scale operations.

Mahalo for your consideration,

Jeff McKnight

Chair ECDPH Food Security and Agriculture Committee
Vice Chair, Environmental Caucus of the Democratic Party of Hawai'i

SB-486

Submitted on: 2/16/2021 11:58:33 AM

Testimony for AEN on 2/17/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Climate Protectors Hawaii	Testifying for Climate Protectors Hawaii	Support	No

Comments:

To: The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment

From: Climate Protectors Hawaii (by Ted Bohlen)

Re: Hearing SB486 RELATING TO COMPOSTING.

Wednesday February 17, 2021, 1:00 p.m., by videoconference

Position: **Support SB486**

The Climate Protectors Coalition is a group focused on reversing the climate crisis. **The Climate Protectors Hawaii support this bill** to divert some organic materials such as food, food-contaminated paper and yard trimmings, from Hawaii's landfills by exempting artisan-scale composting from DOH regulations. Diverting organics from landfilled waste is important for mitigating the climate crisis because organics are the largest source of human-generated methane, a potent greenhouse gas.

As a tropical island State, Hawaii will be among the first places harmed by the global climate crisis, with more intense storms, loss of protective coral reefs, food insecurity, and rising sea levels destroying our shorelines. We must do all we can to reduce our carbon footprint and become at least carbon neutral as soon as possible. The planet faces an existential climate crisis and we must act now! Scientists have made clear that we are part of the last generation that can stop or at least mitigate the devastating impacts of climate change. If we are to solve the climate crisis, it will require **all of us** working together. Hawaii can and should be a leader in showing the world the way forward towards a safe and sustainable climate and future. The sooner we inspire others to take action and lead by example, the better off the future will be for our children.

Mahalo for the opportunity to testify in support! Please pass this bill!

Climate Protectors Hawaii (by Ted Bohlen)



To: The Senate Committee on Agriculture and Environment
From: Sherry Pollack, 350Hawaii.org
Date: Wednesday, February 17, 2021, 1pm

In strong support of SB486

Aloha Chair Gabbard, Vice Chair Nishihara, and Committee members of AEN,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. On behalf of our 6,000 members and supporters, 350Hawaii.org **strongly supports SB486** to improve the capture and processing of organic waste by diverting resident and visitor waste away from landfills.

Composting food waste is the least costly and most direct method for reducing methane emitted from Hawaii's landfills. Methane gas is a greenhouse gas with a global warming potential thirty-six times that of carbon dioxide over a twenty-year period. Organics (food waste and yard trimmings) constitute the largest single component of Hawaii's waste stream (over 50%). Small farmers benefit directly from composting and adding it to their soil, including: less or no need for chemical fertilizers; grow healthier crops; take advantage of carbon sequestration; contribute to restoring a normal climate.

Please pass SB486 so that we can reap all these benefits!

Mahalo for this opportunity to testify on this important bill.

Sherry Pollack

Co-Founder, 350Hawaii.org



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e-mail info@hfbf.org; www.hfbf.org

February 17, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

TESTIMONY ON SB 486
RELATING TO COMPOSTING

Via Videoconference
1:00 PM

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau respectfully offers the following comments and concerns opposing SB 486 which entirely exempts small composting facilities from Hawaii Department of Health (HDOH) regulations and allows these unregulated facilities on all agriculturally or industrially-zoned lands.

HFB recognizes and supports the diversion of discarded food and other useful wastes away from landfills. The benefits of this and of composting are well-known. We also appreciate the desire to make compost available to Hawaii farmers; however, have significant concerns about the bill.

First, we ask that you delete the statement (on lines 1 through 6, on page 3) from the preamble, copied below, to uphold the science and evidence-based foundation of the bill:

"The legislature further finds that the use of composted organics with their vast stores of macro- and micro— nutrients greatly improves the health of all soils in ways that protect and enhance natural systems, while imported, petroleum— based, and energy—intensive fertilizers destabilize a healthy soil microbiome."

Most importantly, we disagree with exempting these small facilities from HDOH regulations because there are dire potential hazards and threats to public health, the environment, agriculture, and our rural communities from unregulated composting operations. HFB feels strongly that *no* commercial composting facility or operation should

be exempt from HDOH regulatory oversight, appropriate restrictions, inspection, and control.

- The smaller size of an operation does not eliminate the valid concerns regarding public health and it certainly does not prevent the transmission of destructive invasive species such as Little Fire Ants and Coconut Rhinoceros Beetle.
- **It is our understanding that exemptions and discretionary processes already exist within HDOH's administrative rules (§11-58.1) that could offer less of a regulatory burden on small-scale composting operations. These rules should be reviewed and amended, if necessary, to provide relief from overly burdensome and unreasonable restrictions on certain small, source-limited composting facilities.**
- The bill completely exempts "artisan-scale" composting operations from HDOH regulation. Instead, it takes authority away from HDOH altogether, then puts the concept into a newly designated section within the chapter "HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION INITIATIVE" (Chapter 225P) which doesn't appear to have appropriate authority, including any enforcement authority. It is also unclear what department the bill refers to under this chapter -- the Department of Land and Natural Resources? The Department of Business and Economic Development? If it refers to HDOH, how can that agency make the requisite determinations if it has been stripped of its regulatory authority over these operations?
- Starting on page 6, lines 1 through 6, the bill appears to attempt to limit these operations to certain generators and applicators, and the type and amount of waste they can receive. Do we read this correctly to mean that only the *waste generator* himself can own and operate this type of composting facility? And that only he can apply and control the finished compost? Is the intent of this measure to allow only waste generators the ability to conduct small composting on their own ag or industrial property and limit the use of the finished compost to that generator/composter. Does this mean that sale or distribution of the compost is not allowed?
- Without HDOH authority and oversight, it is not clear whether there would be any enforceable restrictions on waste collection, environmental pollution, or vector proliferation.

While we support composting, we defer to the expertise of the Hawaii Department of Health and Department of Agriculture regarding the appropriate level of oversight necessary to operate a composting facility while also protecting farmers and the general community from potential fires, spread of pathogens and devastating invasive species, and environmental contamination.

Thank you for taking our concerns into consideration and for your continued support of Hawaii agriculture.

SB-486

Submitted on: 2/10/2021 7:27:30 PM

Testimony for AEN on 2/17/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear AEN Committee,

SB486 (Artisanal composting -Testimony)

I strongly support the purpose of bill SB486 to improve the capture and processing of organic waste by diverting resident and visitor waste away from landfills. However, I also have some amendments to suggest.

Organics (food waste and lawn trimmings) constitute the largest single component of Hawaii's waste stream (over 50%). If allowed to reach our landfills or incinerators, this same waste creates methane, a greenhouse gas that is 36 times more potent than CO2. This is a "waste" of a potentially valuable "product". Aside from the possibilities of this food feeding animals, it should be used--once it is composted--on farmland and in backyard gardens for building healthy soil that then can grow healthy crops as well as sequester greenhouse gases. People all over Hawaii should be encouraged to compost.

The benefits of crafting a small-scale composting process are many:

- more people seeking accurate information on composting (results in more—and better--composting in Hawaii),
- more diversion of food waste to composting (results in a reduced burden on landfills),
- a reduced need for imported fertilizer (local farmers and gardeners save money),
- job creation (entrepreneurial composters, farm workers),
- composting school lunches (student involvement provides educational opportunities; DOE saves money on waste pickup),
- improved soil sequestration across the state (reduces greenhouse gases),
- a more sustainable Hawaii (reduces the cost of living here).

These are great benefits for very little investment!

I am asking for some modifications to the bill as it stands. I agree that a permit should not be needed for artisanal composting; however, there should be

- 1) a simple form for registration (name, address, email address) and disclosure of the relative size of the composting operation. The DOH (or whoever does the collection) will get a better idea of the types of composting operations occurring and how much is being diverted from landfills if they know where the composting is taking place.
- 2) Educational material should be disseminated on proper composting techniques (work in concert with the CTAHR Urban Garden Centers) and updated as needed
- 3) Allow small-scale composters to make arrangements for regular food waste pickups from food dealers (groceries, restaurants, schools, other establishments) as long as the composter's food waste remains under the designated weight limit
- 4) With Point #3 in mind, please make the following change to Bill SB486:

...For purposes of this section, "artisan scale composting operation" means a facility that accepts, measured on a monthly average, no more than one cubic yard of non-pathogenic organic materials. ~~, at a site controlled and owned by the waste generator with the finished compost applied and controlled by the same waste generator."~~

SB486 has much to offer Hawaii for very little cost. Please support this bill

Thank you for the opportunity to testify.

Sincerely,

Jan Pappas

Aiea, Hawaii

SB-486

Submitted on: 2/14/2021 11:35:32 AM

Testimony for AEN on 2/17/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roseann Michaud	Individual	Support	No

Comments:

I support this bill which promotes composting and keeps organic waste out of the landfill.

SB-486

Submitted on: 2/15/2021 12:10:25 PM

Testimony for AEN on 2/17/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Zara Nicholson	Individual	Support	No

Comments:

Aloha e Chair, Vice-Chair, Members of the Committee,

My name is Zara Nicholson and I am testifying in support of Bill SB486.

I believe this bill will create a great positive impact in our community. Diverting organic materials from our landfills is a good step in keeping our environment healthy. Please push this bill to be passed.

Mahalo nui loa for the opportunity,

Zara Nicholson, CPA

SB-486

Submitted on: 2/16/2021 12:58:13 PM

Testimony for AEN on 2/17/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Comments	No

Comments:

Aloha, Committee members. Mahalo for taking the time to hear this bill.

"Artisan-scale"composting exemptions *could* address a niche scale of composting, however there are a number of details missing on the specific types of feedstocks that could be construed as "organic materials." I would recommend that section 2 be given much more detail on the types of feedstocks allowed for this exemption level, add requirements for curing, testing any final product that is distributed off-site, and raise the exemption threshold to a range that would help more potential composters (schools, farmers, entrepreneurs), such as 12 cubic yards of organic feedstock, as a monthly average, limited to green waste, pre-consumer vegetative food waste, coffee grinds, spent mushroom substrate, spent grain, and other lower pathogenic organics. One cubic yard per month is too low of a volume to benefit any programs beyond occasional compostables diversion from small events.

Ultimately, more accessible regulation and permitting on composting (green waste only) and co-composting (green waste plus other organics like food, coffee, manure, grain, etc.) is urgently needed. The hundreds of thousands of tons of food waste alone in our waste stream are creating dire situations for the counties who bear the exorbitant costs of managing those materials that could be diverted for much more effective use; saving hundreds of millions of dollars and preventing environmental justice abuses with new landfill siting. The current composting and co-composting system is overloaded with an abundance of caution and does not serve the public interest by making the barriers to legal compliance so challenging and labor-intensive. While acknowledging that reforming composting regulations will take a lot of work, there are many existing tiered compost models across the country, so we do not need to reinvent the wheel. This issue is more pressing than many realize, and needs to be seen as a high priority, drawing on local and national expertise and energy to expedite reform.

Mahalo for the opportunity to provide comments on SB486.

Jennifer Milholen

